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Department of Environmental Protection and Energy

Office of the Commissioner

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Scott A. Weiner
Commissioner

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
FEBRUARY 5, 1992 AND APRIL 1, 1992
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 of Environmental Protection approved, with modifications, the Bergen County District Solid Waste Management Plan (County 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 a 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 a 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 (County Freeholders) completed such a review and adopted amendments to its approved County Plan on February 5, 1992 and April 1, 1992. As proposed, the February 5, 1992 amendment proposes to include the Abmas Farm leaf composting facility (located in Wyckoff Township, New Jersey) and A&H Farms vegetative waste composting facility (located in Bethel, Pennsylvania) into the County Plan. The April 1, 1992 amendment proposes to include the Franklin Lakes Borough leaf composting facility (located in Franklin Lakes, New Jersey) into the County Plan.

The February 5, 1992 amendment was received by the Department of Environmental Protection and Energy (Department or DEPE) on February 28, 1992. The April 1, 1992 amendment was received by the Department on April 20, 1992, but was not administratively complete until May 18, 1992. However, a draft of this amendment was submitted to the Department with the February 5 1992 amendment and was distributed, along with copies of the February 5, 1992 amendment, to the various administrative review agencies for review and comment as required by law. The Department has reviewed these amendments, as well as the entire County Plan, and has determined that the amendments adopted by the County Freeholders on February 5, 1992 and April 1, 1992 are approved in accordance with N.J.S.A. 13:1E-24. While the immediate plan amendments have been approved, deficiencies in the County Plan have been identified within Section C. of this certification.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the February 5, 1992 and April 1, 1992 amendments to the County Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that the February 5, 1992 and April 1, 1992 plan amendments are consistent with the Statewide Solid Waste Management Plan.

In conjunction with the review of the amendment, the Department circulated copies of both amendments to sixteen administrative review agencies and solicited their review and comment. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various bureaus, divisions, and agencies within the Department. These agencies are the following:

Office of Energy, DEPE
Division of Coastal Resources, DEPE
Division of Parks and Forestry, DEPE
Division of Fish, Game and Wildlife, DEPE
Division of Solid Waste Management, DEPE
Green Acres Program, DEPE
Groundwater Quality Management Element, DEPE
Wastewater Facilities Regulation Element, DEPE
New Jersey Turnpike Authority

New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Health
Department of Transportation
Department of Community Affairs
Department of the Public Advocate
U.S. Environmental Protection Agency

1. Agency Participation in the Review of the February 5, 1992 and April 1, 1992 Amendments

The following agencies did not object to the proposed plan amendments:

Division of Parks and Forestry, DEPE
Division of Fish, Game and Wildlife, DEPE
Division of Solid Waste Management, DEPE
New Jersey Turnpike Authority
Department of Agriculture
Department of Health
Department of Transportation
Department of Community Affairs

The following agencies did not respond to the Department's requests for comments:

Office of Energy, DEPE
Division of Coastal Resources, DEPE
Green Acres Program, DEPE
Groundwater Quality Management Element, DEPE
Wastewater Facilities Regulation Element, DEPE
New Jersey Advisory Council on Solid Waste Management
Department of the Public Advocate
U.S. Environmental Protection Agency

None of the review agencies submitted substantive comments concerning the proposed amendments.

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

In accordance with N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-21, which establishes specific requirements regarding the contents of the district solid waste management plans, I have reviewed the February 5, 1992 and the April 1, 1992 amendments to the approved County Plan and certify to the County Freeholders that the February 5, 1992 and the April 1, 1992 amendments are approved as further specified below.

1. February 5, 1992 Amendment

- a. **Abmas Farm Leaf Composting Facility:** The inclusion into the County Plan of Abmas Farm leaf composting facility, located at Block 4, Lot 202, 700 Lawlins Road, Wyckoff, New Jersey, is approved. The facility shall be operated in accordance with all permits and approvals issued by the Department and with all other applicable laws and regulations.

- b. **H&H Farms Vegetative Waste Composting Facility:** The inclusion into the County Plan of H&H Farms vegetative waste composting facility and market, located at RD 1, Box 1270, Talbet Road in Bethel, Pennsylvania, is approved. H&H must operate in accordance with all regulatory rules and regulations of the Commonwealth of Pennsylvania.

2. April 1, 1992 Amendment

- a. **Franklin Lakes Borough Leaf Composting Facility:** The inclusion into the County Plan of the Franklin Lakes Borough leaf composting facility, located at Block 2547.04, Lot 3, Franklin Lakes, New Jersey, is approved. The facility shall be operated in accordance with all permits and approvals issued by the Department and with all other applicable laws and regulations.

3. Bergen County District Solid Waste Management Plan Deficiencies

I have reviewed the entire County Plan to determine whether the plan fulfills the requirements set forth in N.J.S.A. 13:1E-21, as well as the recommendations of the Emergency Solid Waste Assessment Task Force Final Report accepted by the Governor on November 16, 1990. In this regard, the County is reminded that the June 6, 1991 certification of its November 7, 1990 and December 19, 1990 plan amendments detailed deficiencies that the County was required to address within 180 days of the certification, or by December 2, 1991, in a subsequent plan amendment. To date, Bergen County has not submitted the required plan amendment. Therefore, the Bergen County Plan remains deficient, and the County is directed to submit the required amendment.

D. Other Provisions Affecting the Plan Amendments

1. Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with these amendments to the County Plan and which was executed prior to the approval of these amendments 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 and operating pursuant to a contract as herein described, shall be deemed to be in violation of these amendments and of the County Plan if such renegotiation is not completed within ninety (90) days of the effective date of these amendments provided, however, that any such registrant may, upon application to the Department, and for good cause shown, obtain an extension of time to complete such renegotiation.

2. Compliance

All solid waste facility operators and transporters registered with the Department and operating within the County and affected by the amendments contained herein shall operate in compliance with these amendments and all other approved provisions of the County Plan. Any facility operator or transporter 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 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 Plan

The provisions of the County 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. All nonhazardous 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 set forth at N.J.A.C. 7:26-6, but are subject to regulation in accordance with N.J.A.C. 7:26A-1 et seq.

4. Certification to Proceed with the Implementation of the Plan Amendments

This document shall serve as the certification of the Commissioner of the Department to the County Freeholders and pursuant to N.J.S.A. 13:1E-24c and f, the County shall proceed with the implementation of the approved amendments certified herein.

5. Definitions

For the purpose of these amendments 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 -99.12, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of the Amendments

The February 5, 1992 and the April 1, 1992 amendments to the County Plan contained herein shall take effect immediately.

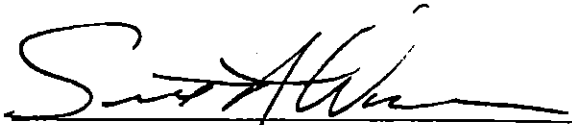
7. Reservation of Authority

Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County 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, rules, regulations, orders of the Department, 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 the Amendments and Notification of Deficiencies by the Commissioner of the Department of Environmental Protection and Energy

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve the February 5, 1992 and the April 1, 1992 amendments to the Bergen County District Solid Waste Management Plan in accordance with Section C. of this certification and require the County to submit a subsequent plan amendment immediately to address the outstanding deficiencies identified in Section C.

July 16 1992
DATE


SCOTT A. WEINER
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND ENERGY