



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
RICHARD T. DEWLING, Ph.D., P.E., COMMISSIONER
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(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 A PORTION
OF THE JANUARY 27, 1988
AMENDMENT 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 27, 1988, adopted an amendment to its approved district solid waste management plan.

The amendment, as submitted to the Department, proposed to designate in the approved district plan emergency (temporary) and longer term regional

transfer station facilities in the Borough of North Arlington, for the processing of Bergen County solid waste prior to its transport to out-of-state disposal facilities. The out-of-state disposal operations are scheduled to begin on March 1, 1988. To assist Bergen County in meeting this March 1, 1988 date, the Department has agreed to expedite the review of this portion of the plan amendment. The proposed amendment also contained provisions for the plan inclusion of the Benedetto Construction Company Transfer Station, to be located in the Borough of Palisades Park, and the adoption of the Bergen County District Recycling Plan, mandated by P.L. 1987, c.102. Due to the non-emergency nature of these two portions of the plan amendment, it was determined that they should be reviewed separately.

A draft of the amendment was received by the Department of Environmental Protection on January 14, 1988, and copies were distributed to various state level agencies for expedited review and comment, as required by law. The Department has reviewed this amendment, and has determined that the portion of the amendment under consideration, which was adopted by the Bergen County Board of Chosen Freeholders on January 27, 1988, is approved as provided in N.J.S.A. 13:1E-24.

B. Findings and Conclusions with Respect to the Bergen County District Solid Waste Management Plan Amendment

Pursuant to N.J.S.A. 13:1E-24a(1), I, Richard T. Dewling, Commissioner of the Department of Environmental Protection have studied and reviewed the above referenced portion of the January 27, 1988 amendment to the Bergen County District Solid Waste Management Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that the above referenced portion of this plan amendment is consistent with the Statewide Solid Waste Management Plan.

In addition, the Division of Solid Waste Management circulated the plan amendment to sixteen review agencies and solicited their expedited review and recommendations. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various agencies, bureaus, and divisions within the Department of Environmental Protection as well as the Board of Public Utilities. Also among these agencies were the Department of Community Affairs, the Department of the Public Advocate, the Department of Health, the Office of Recycling, the Department of Agriculture, the Department of Transportation, and the New Jersey Turnpike Authority. Of these agencies, the following did not object to the proposed plan amendment: the Board of Public Utilities, the Department of Agriculture and the New Jersey Advisory Council on Solid Waste Management. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Divisions of Environmental Quality, Water Resources, Fish, Game and Wildlife, Parks and Forestry, and Coastal Resources; the State Departments of Health, Community Affairs, Transportation and the Public Advocate; the Green Acres Program, the New Jersey Turnpike Authority and the U.S. Environmental Protection Agency. The Office of Recycling submitted substantive comments which are further addressed below.

The Office of Recycling commented that at such time as the Bergen County District Solid Waste Management Plan is amended to incorporate the adopted

and approved district recycling plan required pursuant to P.L. 1987, c. 102, section 3, the permittee shall be required to meet the requirements of the district recycling plan. The permittee shall provide an incoming waste inspection plan, submitted to and approved by the Department, which shall be used to insure that the material designated to be recycled in the approved Bergen County recycling plan shall not be disposed of as solid waste at the facility. Such incoming waste inspection plan shall include provisions whereby the permittee shall notify the designated county enforcement agency of violations of the source separation requirements of the district recycling plan. The Division of Solid Waste Management responds by stating that the submission by Bergen County contained, among other things, the Bergen County Recycling Plan, mandated under the requirements of P.L. 1987 c. 102. However, to avoid a solid waste crisis from developing on March 1, 1988, the date Bergen County will have no in-state disposal facility available to handle the amount of waste in question, the Department agreed to review the transfer station portion of the plan amendment on an expedited basis and the remaining portions of the plan amendment would be reviewed subsequently. Therefore, concerns indicated by the Office of Recycling may have been addressed in the Bergen County Recycling Plan which will be the subject of a subsequent plan amendment certification.

C. Certification of a Portion of the Bergen County District Solid Waste Management Plan Amendment

I, Richard T. Dewling, 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 a portion of the January 27, 1988 amendment to the approved Bergen County District Solid Waste Management Plan and certify to the Bergen County Board of Chosen Freeholders that the portion of the January 27, 1988 amendment identified in Section A. above is approved as further specified below.

The designation in the district plan of an emergency (temporary) transfer station and a permanent transfer station/baler facility for the processing of Bergen County solid waste prior to transport to out-of-state disposal facilities is approved. Specifically, the designation of Block 193, Lot 1, in the Borough of North Arlington, and the previously designated Block 192, Lot 4, and Block 194, Lot 1, in the Borough of North Arlington, as an emergency (temporary) transfer station until the permanent transfer station/baler is operational, is approved. The designation in the district plan of Block 154, Lots 2 and 3, Block 174, Lots 1, 2, 3, and 4, Block 192, Lot 5, and Block 300, Lots 1, 11, 12, 13, 14, 15, and 16, in the Borough of North Arlington, as a permanent transfer station/baler is approved.

The designation of Block 192, Lot 4 and Block 194, Lot 1, in the Borough of North Arlington, for use as emergency transfer station facilities, was previously approved for plan inclusion in the December 30, 1987 Certification to the Bergen County Plan Amendment.

The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq. and all other applicable laws. Issuance of operating

permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department and the Attorney General to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126 et seq.

The inclusion of the Benedetto Construction Company Transfer Station and the Bergen County District Recycling Plan into the approved plan is deferred.

D. Other Provisions Affecting the Plan Amendment

1. Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with the within amendment to the Bergen County District Solid Waste Management Plan and which was executed prior to the approval of this amendment and subsequent to the effective date of the Solid Waste Management Act (July 29, 1977), and which shall further be for a term in excess of one year, shall immediately be renegotiated in order to bring same into conformance with the terms and provisions herein set forth. Any solid waste collection operation or disposal facility registered by the Department of Environmental Protection and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the Bergen County District Solid Waste Management Plan if such renegotiation is not completed within ninety (90) days of the effective date of this amendment; provided, however, that any such registrant may, upon application to the Department of Environmental Protection, and for good cause shown, obtain an extension of time to complete such renegotiation.

2. Compliance

All solid waste facility operators and collector/haulers registered with the Department of Environmental Protection and operating within Bergen County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Bergen County District Solid Waste Management Plan. Any facility operator or collector/hauler who fails to comply with the provisions contained herein shall be deemed to be in violation of N.J.S.A. 13:1E-1 et seq., in violation of N.J.A.C. 7:26-1 et seq., and in violation of their registration to operate a solid waste facility or a collection system issued thereunder by the Department of Environmental Protection and shall be subject to the provisions and penalties of N.J.S.A. 13:1E-9, and 12 and all other applicable laws.

3. Types of Solid Wastes Covered by the District Solid Waste Management Plans

The provisions of the Bergen County District Solid Waste Management Plan shall apply to all solid wastes defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-2.13 and shall not apply to liquid wastes, sewage sludge, septage, and hazardous wastes. Also, all non-hazardous materials separated at the point of generation for sale or reuse are

excluded from the waste flows designated in the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6).

4. Certification to Proceed with the Implementation of the Approved Portion of the Plan Amendment

This document shall serve as the certification of the Commissioner of the Department of Environmental Protection to the Bergen County Board of Chosen Freeholders and pursuant to N.J.S.A. 13:1E-24c. and f., the county shall proceed with the implementation of the approved portion of the amendment contained herein.

5. Definitions

For the purpose of this amendment and unless the context clearly requires a different meaning, the definitions of terms shall be the same as those found at N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-1.4 and -2.13.

6. Effective Date of the Approved Portion of the Amendment

The approved portion of the amendment to the Bergen County District Solid Waste Management Plan contained herein shall take effect immediately.

7. Reservation of Authority

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 amendment made thereto, shall conform with the Statewide Solid Waste Management Plan. The Department has published a 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.

E. Certification of Approval of a Portion of the Amendment by the Commissioner of the Department of Environmental Protection

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq, I hereby approve a portion of the amendment as outlined in Section C. of this certification, to the Bergen County District Solid Waste Management Plan which was adopted by the Bergen County Board of Chosen Freeholders on January 27, 1988.

February 5, 1988

DATE


 RICHARD T. DEWLING
 COMMISSIONER
 DEPARTMENT OF ENVIRONMENTAL PROTECTION