

Let's protect our earth!



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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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 THE FEBRUARY 6, 1991
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 (HMDC), as Solid Waste Management Districts, and mandated that the Boards of Chosen Freeholders (County 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 (Department or DEP) 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 County Freeholders completed such a review and, on February 6, 1991, adopted an amendment to its approved district solid waste management plan.

The first part of the amendment provides that the United Carting Company, Inc. Transfer Station/Materials Recovery Facility (United Carting Facility), may process all permitted solid waste types 10, 13, 23, 25 and 27 in accordance with their existing and any future permit(s) approved by the DEP. The second part of the amendment incorporates Earthgro, Inc. of Lebanon, Connecticut into the County Plan to be utilized by the County as a vegetative waste composting facility/market.

The amendment was received by the Department on March 1, 1991 and copies were distributed to various state level agencies for review and comment, as required by law. The Department has reviewed this amendment and has determined that the amendment adopted by the County Freeholders on February 6, 1991 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, Scott A. Weiner, Commissioner of the Department have studied and reviewed the February 6, 1991 amendment 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 this plan amendment is consistent with the Statewide Solid Waste Management Plan.

In addition, the Department circulated the plan amendment to sixteen review agencies and solicited their review and comment. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various agencies, bureaus, and divisions within the Department.

Among these agencies were the following:

Division of Environmental Quality, DEP
Division of Water Resources, DEP
Division of Coastal Resources, DEP
Division of Parks and Forestry, DEP
Division of Fish, Game and Wildlife, DEP
Department of Solid Waste Management, DEP
Green Acres Program, DEP
Board of Public Utilities
New Jersey Turnpike Authority
Department of Agriculture
New Jersey Advisory Council on Solid Waste Management
Department of Transportation

Department of Community Affairs
Department of Health
Department of the Public Advocate
U.S. Environmental Protection Agency

1. Agency participation in the Review of the February 6, 1991 Amendment

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

Division of Water Resources, DEP
Division of Fish, Game and Wildlife, DEP
Division of Parks and Forestry, DEP
Green Acres Program, DEP
Department of Community Affairs
Board of Public Utilities
Department of Agriculture
New Jersey Turnpike Authority

The following agencies did not respond to our request for comments:

Division of Coastal Resources, DEP
New Jersey Advisory Council on Solid Waste Management
Department of Health
Department of the Public Advocate
U.S. Environmental Protection Agency

The following agencies provided substantive comments which are further addressed below:

Department of Transportation
Division of Environmental Quality, DEP
Division of Solid Waste Management, DEP

2. Comments Received for the February 6, 1991 Amendment

Comments: The Division of Environmental Quality (DEQ) commented that transfer stations are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution" which prohibit odors and other air contaminants which interfere with the enjoyment of life and property. Furthermore, transfer stations are also subject to N.J.A.C. 7:27-8.2(a)16 which requires air pollution control permits for any equipment which vents a solid waste facility directly or indirectly into the outdoor atmosphere. Such vents may require devices to control odors and other air contaminants.

Response: I respond to the comments of the DEQ by noting that a permit application to expand the United Carting Facility has been received by the Division of Solid Waste Management (DSWM). As part of that technical review process, the application is to be circulated to DEQ for more detailed review and comment. By copy of this certification, the County Freeholders, the Bergen County Utilities Authority (BCUA), the DSWM, and the affected applicant are notified of these comments and the DEQ is notified of my response.

Comment: The Department of Transportation (DOT) commented that, should the United Carting Facility require the construction of an ingress or egress accessway to a state highway, the applicant must file for an Access Application and, possibly, a Drainage Application.

Response: I concur with the comments offered by the DOT and by way of this plan certification hereby notify the County Freeholders, the BCUA, and United Carting Company, Inc. of the aforementioned ingress and egress requirements.

Comment: The DSWM commented that it has recently received an application for permit modification to increase the existing permit capacity of the United Carting Facility from 125 tons per day to 600 tons per day. In this regard, the DSWM commented that although discussions with the County and applicant concerning the United Carting Facility, following the Department's receipt of the plan amendment, disclosed that the county intended the amendment to provide for a future expansion of the facility, as written, the amendment initially appeared to only address the facility's future processing of all permitted solid waste types (specifically waste type ID 25). Accordingly, the DSWM takes the position that the expansion component of the plan amendment was unclear and not properly noticed by the County Freeholders and the BCUA to allow interested persons to comment on this aspect of the proposal. Therefore, the DSWM recommends that the expansion component of the United Carting Facility not be accepted for consideration at this time.

Response: I respond to this comment of the DSWM by recognizing that United Carting Company, Inc. of Fairview Boro is currently seeking a modification to their existing solid waste facility permit. However, I concur with the comment of the DSWM and notify the county, BCUA and applicant that if it is the intent of the County Freeholders to propose an expansion of the United Carting Facility into the County Plan, then the County Freeholders must adopt a subsequent amendment clearly indicating the proposal. By way of this certification, the County Freeholders, the BCUA and the applicant, United Carting Company, Inc. are notified of my response.

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

I, Scott A. Weiner, Commissioner of the Department, 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, have reviewed the February 6, 1991 amendment to the approved County Plan and certify to the County Freeholders that the February 6, 1991 amendment is approved as further specified below.

1. United Carting Company, Inc.

The inclusion within the County Plan of the United Carting Company, Inc. Transfer Station/Materials Recovery Facility, located at 61 Broad Avenue, Fairview Boro, New Jersey on Block 74, Lot 4 to accept all DEP waste types 10, 13, 23, 25 and 27 consistent with the facility's existing and future permit(s) issued by the DEP is

approved. However, as noted in Section B, since the subject plan amendment did not clearly state and notice its intention to provide for an expansion of the United Carting Facility consistent with a recently submitted permit application to the Department, and any future permits, the expansion component of the amendment is not accepted for consideration at this time. However, in fairness to the applicant, I am herein ordering the County Freeholders to adopt a subsequent plan amendment to provide for the expansion of the United Carting Facility following a properly noticed public hearing to be held within 45 days of the date of this certification.

The operation of this facility shall be in conformance with Departmental regulations and guidelines. The construction and operation of such facilities shall be preceded by the acquisition of all necessary permits and approvals as per 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.

2. Earthgro, Inc.

The inclusion of Earthgro, Inc. of Lebanon, Connecticut into the County Plan to be utilized by the County as a leaf and grass clippings composting facility and market, provided this is consistent with all applicable Connecticut rules, regulations and statutes, is approved.

3. Bergen County District Solid Waste Management Plan Deficiencies

I reviewed the entire County Plan to determine whether the plan fulfilled 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 addressed detailed deficiencies which the County is required to address within 180 days of the certification, or by December 2, 1991, in a subsequent plan amendment.

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 County 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 and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the County 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, 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 amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the County Plan. Any facility operator or transporters who fail 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.

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

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 amendment certified 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; N.J.S.A. 13:1E-99.12; and N.J.A.C. 7:26-1.4 and -2.13.

6. Effective Date of the Amendment

The amendment 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 Amendment by the Commissioner of the New Jersey Department of Environmental Protection

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve 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 February 6, 1991.

July 29 1991
DATE



SCOTT A. WEINER
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION