



STATE OF NEW JERSEY  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 CHRISTOPHER J. DAGGETT, COMMISSIONER  
 CN 402  
 TRENTON, N.J. 08625-0402  
 (609) 292-2885  
 Fax: (609) 984-3962

(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 MAY 3, 1989  
 AMENDMENT TO THE BERGEN  
 COUNTY SOLID WASTE MANAGEMENT PLAN

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 January 29, 1981, 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.)

Amendments to the Act found in N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-99.11 et seq., require that counties amend their district solid waste management plans to include a district recycling plan. The Bergen County Board of Chosen Freeholders adopted the district recycling plan on January 27, 1988. The district recycling plan was approved with modifications by the Commissioner of the Department of Environmental Protection in his certification of July 1, 1988. The Bergen County Board of Chosen Freeholders adopted an amendment to the approved district solid waste management plan on May 3, 1989 which amended the modifications as found in the July 1, 1988 certification. The May 3, 1989 amendment was not distributed for state agency review. Only state agencies and local agencies which commented on the January 27, 1988 district recycling plan,

necessitating the May 3, 1989 plan amendment, were the New Jersey Department of Environmental Protection (NJDEP), Division of Solid Waste Management's Bureau of Solid Waste and Resource Recovery Planning, and the Office of Recycling. The May 3, 1989 plan amendment submitted to the Department has satisfied the comments made by those two agencies in the July 1, 1988 Certification.

The amendment proposes to incorporate modifications to the district recycling plan into the approved district solid waste management plan as per the requirements of the New Jersey Statewide Mandatory Source Separation and Recycling Act, N.J.S.A. 13:1E-99.11 et seq., (herein referred to as the "Recycling Act").

The amendment was received by the Department of Environmental Protection on June 15, 1989. The Department has reviewed this amendment, and has determined that the amendment adopted by the Bergen County Board of Chosen Freeholders on May 3, 1988 is approved as modified herein, 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, Christopher J. Daggett, Commissioner of the Department of Environmental Protection have studied and reviewed the May 3, 1988, 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 as modified herein with these requirements.

1. With reference to Section 1-A of the plan amendment, the county is advised that, with respect to the existing leaf composting permit approval for the Kingsland Landfill Facility, at which thirty five (35) municipalities are currently assigned for leaf composting utilization, the operating permit is not subject to renewal due to potential landfill stability problems and will expire on October 31, 1989. With reference to the municipal composting operations explicated in this section, it should be noted that new rules established at N.J.A.C. 7:26-1.7 and 7:26-1.11 exempt leaf composting facilities from solid waste facility permitting if the owner or operator of the facility adheres to the requirements of the particular rule under which they propose to operate. It should also be noted that, pursuant to new rule N.J.A.C. 7:26-1.12, leaf composting facilities that engage in leaf mulching operations on agricultural or horticultural lands are exempt from the Department's solid waste facility permitting process if the specific standards under the rule are met.

The County is hereby directed to prepare and submit a report to the Office of Recycling within thirty days from the date of this certification specifically detailing any and all changes in municipal leaf composting operations, i.e., specific facility/facilities of deposition, as a result of cessation of municipal leaf composting operations at the Kingsland Landfill Facility.

2. With reference to Section 1-E of the plan amendment, the district recycling plan is hereby amended to specify that those plan modifications considered minor, as detailed in Section 1-E, will be included in the plan upon recommendation by the Bergen County Utilities Authority at a meeting for which public notice has been published once in a newspaper of general circulation no less than ten days prior to the meeting, and upon affirmative resolution of the Bergen County Board of Chosen Freeholders.

With further reference to Section 1-E of the plan amendment, the district recycling plan is hereby amended to reclassify the redetermination of targeted recovery goals from the existing inclusion as a minor modification to the district recycling plan, requiring the Minor Plan Amendment Procedure, to a major modification requiring the Major Plan Amendment Procedure.

3. With reference to Section F of the plan amendment, the district recycling plan is hereby amended to specify that county health inspectors, along with any additional county board of health and local board of health personnel as required, will comply, at a minimum, with the following procedure regarding solid waste facility inspections and penalties at the county transfer station and the county waste-to-energy facility:

Each vehicle transporting loads of residential, commercial, and institutional waste for disposal as solid waste at the above facilities shall be inspected at least once per month. Accurate records shall be established by the county and shall include, at a minimum, the following: N.J. DEP Solid Waste Transfer Number; license number; vehicle identification number; capacity of vehicle; type of vehicle; decal number, if such exists; company name; municipality of waste origin; waste sector origin, i.e., residential, commercial, institutional; results of inspection, i.e., compliance/non-compliance; action taken if found non-compliant; and date of inspection. A visual inspection of the waste as it is discharged from the vehicle will be made. Any load containing designated recyclable materials shall constitute a violation. Each violator will be issued one warning notice for the first offense, one notice of violation for the second offense, and a penalty notice for each subsequent offense thereafter. In addition, if the county health department or local board of health issues a warning notice or notice of violation, a copy of said notices at the time of issuance shall be served upon the Department pursuant to N.J.S.A. 13:1E-9. It shall be noted that county health departments and local boards of health are not limited to assessing the above warnings or penalties but are authorized under N.J.S.A. 13:1E-9 to collect a penalty of not more than \$50,000 per day and may elect to do so in lieu of the above provisions. Furthermore, incoming waste loads originating from municipalities which are not achieving state mandated recycling goals shall be inspected more frequently, as shall repeat violators of the above provisions.

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

I, Christopher J. Saggert, 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-11, which established the requirements regarding the review of the district solid waste management plans, have reviewed the May 3, 199

amendment to the approved Bergen County District Solid Waste Management Plan and certify to the Bergen County Board of Chosen Freeholders that the May 3, 1989 amendment is approved as modified in Section B. of this certification.

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. 7:26-2.1b 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 Management Plans (N.J.A.C. 7:26-2.1c).

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 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 amendment to the Bergen County District Solid Waste Management Plan contained herein shall take effect immediately.

7. Reservation of Authority

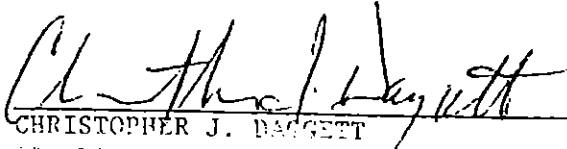
Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Bergen County District Solid Waste Management Plan, including any amendment made thereto, shall conform with the Statewide Solid 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 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 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 May 3, 1989.

DATE

July 14, 1989

  
CHRISTOPHER J. DAGGETT

COMMISSIONER

DEPARTMENT OF ENVIRONMENTAL PROTECTION