



STATE OF NEW JERSEY
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 ROBERT E. HUGHEY, COMMISSIONER
 CN 402
 TRENTON, N.J. 08625
 609 - 292 - 2885

(IN THE MATTER OF CERTAIN AMENDMENTS)
 (TO THE ADOPTED AND APPROVED SOLID)
 (WASTE MANAGEMENT PLAN OF THE BERGEN)
 (COUNTY SOLID WASTE MANAGEMENT)
 (DISTRICT)

CERTIFICATION
 OF THE JANUARY 19, 1983 AMENDMENTS
 TO THE BERGEN COUNTY DISTRICT
 SOLID WASTE MANAGEMENT PLAN

BY ORDER OF THE COMMISSIONER:

A. Introduction

The New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) established a comprehensive system for the management of solid waste in New Jersey. The Act designated all twenty-one (21) of the State's Counties, and the Hackensack Meadowlands District, as Solid Waste Management Districts, and mandated that the Boards of Chosen Freeholders and the Hackensack Meadowlands Development Commission develop comprehensive plans for waste management in their respective Districts. On October 31, 1980, the Department approved, with modifications, the Bergen County District Solid Waste Management Plan.

The Act requires that all district plans be based on and accompanied by a report detailing the existing waste disposal situation in the district, and a plan which includes the strategy to be followed by the district in meeting the solid waste management needs of the district for the ten-year planning period. The report must detail the current and projected waste generation for the district, inventory and appraise all facilities in the district, and analyze the waste collection and transportation systems which serve the district. The disposal strategy must include the maximum practicable use of resource recovery techniques. In addition to this strategy, the plan must designate sufficient available suitable sites for the disposal of the district's waste for the ten-year period; which sites may be in the district, or if none are available, in another district. (The Act provides procedures for reaching any necessary interdistrict agreements.)

The Act further provides that a district may review its plan at any time, and if found inadequate, a new plan must be adopted. The Bergen County Board of Chosen Freeholders completed such a review and on January 19, 1983, adopted Amendments to its approved District Solid Waste Management Plan. The Amendments were received by the Department of Environmental Protection on April 21, 1983 and copies were distributed to various state level agencies for review and comment, as required by law.

The Department has reviewed these Amendments, as well as the entire Bergen County District Solid Waste Management Plan, and has determined that the Amendments adopted by the Bergen County Board of Chosen Freeholders on

January 19, 1983 are rejected in accordance with N.J.S.A. 13:1E-24. With regard to the District Plan, while some requirements of the Act concerning the report have been met, the District's Plan remains deficient in several important ways. Due to the scope of these deficiencies which are addressed in Section B of this document, the January 19, 1983 Amendments to the approved Bergen County District Solid Waste Management Plan are rejected.

B. Certification of Bergen County District Solid Waste Management Plan Amendments

I, Robert E. Hughey, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq. and N.J.S.A. 13:1E-21, which established specific requirements regarding the contents of the District Solid Waste Management Plans, have reviewed the January 19, 1983 Amendments to the approved Bergen County District Solid Waste Management Plan and certify to the Bergen County Board of Chosen Freeholders that the January 19, 1983 Amendments are judged not to be in compliance with the requirements of N.J.S.A. 13:1E-21 and are hereby rejected.

The Department has reviewed the entire Bergen County District Solid Waste Management Plan, including these Amendments, to determine whether the Plan fulfills the requirements set forth in N.J.S.A. 13:1E-21. The result of that review is as follows.

Report

- 1) N.J.S.A. 13:1E-21a.(1) requires an inventory of the sources, composition, and quantity of solid waste generated within Bergen County.

Bergen County has complied with this requirement and this section of the Bergen County District Solid Waste Management Plan remains approved.

- 2) N.J.S.A. 13:1E-21a.(2) requires projections on the amounts and composition of solid waste for a ten year period.

Bergen County has complied with these requirements and this section of the Bergen County District Solid Waste Management Plan remains approved.

- 3) N.J.S.A. 13:1E-21a.(3) requires an inventory and appraisal of all solid waste disposal facilities . . . and the identity of every person engaged in solid waste collection or disposal within the District.

Bergen County has complied with these requirements and this section of the Bergen County District Solid Waste Management Plan remains approved.

- 4) N.J.S.A. 13:1E-21a.(4) requires an analysis of existing solid waste collection systems and transportation routes within the Solid Waste Management District.

Bergen County has complied with this requirement and this section of the Bergen County District Solid Waste Management Plan remains approved.

Plan

- 5) N.J.S.A. 13:1E-21b.(1) requires the designation of a department, unit, or committee of County government . . . to supervise the implementation of the County's Solid Waste Management Plan.

Bergen County has complied with the requirements of N.J.S.A. 13:1E-21b.(1) and the Bergen County Utilities Authority is the approved solid waste implementation agency in Bergen County to carry out implementation of the approved Bergen County Solid Waste Management Plan.

- 6) N.J.S.A. 13:1E-21b.(2) requires a statement of the solid waste disposal strategy to be applied . . . which strategy shall include the maximum practicable use of resource recovery procedures and a plan for using terminated landfill disposal sites . . . in the Solid Waste Management District.

The January 19, 1983 Amendments to the approved Bergen County District Solid Waste Management Plan identifies a solid waste disposal strategy which includes: 1) the continued utilization of landfill disposal until the District's proposed resource recovery facility becomes operational, 2) utilization of the proposed resource recovery facility when operational and landfill disposal of residue, and 3) implementation of recycling programs to reduce the amount of material requiring disposal. The Amendments project that the resource recovery facility will be operational in 1988.

The Department notes that the 1988 projected operational date falls far short of achieving the January 1, 1985 start up date contained in the Department's Directive of January 13, 1982. In addition, Bergen County's goal of recycling 20% of its municipal solid waste is inconsistent with the Statewide goal of recycling 25% by 1986.

- 7) N.J.S.A. 13:1E-21b.(3) requires a site plan which shall include all existing solid waste disposal facilities located within the Solid Waste Management District . . . and sufficient additional available suitable sites to provide solid waste facilities to treat and dispose of the actual and projected amounts of solid waste contained in the report accompanying the Plan.

In order to provide sufficient solid waste facilities to treat and dispose of the amounts of solid waste contained in the report, the January 19, 1983 Amendments contain provisions for the expansion of the Bergen County Kingsland Park Landfill to an elevation of +115 feet. Even if this expansion were to be made an approved part of the County Plan and the proposed resource recovery facility is operational in 1988, the resulting additional landfill capacity would not meet the solid waste disposal requirements of the District (see Attachment A). In addition, since the proposed expansion is within the Hackensack Meadowlands District, it must be consistent with the Hackensack Meadowlands District Solid Waste Management Plan. In the Department's opinion, the Bergen County Plan must be amended to provide for a complete designation of interim landfill sites.

Concerning the District's proposed resource recovery facility, the Plan identifies a site located in the Township of Ridgefield (Block 145, Lot 3 and Block 182, Lot 2). The Department is aware of possible access problems at this site and of the District's consideration of another site not designated by block and lot in the Plan Amendments but in the Township of Lyndhurst. Failure to make a final site selection is a significant impediment to timely implementation of the resource recovery facility.

- 8) N.J.S.A. 13:1E-21b.(4) requires a survey of proposed collection districts and transportation routes with projected transportation costs from collection districts to existing or available suitable sites for solid waste disposal facilities.

Bergen County has complied with the requirements of N.J.S.A. 13:1E-21b.(4) and this section of the Bergen County Plan remains approved.

- 9) N.J.S.A. 13:1E-21b.(5) requires procedures for coordinating all activities related to the collection and disposal . . . within the Solid Waste Management District, which procedures shall include the agreements entered into as provided herein between the Board of Chosen Freeholders . . . and every such person; and the procedures for furnishing the solid waste facilities contained in the Solid Waste Management Plan.

The Solid Waste Management Act requires all districts which import or export waste to reach formal interdistrict agreements. No such agreement exists between the Bergen County District and the Hackensack Meadowlands District. Therefore, the Bergen County District Plan is deficient with respect to the requirements of N.J.S.A. 13:1E-21b.(5).

- 10) N.J.S.A. 13:1E-21b.(6) requires a method or methods of financing solid waste management in the Solid Waste Management District pursuant to the Solid Waste Management Plan.

The Bergen County Plan evaluates various financing alternatives and indicates that the prime choice for the proposed resource recovery facility to be located within Bergen County should be through the sale of bonds by the Bergen County Utilities Authority. The Amendments further indicate that other financing methods should be investigated at the time of final design. This portion of the Plan will be certified when final financing arrangements are selected.

C. Certification of Rejection of Amendments and Notification of Deficiencies by the Commissioner of the Department of Environmental Protection

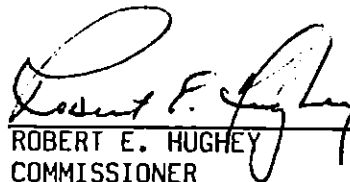
In accordance with the provisions of N.J.S.A. 13:1E-24, I hereby reject the Amendments, as outlined in Section B of this Certification, to the Bergen County District Solid Waste Management Plan which were adopted by the Bergen County Board of Chosen Freeholders on January 19, 1983.

In accordance with N.J.S.A. 13:1E-24. I am directing that a public hearing be conducted by the Bergen County Board of Chosen Freeholders within forty-five (45) days of the date of this Certification. The hearing shall be conducted pursuant to the procedures contained in N.J.S.A. 13:1E-23. The purpose of the hearing shall be to inform the public of the deficiencies identified in the Plan, to identify the County's plans for addressing these deficiencies, and to solicit public comment on these matters. Further, Bergen County is directed to amend its Plan to address the deficiencies identified above. These amendments shall be adopted by the County and submitted to the Department of Environmental Protection within ninety (90) calendar days from the date of this Certification.

Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Bergen County District Solid Waste Management Plan, including any Amendments made thereto, shall conform with the Statewide Solid Waste Management Plan with appendices which includes the Department's Planning Guidelines and rules, regulations, and orders of the Department, including the interdistrict and intradistrict waste flow rules, and also includes the compilation of individual District Plans and Amendments as they are approved.

9/19/83

DATE



ROBERT E. HUGHEY
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION