



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
CHRISTOPHER J. DAGGETT, COMMISSIONER  
CN 402  
TRENTON, N.J. 08625  
609-292-2885

(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 MARCH 1, 1989  
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 March 1, 1989, adopted an amendment to its approved district solid waste management plan. The amendment proposes to incorporate into the approved plan United Carting Co., Inc., a 600 ton per week solid waste transfer station, located on Block 74, Lot 4 within the Borough of Fairview, Bergen County.

The proposed amendment was received by the Department of Environmental Protection on March 7, 1989, and copies were distributed to various state level agencies for review and comment as required by law. The Department has reviewed this amendment, as well as the entire Bergen County District Solid Waste Management Plan, and has determined that the amendment under consideration, which was adopted by the Bergen County Board of Chosen Freeholders on March 1, 1989, is approved as provided in N.J.S.A. 13:1E-24. With regard to the district plan, while the requirements of the Act concerning the report have been met, the district's plan remains deficient in some important ways.

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, Christopher J. Daggett, Commissioner of the Department of Environmental Protection, have studied and reviewed the March 1, 1989 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 this plan amendment is consistent with the Statewide Solid Waste Management Plan.

The Division of Solid Waste Management circulated the plan amendment to fifteen review agencies and solicited their 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 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 N.J.D.E.P. Divisions of Water Resources, Fish, Game and Wildlife, Parks and Forestry, the Green Acres Program, the State Department of Agriculture, and the Board of Public Utilities. The following agencies failed to respond to our requests for comments: the State Departments of Community Affairs, Health and the Public Advocate; the N.J.D.E.P. Division of Coastal Resources, the N.J. Turnpike Authority, the U.S. Environmental Protection Agency and the N.J. Advisory Council on Solid Waste Management. The N.J.D.E.P. Divisions of Environmental Quality and Solid Waste Management, and the Department of Transportation submitted substantive comments which are further addressed below.

The Department of Transportation stated that since direct access to the site is from a state highway, the applicant must file a formal access application. In response, by way of this certification, Bergen County is notified of this requirement.

The Division of Environmental Quality stated that the United Carting Co., Inc. transfer station is subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution". United Carting is 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. In response, by way of this certification, Bergen County is notified of these requirements.

The Division of Solid Waste Management commented that United Carting, Inc. is being included as a 600 ton per week facility. In addition, the Division stated that during the permitting phase, United Carting, Inc. must develop and submit an incoming waste inspection plan to the Bergen County Utilities Authority and the Division to insure that designated recyclable materials are being source separated pursuant to the Bergen County District Recycling Plan and not disposed of as solid waste at this facility. In addition, the Division noted that the Department's certification of the Bergen County District Recycling Plan required the county to submit a subsequent amendment to its Solid Waste Management Plan that addresses those components of the district recycling plan found to be deficient. This required modification was to be submitted to the Department by September 15, 1988. However, to date, the Division has not received the necessary modification submissions. In response, the Department is directing Bergen County, in Section C. of this certification, to address the deficiencies identified in the county recycling plan by the Division of Solid Waste Management. In addition, the Department is directing United Carting, Inc., to submit a waste inspection plan as a modification to its facility Operations and Maintenance Manual for review and subsequent approval during the permitting phase, which implements actions to insure compliance with the goals and mandates of the Bergen County Recycling Plan.

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

I, Christopher J. Daggett, 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 the March 1, 1989 amendment to the approved Bergen County District Solid Waste Management Plan and certify to the Bergen County Board of Chosen Freeholders that the March 1, 1989 amendment is approved as further specified below.

The inclusion within the plan of the United Carting Co., Inc. solid waste transfer station, located at Block 74, Lot 4, within the Borough of Fairview, to accept up to 600 tons of solid waste per week, is approved. However, 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. Issuance of the initial construction and operation permit pursuant to the Solid Waste Management Act is limited to those applicants found by the Department to be fit and competent to manage such facilities. Prior to issuance of the necessary permits, the applicant must submit an incoming waste inspection plan as discussed in Section B. above.

The Department has also reviewed the entire Bergen County District Solid Waste Management Plan, including this amendment, to determine whether the plan fulfills the requirements set forth in N.J.S.A. 13:1E-21. The result of that review is as follows:

1. N.J.S.A. 13:1E-21b(2) requires a statement of the solid waste disposal strategy. . . to be applied in the solid waste management district. N.J.S.A. 13:1E-99.13 requires each county to adopt a district solid waste management plan, to implement the State Recycling Plan goals.

The Bergen County District Recycling Plan was certified by the Commissioner of the Department on July 1, 1988. This certification required the county to submit a subsequent amendment to its Solid Waste Management Plan that addresses those components of the District Recycling Plan found to be deficient. This required modification was to be submitted to the Department by September 15, 1988. Bergen County has not yet submitted a complete package regarding the required modification of its district recycling plan to the Department for review and certification. Therefore, Bergen County is again hereby directed to submit the required modification to its recycling plan pursuant to the procedures specified in N.J.S.A. 13:1E- et seq.

2. N.J.S.A. 13:1E-21b(3) requires a site plan which shall include all existing solid waste disposal facilities located within the Solid Waste Management District . . . and sufficient additional available suitable sites to provide solid waste facilities to treat and dispose of the actual and projected amounts of solid waste contained in the report accompanying the plan.

Bergen County has sited a sanitary landfill for the residual, nonprocessible and by-pass waste, within the Bergen County District Plan, pursuant to the March 17, 1988 certification of the October 7, 1987 plan amendment. However, the Department remains concerned about the timely completion of this facility. Bergen County is again hereby directed to develop an implementation schedule for the construction and operation of its residual, nonprocessible and by-pass waste sanitary landfill for submission to the Department for review and approval as soon as possible.

3. N.J.S.A. 13:1E-21b(4) requires a survey of proposed collection districts and transportation routes with projected transportation costs from collection districts to existing or available suitable sites for solid waste disposal facilities.

The Department is presently in the process of reviewing the traffic report for the Bergen County Utilities Authority permanent baler/transfer station. Since the Department requires the establishment of mandatory truck routes within the district plan for district facilities, Bergen County is hereby directed to develop mandatory truck routes for vehicles accessing and exiting the baler/transfer station for submission to the Department as a proposed amendment to the district plan, as soon as possible.

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 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 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 the Amendment and Notification of Deficiencies 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 plan amendment to the Bergen County District Solid Waste Management Plan which was adopted by the Bergen County Board of Chosen Freeholders on March 1, 1989, as outlined in Section C. of the certification. The freeholders are directed, however, to submit the necessary documentation to correct the noted recycling deficiencies, and to resolve the remaining deficiencies in the Bergen County Solid Waste Management Plan as outlined in Section C. above.

JUNE 27, 1989  
DATE

  
CHRISTOPHER J. DAGGETT  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION