



State of New Jersey

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CERTIFICATION OF THE FEBRUARY 25, 2015 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 (previously known as the New Jersey Meadowlands Commission, and now known as New Jersey Sports and Exposition Authority or NJSEA) 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 further provides that a district may review its district plan at any time and, if found inadequate, a new district plan must be adopted. The Bergen County Board of Chosen Freeholders (County Freeholders) completed such a review and on February 25, 2015 adopted an amendment to its approved County Plan.

The February 25, 2015 amendment proposes County Plan inclusion of a capacity increase at Waste Management of New Jersey, Inc. (WMNJI), a Transfer Station/Material Recovery Facility (TS/MRF), located on Block 501, Lots 7 & 8 at 61 Broad Avenue in the Borough of Fairview within the County Plan. The capacity increase of 450 tons per day (tpd) would allow the acceptance of a maximum of 1,400 tpd [not to exceed 8,400 tons per week (tpw)] of solid waste types 10, 13, 13C, 23, and 27 and Class A and/or Class B recyclables. The total tonnage of Class A and B recyclables shall remain at 200 tpd not to exceed 600 tpw. The total combined capacity of the Facility including solid waste types 10, 13, 13C, 23 and 27 and Class A and B recyclables shall not exceed 1,400 tpd and 8,400 tpw.

The amendment was considered administratively complete for review by the Department on April 21, 2015, and copies were distributed to various administrative review 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 25, 2015 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 have studied and reviewed the February 25, 2015 amendment to the County Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan. I find and conclude that the amendment proposing the capacity increase at WMNJI is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the elements of the February 25, 2015 amendment, which are included below.

Elements of the February 25, 2015 Amendment

Element: Facility History and Location

On March 1, 1989, the County Freeholders adopted an amendment to the County Plan, which included the United Carting Company, Inc. Transfer Station, located on Block 74, Lot 4 in the Borough of Fairview with a facility capacity at 600 tons per week (tpw). This County Plan amendment was certified as approved by the Department on June 27, 1989.

On February 6, 1991, the County Freeholders adopted a plan amendment to the County Plan, which included the United Carting Company, Inc. TS/MRF to accept and process all permitted solid waste types 10, 13, 23, 25, and 27. This amendment was certified as approved by the Department on July 29, 1991.

A plan amendment adopted by the County Freeholders on September 25, 1991 proposed County Plan inclusion of a capacity increase at the United Carting TS/MRF providing for the acceptance and processing of up to a maximum of 600 tons per day (tpd) of solid waste. This action was taken pursuant to the Department's July 29, 1991 certification of the February 6, 1991 plan amendment.

On May 18, 1994, the County Freeholders adopted an amendment to the County Plan to include an expansion of capacity for Class A and B recyclable materials at the United Carting TS/MRF from 35 tpd to 200 tpd, bringing the total operational capacity of the facility to 800 tpd. The amendment listed the facility location as 61 Broad Avenue, Block 501, Lot 8 in the Borough of Fairview. This amendment was certified as approved by the Department on September 19, 1994.

On September 29, 1994, the Department approved a September 21, 1994 request for administrative action to the County Plan from the Bergen County Utilities Authority (BCUA) which proposed County Plan inclusion of daily averaging, which allowed the

United Carting TS/MRF to accept up to 950 tpd of solid waste and recyclables. The maximum weekly capacity remained at 4,800 tons of solid waste and recyclables.

An amendment to the County Plan, adopted by the County Freeholders on June 19, 1996, included an expansion of the Browning Ferris Industries Transfer Systems of New Jersey, Inc. TS/MRF (previously known as the United Carting TS/MRF) to Block 501, Lot 7 in the Borough of Fairview. This amendment was certified as approved by the Department on October 9, 1996.

On May 24, 2004, the Department approved a May 6, 2004 request for administrative action to the County Plan from the BCUA which proposed to amend the County Plan to reflect a change in ownership of the Browning Ferris Industries Transfer Systems of New Jersey, Inc. TS/MRF to WMNJI.

On May 16, 2007, the County Freeholders adopted an amendment to their County Plan to include within the County Plan, amongst other things, the WMNJI TS/MRF, located on Block 501, Lots 7 & 8 at 61 Broad Avenue in the Borough of Fairview with a total capacity of 950 tpd (not to exceed 4,800 tpw) of solid waste types 10, 13, 13C, 23, and 27 and Class A and/or Class B recyclables.

Lastly, on November 21, 2012, the Department approved a November 9, 2012 request for administrative action to the County Plan from BCUA which proposed to amend the County Plan to amend the operating schedule of the WMNJI TS/MRF, located on Block 501, Lots 7 and 8 at 61 Broad Street in the Borough of Fairview. Specifically, the November 9, 2012 request for administrative action to the County Plan proposes County Plan inclusion of the subject facility to accept and process certain solid wastes and recyclables 24 hours per day, Monday through Saturday.

Element: Regulatory Requirements

The owner or operator of a solid waste TS/MRF must obtain a Solid Waste Facility (SWF) Permit from the Department prior to the commencement of regulated activities and shall also follow all pertinent regulations found at N.J.A.C. 7:26-2 et seq. and the design and operational requirements at N.J.A.C. 7:26-2B.5 and N.J.A.C. 7:26-2B.9, respectively.

Transfer stations/material recovery facilities are subject to the provisions of N.J.A.C. 7:27-8.2(c)17 which requires air pollution control permits for any equipment which vents a solid waste facility directly or indirectly into the outdoor atmosphere.

Finally, if the proposed operation has a "stormwater discharge (or stormwater DSW)", a "process wastewater" discharge and/or discharges a "pollutant" as defined in N.J.A.C. 7:14A-1.2, or includes activities that require a New Jersey Pollutant Discharge Elimination System (NJPDES) Permit as identified in N.J.A.C. 7:14A-2.4, the applicant shall contact the Department's Division of Water Quality to obtain a NJPDES Permit and/or a Treatment Works Approval for discharges prior to operation, if required.

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 county solid waste management plans, I have reviewed the February 25, 2015 amendment to the approved County Plan and certify to the County Freeholders that the February 25, 2015 amendment is approved as further specified below.

The February 25, 2015 amendment proposing County Plan inclusion of a 450-tpd capacity increase allowing for acceptance of a maximum of 1,400 tpd (not to exceed 8,400 tpw) of solid waste types 10, 13, 13C, 23, and 27 and Class A and B recyclables at the WMNJI TS/MRF, located on Block 501, Lots 7 & 8 at 61 Broad Avenue in the Borough of Fairview is approved.

This certification shall not be construed as an expression of the DEP's intent to issue a solid waste facility permit or permit modification for any proposed facility or operation. The issuance of operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the DEP and the Attorney General of the State of New Jersey to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126.

D. Other Provisions Affecting the Plan Amendment

1. 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 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.

2. Certification to Proceed with Implementation of 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 Freeholders shall proceed with the implementation of the approved components of the amendment certified herein.

3. 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 -99.12, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

4. Effective Date of Amendment

The approved components of the amendment to the County Plan contained herein shall take effect immediately.

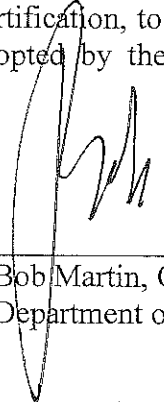
5. Reservation of Authority

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, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, 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 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 25, 2015.

7/10/2015
Date



Bob Martin, Commissioner
Department of Environmental Protection

