



# State of New Jersey

## DEPARTMENT OF ENVIRONMENTAL PROTECTION AIR, ENERGY AND MATERIALS SUSTAINABILITY

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**SHAWN M. LATOURETTE**

*Commissioner*

**PAUL BALDAUF**

*Asst. Commissioner*

### CERTIFICATION OF THE MARCH 1, 2023 AMENDMENT TO THE BERGEN COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN

#### BY ORDER OF THE DEPARTMENT:

#### A. Introduction

The New Jersey Solid Waste Management Act (“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 County Commissioners and the Hackensack Meadowlands Development Commission (previously known as the New Jersey Meadowlands Commission, and now known as New Jersey Sports & 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 the Bergen County District Solid Waste Management Plan (“County Plan”).

The Act further provides that a District may review its County Plan at any time and, if found inadequate, a new County Plan must be adopted. The Bergen County Board of County Commissioners completed such a review and on March 1, 2023 adopted an amendment to its approved County Plan.

The March 1, 2023 Amendment (“Amendment”) proposes to amend the County Plan to include a revised ten-year solid waste management and funding strategy for Bergen County, which includes:

- Implementation of certain solid waste management procedures to ensure the necessary funding for the operation and maintenance of the Bergen County Solid Waste Management District (“District”) solid waste system. These procedures shall include the implementation of a solid waste flow control system utilizing a competitive contract process for the provision of disposal services as a concession in accordance with the Local Public Contracts Law; and,

- The addition of steel containers as a mandatory recyclable for the commercial, institutional, and industrial sectors; and,
- Revised transfer station/materials recovery facility traffic routes.

The Amendment was considered complete for review by the Department on March 15, 2023 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 Commissioners on March 1, 2023 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 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 Amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Commissioners are notified of the elements of the Amendment which are included below.

**Elements of the March 1, 2023 Amendment**

**Element: Solid Waste Disposal Strategy and Funding**

**Disposal Strategy**

The Amendment proposes to implement a solid waste flow control system utilizing a competitive contracting process for the provision of disposal services as a concession. This will allow for the generation of sufficient funding necessary for the operation and maintenance of the District's solid waste system, including providing of needed recycling services, so that the Bergen County Utilities Authority ("BCUA"), as the implementing agency for the County Plan, can continue to engage in environmentally sound practices and ensure efficient flow and disposal of solid waste generated within the District. The Amendment proposes the following disposal strategy:

1. All solid waste generated with the District must be disposed of at designated Disposal Facilities. The Amendment defines "Disposal Facilities" to mean a permitted solid waste landfill, resource recovery facility, materials recovery facility, or solid waste transfer station.
2. The BCUA intends to enter into agreements with Disposal Facilities for the acceptance of solid waste generated in the District. Agreements will follow the Local Public Contracts Law competitive contracting procedures. The BCUA will publish notice locally, state-wide, and nationally through various channels to request submissions by Disposal Facilities.
3. All Disposal Facilities that respond to BCUA's public notice will be scored on a pass/fail basis. Those that meet the following criteria will be included in the

County Plan as an authorized Disposal Facility and will be permitted to accept solid waste within the District:

- a. The Disposal Facility affirmatively indicates through its response to the notice that it wishes to be included in the County Plan as a permitted Disposal Facility.
  - b. The Disposal Facility is duly licensed to accept solid waste by the jurisdiction where it is located.
  - c. The Disposal Facility consents to enter into an Agreement with the BCUA to accept solid waste generated within the District.
4. Any solid waste hauler engaged in the transport of solid waste generated within the District must engage the services of a Disposal Facility that is part of the County Plan. Any in-state Disposal Facility that is not part of the County Plan, but accepts solid waste generated within the District, or any solid waste hauler who transports solid waste generated within the District and fails to transport that waste to a Disposal Facility that is part of the County Plan will be subject to enforcement action.
  5. All Disposal Facilities who respond to the public notice and agree to each of the above requirements will be selected by the BCUA for a maximum period of five (5) years.

#### Funding Strategy

The BCUA shall assess a per ton Solid Waste Management Service Fee (“Service Fee”). The Service Fee shall be calculated by BCUA, in accordance with N.J.S.A. 40:14B-1 et seq., on a per ton basis by dividing the annual cost associated with the Bergen County-wide solid waste and recycling programs by the estimated total of all solid waste anticipated to be generated within the District. The Service Fee shall be assessed against the Disposal Facility and the Service Fee assessed shall be payable by the Disposal Facility in accordance with the Service Agreement with the BCUA.

#### **Element: Source Reduction and Recycling Initiatives and Programs**

The Amendment proposes County Plan inclusion of steel containers as a designated mandatory recyclable for the commercial, institutional, and industrial sectors. Bergen County also continues to regularly hold several recycling, source reduction, and special waste programs geared towards Bergen County residents, municipalities, schools, businesses, and civic groups.

#### **Element: Solid Waste Transfer Station Truck Route Ingress and Egress**

This Amendment proposes revised truck routes for the following transfer stations/materials recovery facilities (TS/MRF):

- I.W.S. Transfer System of NJ, Inc., TS/MRF, Block 1205, Lots 3.01, 10, and 11, 60 Railroad Avenue in the Township of Closter

- I.W.S. Transfer System of NJ, Inc., TS/MRF, Block 48.02, Lot 16.01; Block 34.02, Lot 4; and Block 220, part of Lots 7 and 8, 19-35 Atlantic Street in the City of Garfield
- S&L Zeppetelli, Inc. TS/MRF, Block 38, Lot 3, 191 Moonachie Road in the Borough of Moonachie

**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 Amendment to the approved County Plan and certify to the County Commissioners that the Amendment is approved as further specified below.

The amending of the County Plan to include a revised ten-year solid waste management and funding strategy for Bergen County is approved.

**D. Other Provisions Affecting the Plan Amendment**

**1. Certification to Proceed with Implementation of Amendment**

This document shall serve as the Certification by the Department to the County Commissioners and pursuant to N.J.S.A. 13:1E-24c and f., the County Commissioners shall proceed with the implementation of the approved components of the Amendment certified herein.

**2. 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 and -2.13, and N.J.A.C. 7:26A-1.3.

**3. Effective Date of Amendment**

The approved components of this Amendment shall take effect immediately.

**4. 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 to the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, and includes the compilation of individual county plans and amendments as they are approved.

**E. Certification of Approval of the Amendment by 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 County Commissioners on March 1, 2023.

8-4-2023  
Date

**Paul Baldauf** Digitally signed by Paul Baldauf  
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Paul Baldauf  
Assistant Commissioner

