



State of New Jersey

Christine Todd Whitman
Governor

Department of Environmental Protection

Robert C. Shinn, Jr.
Commissioner

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, 1995 AMENDMENTS 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 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 County Plan at any time and, if found inadequate, a new County Plan must be adopted. The Bergen County Board of Chosen Freeholders (County Freeholders) completed such a review and on May 3, 1995, adopted three amendments to its approved County Plan.

Amendment #95-14 proposed the deletion of the Classic Sanitation transfer station from the County Plan. Amendment #95-15 proposed the designation of truck routes to solid waste facilities; a method of financing solid waste management within the district; a resolution of outstanding plan deficiencies; a long-term disposal plan; and the designation of United Carting, Garofalo, and DiBella transfer stations as materials recovery facilities (MRFs). Amendment #95-16 proposed a recycling policy for construction and demolition materials (C&D).

The May 3, 1995 amendments were received by the Department on June 14, 1995 and copies were distributed to various administrative review agencies for review and comment, as required by law. The DEP has reviewed these amendments and has determined that the amendments adopted by the Bergen County Freeholders on May 3, 1995 are 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 Amendments

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the May 3, 1995 amendments 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 these plan amendments are consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the issues of concern relative to the May 3, 1995 amendments which are included in Sections B.2., B.3., and B.4. below.

In conjunction with the review of these amendments, the Department circulated copies to sixteen federal and state administrative review agencies, and solicited their review and comment. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various bureaus, divisions, and agencies within and without the Department. All agencies contacted are as follows:

Division of Parks and Forestry, DEP
Division of Fish, Game and Wildlife, DEP
Division of Water Quality, DEP
Division of Enforcement, DEP
Division of Solid and Hazardous Waste, DEP
Green Acres Program, DEP
Office of Air Quality Management, DEP
Land Use Regulation Element, DEP
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management

Department of Agriculture
Department of Health
Department of Transportation
Department of Community Affairs
U.S. Environmental Protection Agency
Hackensack Meadowlands Development Commission

1. Agency Participation in the Review of the May 3, 1995 Amendments

The following agencies did not object to the proposed amendments:

Division of Parks and Forestry, DEP
Division of Fish Game and Wildlife, DEP
Division of Enforcement, DEP
Green Acres Program, DEP
Division of Water Quality, DEP
New Jersey Turnpike Authority
Department of Community Affairs
Department of Agriculture
Department of Transportation
New Jersey Advisory Council on Solid Waste Management
Hackensack Meadowlands Development Commission

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

Office of Air Quality Management, DEP
Land Use Regulation Element, DEP
Department of Health
U.S. Environmental Protection Agency

The following agency provided substantive comments as shown in Section B. of the certification document:

Division of Solid and Hazardous Waste, DEP

2. Issue of Concern Regarding Amendment #95-14

Issue: Deletion of Classic Sanitation

The amendment provides for the County Plan deletion of the Classic Sanitation Co., Inc. Transfer Station located on Block 14, Lots 23, 24, and 25 at 251 Second Street in the Township of Saddle Brook, Bergen County. This action was taken by the County Freeholders due to their finding that the continued operation of an unregistered solid waste facility was contrary to the County Plan, the Statewide Solid Waste Management Plan, and the New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.). Also, in this regard, it is noted that the Saddle Brook Township Council unanimously approved resolution #495-103 which requested that the County Freeholders delete the subject facility from the County Plan.

A review of DEP's solid waste facility permit status of the Classic Sanitation Co., Inc. transfer station indicates that the facility's permit expired on June 16, 1992 and, since that time, the facility has been operating without a solid waste permit. Further, the applicant has failed to obtain a determination of administrative completeness from the DEP for renewal of the facility's permit. Finally, as a result of tariff, waste flow, permit, and/or illegal dumping violations at sites in Jersey City, Lyndhurst, and Saddle Brook the Department initiated on May 2, 1995 litigation against Classic Sanitation Co., Inc. Regarding the subject Saddle Brook site, the applicant was charged with operating the facility after expiration of the solid waste facility permit and operating on the property in a manner inconsistent with the permit.

Due to the expiration of the solid waste facility permit and the noted litigation, the Department's Division of Enforcement has initiated the formal process to effectuate the proper closure of the subject Saddle Brook transfer station. Therefore, as noted in Section C., the deletion of this Classic Sanitation Co., Inc. transfer station from the County Plan is approved.

3. Issues of Concern Regarding Amendment #95-15

The Department's December 22, 1993 certification of the County's July 21, 1993 amendment detailed deficiencies that the County was required to address by March 31, 1994 in a subsequent plan amendment submission. Specifically, these deficiencies included the need to identify truck routes to existing and proposed solid waste facilities within the County; to describe a method of financing solid waste management; and to address a long-term solid waste management strategy for in-state disposal of the County's entire waste stream. The County was also required to submit an amendment which further addressed various components of the State's requirements for source reduction, recycling, and regionalization planning. The following is an overview of the County's responses to the noted deficiencies as well as the DEP's comments on the proposed plans and programs.

Issue: Truck Routes

In response to the truck routes deficiencies, the County has included truck routes for transport of waste to solid waste facilities included within the Bergen County Solid Waste System, as well as from these facilities to the Union County Resource Recovery Facility (RRF). As noted in Section C., the following truck routes are approved:

To the Bergen County Utilities Authority (BCUA) Transfer Station, then to the Union County RRF:

- * Route 17 or Route 3 to Polito Avenue, then to Valley Brook Avenue to the BCUA facility.

- * Valley Brook Avenue to Polito Avenue, then to Route 17, then to Route 3, then to the New Jersey Turnpike to Exit 13, then to I-278, then to Route 1 to the Union County RRF.

To the DiBella Sanitation Transfer Station, then to the Union County RRF:

- * County Road 111 to Kinderkamack Road to the DiBella Transfer Station.
- * Kinderkamack Road to County Road 111, then to Route 17, then to I-80, then to I-95, then to the NJ Turnpike to Exit 13, then to I-278, then Route 1 to the Union RRF.

To the Garofalo Recycling and Transfer Station, then to the Union County RRF:

- * County Road 67 to Atlantic Avenue to the Garofalo Transfer Station.
- * Atlantic Avenue to County Road 67, then to I-80, then to I-95, then to the NJ Turnpike to Exit 13, then to I-278, then to Route 1 to the Union RRF.

To the BFI Transfer Station, then to the Union County RRF:

- * US Route 1-9 to Broad Avenue to the BFI Transfer Station.
- * US Route 1-9 to County Road 93, then to Route 46, then to I-95, then to the NJ Turnpike to Exit 13, then to I-278, then to Route 1 to the Union RRF.

All solid waste vehicles serving Bergen County must meet the federal bridge formula weight restrictions designated on all interstate highways.

Issue: Method of Financing Solid Waste Management

In response to the need to provide a method of financing solid waste management, the BCUA assesses solid waste service charges to all the users of the Bergen County Solid Waste System. The component costs of operating the system are combined and divided by the estimated tonnage to be processed by the system to determine the per ton rates to be effective each calendar year. Also, as the County moves forward to implement its long-term solid waste management strategy, the costs associated with the development and implementation of the proposed programs and facilities will be incorporated into the system-wide tipping fee rates. Any facility which must be constructed by the BCUA may be financed by the BCUA with long-term debt amortized over the useful life of the facility. Such debt will be secured by revenues derived from the imposition of the system's solid waste service charges. As noted in Section

C., this component of the amendment is approved.

The County also proposes to amend its February 2, 1994 amendment to exclude the implementation of a discounted type 10 transfer tipping fee. The February 2, 1994 amendment incorporated a discounted rate to be offered in recognition of private transfer stations' efforts to process solid waste for removal of bulky waste materials. However, as a result of an April 4, 1994 order by the Department reducing the County's solid waste tipping rate, the BCUA is unable to sustain a further rate reduction and can no longer implement a discounted type 10 transfer tipping rate. As noted in the May 18, 1994 certification of the February 2, 1994 amendment, this discounted concept is not within the purview of the county planning program and must be reviewed pursuant to the Solid Waste Utility Control Act. Therefore, as noted in Section C., it is not appropriate for the Department to certify approval, modification, or rejection of this component of the May 3, 1995 amendment.

Issue: Long-Term Disposal Plan

As noted in the Department's May 28, 1993 and September 19, 1994 certifications of the December 16, 1992 and May 18, 1994 amendments, respectively, the County was required to pursue all available options for long-term disposal and regionalization, including the development of in-county capacity or reaching interdistrict agreements with neighboring counties to achieve the State's goal of disposal self-sufficiency by December 31, 1999 for the approximately 400,000 tons exported annually. Similarly, the Department's December 22, 1993 certification of the July 21, 1993 amendment required the County's long-term strategy to include specific milestones.

In response to these directives, amendment #95-15 proposes that the County will continue to utilize an integrated approach to solid waste management which incorporates source reduction, recycling, composting, incineration, landfilling, and regionalization. Also, due to increased recycling efforts in the County, which is expected to result in a 69% recycling rate by the year 2000, and a 20 year agreement with Union County to dispose of 192,000 tons per year (TPY) of Bergen's waste at the Union County RRF, the County will only require additional disposal capacity for 193,000 TPY by the year 2000. This remaining balance is composed of 81,000 TPY of waste types 13, 27 and 101 (Bergen's designation for nonregulated medical waste) and 112,000 TPY of waste type 10. The amendment also indicates that since the Bergen District does not have any available in-county landfill sites to dispose of the remaining solid waste, the County will be dependent on available capacity at in-state and out-of-state landfills. Further, the BCUA supports the efforts of the Hackensack Meadowlands Development Commission (HMDC) to site, construct, and operate a nonprocessible waste landfill, including a bulky waste processing system, and would consider utilizing this proposed HMDC facility. Finally, while the

Bergen District will endeavor to comply with the state's disposal self-sufficiency goals, the County recognizes the current uncertainties, for planning purposes, which exist because of the recent United States Supreme Court decision concerning waste flow.

While the Department approves Bergen County's integrated approach for addressing its long-term disposal needs and commends its efforts for having entered into a long-term agreement with Union County, the DEP is concerned that the County will continue to have a capacity shortfall of 193,000 TPY in the year 2000. Therefore, as noted in Section C., the Department requires the County to submit a subsequent plan amendment within 180 days which provides a specific schedule of activities leading to the development of additional in-county recycling/disposal capacity or of an interdistrict agreement with one or more New Jersey solid waste district(s) for the disposal of that portion of the waste stream still landfilled out-of-state.

Regarding waste flow control, the Department is mindful of recent and current legal proceedings which have challenged the validity of flow control on constitutional grounds. The DEP acknowledges and respects the U. S. Supreme Court decision of May 16, 1994 in C & A Carbone, Inc., et al, v. Town of Clarkstown, New York as well as the February 16, 1995 ruling of the United States Court of Appeals for the Third Circuit in Atlantic Coast Demolition and Recycling, Inc. v. Board of Chosen Freeholders of Atlantic County, et al. As a result of these rulings, there is continued litigation but no final determination as of this date as to the constitutionality of New Jersey's comprehensive solid waste management system. Furthermore, there is a continued effort in the United States Congress to give states the authorization both to maintain existing flow controls and to preclude importation from other states. As long as New Jersey's comprehensive system which includes reliance on waste flow control and self-sufficiency remains legally in place, the Department maintains the responsibility, along with county government, to manage and administer the existing system. As a result, the DEP is directing the County to explore methods for achieving disposal self-sufficiency through development of additional in-county recycling/ disposal capacity or of an interdistrict agreement with one or more New Jersey district(s). Such action is consistent with the goals of the Solid Waste Management State Plan Update: 1993-2002.

Issue: MRF Designations

As noted in the Department's certification of May 18, 1994, since the DiBella, Garofalo, and United Carting transfer stations were designated in the County Plan to process solid waste, these facilities would be operating as materials recovery facilities. Therefore, the County was directed within a subsequent plan amendment submission to designate DiBella Sanitation, Inc. and Garofalo Recycling and Transfer Station Co., Inc. as materials

recovery facilities. (The former United Carting facility, now known as Browning Ferris, Inc., was previously included in the County Plan as a materials recovery facility pursuant to the Department's September 19, 1994 certification of the County's May 18, 1994 amendment.) The May 3, 1995 amendments comply with this directive. Therefore, as noted in Section C., DiBella Sanitation, Inc. and Garofalo Recycling and Transfer Station Co. are approved as transfer station/materials recovery facilities.

Issue: State Requirements for Source Reduction and Recycling

As noted earlier, the County was directed to further address various components of the County's source reduction and recycling programs. The Department has reviewed the May 3, 1995 amendment within the context of the adopted Solid Waste Management State Plan Update: 1993-2002, Section I: Municipal and Industrial Solid Waste, and relevant State law. The result of this review is as follows:

Source Reduction

a. Waste Audits

The County was directed to provide schedules for conducting waste audits in the private and public sectors. The amendment indicates that the BCUA has performed 10 pilot waste audit studies at businesses located throughout the County to determine benefits, costs, and staffing requirements. Following analysis of this pilot program, the County determined that, due to staffing and funding constraints, this program will be performed directly by the commercial/industrial sectors in phases. Specifically, businesses with more than 250 and 500 employees will be completed by 1995, and businesses with more than 100 employees will be completed by 1996. However, the County did not specify whether the private sector had been notified of this requirement. Additionally, the County does not provide a schedule for conducting waste audits in the public sector. Therefore, as noted in Section C., while the County's waste audit program for the private sector is approved, the County is directed to provide by letter a schedule for conducting waste audits at county and municipal buildings and a description of the procedure by which the private sector was notified of the requirement to conduct waste audits.

b. Per Container Billing

The County was directed to provide either a specific schedule for developing a pilot program to evaluate per container rates or report on its evaluation of the existing Midland Park program. Since then, the municipalities of Midland Park, Washington Township, Emerson and Westwood have established per container systems in their towns. Accordingly, the amendment proposes to conduct an evaluation of each existing per container program in the County in order to determine the success of the programs, including

a breakdown of costs and potential savings/increases. Therefore, as noted in Section C., although this component of the amendment is approved, the County is directed to report by letter on the results of its evaluation of the per container programs as soon the results are available.

c. Yard Waste

The County was directed to submit a schedule toward development of a comprehensive yard waste management program. In response, the County has implemented a comprehensive yard waste program comprising: an educational campaign to leave grass clippings on the lawn; a marketing program to assist municipalities with their collected grass; financial incentives for implementation of grass recycling/composting programs; and the prohibition of the disposal of grass clippings at solid waste disposal facilities. Therefore, as noted in Section C., the yard waste component of the amendment is approved.

d. Household Hazardous Waste

The County was directed to provide schedules and sites toward development of a permanent household hazardous waste collection facility. In response, the County has begun to conduct a review of potential sites to accept household generated hazardous waste on a permanent basis and anticipates a final solution to the management of household hazardous waste will be identified by December 1995. Until this permanent solution is implemented, the BCUA is committed to conducting three household hazardous waste collection programs per year. Therefore, as noted in Section C., although this component of the source reduction strategy is approved, the County is directed to provide by letter specific schedules for the selection and implementation of its two proposed household hazardous waste collection sites.

e. Procurement Policies

The County was directed to provide a schedule for the development of procurement policy guidelines. In response, the County has developed and distributed its proposed source reduction guidelines in order to provide information for the procurement of products and/or services to achieve the County's source reduction and recycling goals. Therefore, as noted in Section C., this component of the amendment is approved.

f. Educational Strategies

The County was directed to provide a schedule for the development of an education program to promote source reduction. In response, the County has implemented four proposed educational programs including: environmental shopping tours; advertising and promotional campaigns; school presentations; and other civic

oriented presentations. Therefore, as noted in Section C., this component of the amendment is approved.

Recycling

a. Designated Recovery Target

Although the County has committed to recycling 50% of the municipal waste stream and 60% of the total waste stream by December 31, 1995, the County was directed to provide schedules for implementing the specific programs necessary to achieve these goals. In response, the County has provided the status of each of these programs as noted below. Therefore, this component of the recycling strategy is approved.

b. Designation of Additional Materials

In a December 16, 1992 amendment, which was certified on May 28, 1993, the County increased its list of designated recyclables for both the residential and commercial sectors. Specifically, for the residential sector white goods, tin cans, and grass were added to the previously designated materials of newspaper, glass containers, aluminum cans, ferrous scrap, and leaves. For the commercial sector, white goods, aluminum cans, mixed paper, and construction and demolition materials were added to the previously designated corrugated cardboard, high-grade paper, glass containers, and ferrous scrap. Also, the December 16, 1992 amendment directed each municipality to amend their recycling ordinance by May 28, 1994 to include these additional mandatory recyclable materials. Since that time, while all municipalities have increased the materials they recycle, only 20 of the 70 municipalities comprising the County have complied with the amended recycling ordinance requirement, but more towns have indicated they will comply. Therefore, while Section C. approves this component of the amendment, the County should continue to encourage the remaining municipalities to amend their ordinances accordingly as required by the Mandatory Source Separation and Recycling Act of 1987.

c. Public Education

The County was directed to provide a schedule for developing its public education programs to promote recycling. The County has implemented all the public education programs previously identified in the May 28, 1993 certification. Therefore, as noted in Section C., this component of the recycling strategy is approved.

d. Composting

The County was directed to provide a schedule for the site selection and development of the County's proposed regional "in-vessel" composting facility for organic paper waste and food waste. The amendment indicates that while the facility was to be located

at the BCUA Baler/Transfer Station, the BCUA is currently in the process of determining the best use of this facility which may still include utilization of a portion of the facility for the composting of food waste. However, based on discussions the BCUA has had with various vendors, the amendment proposes to collect food waste at the BCUA facility for transfer to private food waste composting facilities in the region. Accordingly, the amendment proposes to include the utilization of private compost facilities for composting organic waste. Finally, the amendment indicates that a pilot food waste composting program was to have been completed by June 1995, and the DEP awaits the results of this pilot program. Therefore, as noted in Section C., while the Department approves the utilization of private compost facilities, the County is directed to identify in a subsequent plan amendment submission these private food waste composting facilities and to report by letter on the results of the pilot food waste composting program, an estimate of the amounts of food waste the County intends to compost through this program, and a schedule for its implementation.

4. Issue of Concern Regarding Amendment #95-16

Issue: C&D Waste Definition and Policy

On May 28, 1993, the Department certified the County's December 16, 1992 amendment. This amendment, in response to the State requirements for source reduction and recycling, increased the County's list of designated recyclables in both the residential and commercial sectors. As noted above, one of the designated materials for the commercial sector was construction and demolition debris. While the DEP did approve C&D materials as a designated recyclable, it was clearly the intent of the Department in this approval that this material would be source separated to facilitate recycling and in no way implied that the C&D waste could be recycled from a commingled state.

However, confusion continued to exist relative to this matter. Therefore, an exchange of letters occurred in early 1994 between the Department and the Bergen County Utilities Authority. The DEP attempted to resolve this matter by stating that C&D waste is never classified as a recyclable material, that C&D waste is a type 13 waste which has never been exempt from the Interdistrict and Intradistrict Solid Waste Flow Rules, and that only source separated recyclable materials are exempt from waste flow control.

Since the adoption of the December 16, 1992 amendment and the exchange of letters, the BCUA has found that significant volumes of C&D waste have been commingled at the point of generation with solid waste and classified as a recyclable material. Therefore, in order to avoid this continued categorical treatment of C&D waste as a recyclable material, the May 3, 1995 amendment provides the following definition of C&D material in order to clarify the

County's C&D policy. It should be noted that this definition is consistent with that for construction waste and demolition waste found at N.J.A.C. 7:26-1.4

Pursuant to the amendment, C&D materials are defined as type 13 solid waste constituting building material and refuse resulting from the construction, remodeling and/or repair operations on houses, commercial buildings, pavements and other structures or other waste materials generated from the razing of buildings, factories and other man-made structures, including streets, roads and fences. C&D materials shall not be deemed or construed to be a recyclable material by category. If individual components of C&D waste have been fully source separated and contain only a diminimus amount of solid waste, then such materials shall be deemed to constitute a recyclable material if managed in accordance with N.J.A.C. 7:26A-1.1 et seq. Further, C&D materials commingled with nonrecyclable solid waste shall result in the entire vehicle load being categorized as solid waste and subject to all solid waste flow control and disposal requirements contained in all applicable waste flow directives, including orders and regulations of the DEP.

The County is hereby notified that, as noted in the Department's May 18, 1994 certification of the County's February 2, 1994 amendment, the Department has established a diminimus acceptance threshold for both contaminants and residue of 1%. Therefore, as noted in Section C., the County's diminimus level must be consistent with Department policy.

The County is also hereby notified that pursuant to N.J.A.C. 7:26A-4.1 (a) 1.iii, Class A recyclable materials may only be commingled with other Class A recyclable materials. Also, in accordance with N.J.A.C. 7:26A-1.1 et seq., Class B recyclable materials may be commingled only with other specific Class B recyclable materials. Therefore, any unauthorized commingling of Class B recyclable materials would result in the material being classified as a solid waste and, accordingly, transported to a designated solid waste facility for disposal.

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

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 May 3, 1995 amendments to the approved County Plan and certify to the County Freeholders that the May 3, 1995 amendments are approved as further specified below.

1. Amendment #95-14

The County Plan deletion of the Classic Sanitation Co., Inc. Transfer Station located on Block 14, Lots 23, 24, and 25 at 251

Second Street, in the Township of Saddle Brook, Bergen County is approved. As noted in Section B., this action was taken by the County Freeholders due to their finding that the continued operation of an unregistered solid waste facility is contrary to the County Plan, the Statewide Solid Waste Management Plan, and the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq.

2. Amendment #95-15

a. Truck Routes

The County Plan inclusion of specific truck routes, as identified in Section B., to the BCUA Transfer Station/Baler Facility, the DiBella Transfer Station, the Garofalo Recycling and Transfer Station, and the BFI Transfer Station (formerly known as the United Carting Transfer Station), which comprise the Bergen Solid Waste System, and then to the Union County RRF are approved.

b. Method of Financing Solid Waste Management

The County Plan inclusion of the method of financing solid waste management is approved. However, as noted in Section B., the County's proposal to exclude the implementation of a type 10 transfer tipping fee is not within the purview of the county planning process and, therefore, no certification action is hereby taken relative to this issue.

c. Long-Term Disposal Plan

The County Plan inclusion of the strategy to continue to utilize an integrated approach to solid waste management which incorporates source reduction, recycling, composting, incineration, landfilling and regionalization, including any available in-state capacity, is approved. However, as noted in Section B., despite increased recycling and a long-term disposal agreement with Union County for a portion of the County's waste stream, Bergen County still anticipates a disposal capacity shortfall of 193,000 TPY by the year 2000. Therefore, as noted in Section B., the County must submit within 180 days a subsequent plan amendment which provides a schedule of activities leading to the development of additional in-county recycling/disposal capacity or of an interdistrict agreement with one or more New Jersey solid waste district(s) for the disposal of the remaining portion of Bergen's solid waste stream.

d. Source Reduction

The County Plan inclusion of a source reduction strategy comprising waste audits (for the private sector), per container rates, yard waste management, procurement policies, household hazardous waste management, and educational programs is approved. However, as noted in Section B., the County must provide within 180 days by

letter schedules for conducting waste audits in the public sector and for developing a permanent household hazardous waste collection program, a description of the procedure by which the private sector was notified of the requirement to conduct waste audits, and the results of evaluating per container programs.

e. Recycling

The County Plan inclusion of a recycling strategy comprising designated recovery targets, the designation of additional materials, public education, and composting is approved. However, as noted in Section B., the County must provide within 180 days by letter the results of the pilot food waste composting program.

f. MRF Designations

The County Plan inclusion of DiBella Sanitation, Inc. located at 144 Kinderkamack Road in Park Ridge and Garofalo Recycling and Transfer Station Co., Inc. located at 19-35 Atlantic Street in Garfield as transfer stations/materials recovery facilities is approved.

3. Amendment #95-16

The County Plan inclusion of the construction and demolition (C&D) materials definition and policy is approved. As noted in Section B., this amendment is intended to clarify the County's policy regarding C&D materials, supersedes any other plan amendments relative to this issue, and is approvable as long as it is consistent with Departmental regulations.

D. Other Provisions Affecting the Plan Amendments

1. Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with these amendments to the county Plan and which was executed prior to the approval of these amendments 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 these amendments and of the County Plan if such renegotiation is not completed within ninety (90) days of the effective date of these amendments 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 amendments contained herein shall operate in compliance with these amendments 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.

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. 7:26A-1 et seq.

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

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 amendments certified herein.

5. Definitions

For the purpose of these amendments 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.

6. Effective Date of the Amendments

The amendments 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, with appendices, which includes the DEP's planning

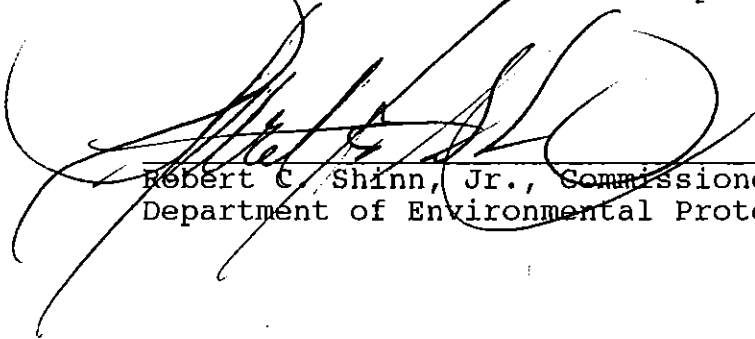
guidelines, rules, regulations, orders of the Department, interdistrict and intradistrict waste flow rules, and also includes the compilation of individual district plans and amendments as they are approved.

E. Certification of Approval of the Amendments 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 amendments, as outlined in Section C. of this certification, to the Bergen County District Solid Waste Management Plan which were adopted by the Bergen County Board of Chosen Freeholders on May 3, 1995. I hereby also require, as noted in Section C., that the Bergen County Board of Chosen Freeholders address the noted deficiencies within the timeframe specified.

Date

10/19/95


Robert C. Shinn, Jr., Commissioner
Department of Environmental Protection