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STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
RICHARD T. DEWLING, Ph.D., P.E., COMMISSIONER
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(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 A PORTION OF THE MAY 18, 1988
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 May 18, 1988 adopted an amendment to its approved district solid waste management plan.

The amendment was received by the Department of Environmental Protection on June 17, 1988 and copies were distributed to various state level agencies

for review and comment, as required by law. The Department has initiated an expedited review of only Section 5, that portion of the plan amendment relating to the addition of a Lot to the previously incorporated Bergen County Baler/Transfer Station. Further, the Department has determined that the portion of the amendment adopted by the Bergen County Board of Chosen Freeholders on May 18, 1988 relating to the addition of a Lot to the baler/transfer station is approved as provided in N.J.S.A. 13:1E-24. The remaining Sections 1 through 4 of the May 18, 1988 plan amendment will be processed separately in a subsequent certification document within the same statutory 150 day review period.

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, Richard T. Dewling, Commissioner of the Department of Environmental Protection have studied and reviewed Section 5 of the May 18, 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 the portion of the amendment identified as Section 5, relating to a Lot change to the Bergen County Baler/Transfer Station, is consistent with the Statewide Solid Waste Management Plan.

In addition, the Division of Solid Waste Management circulated the plan amendment to sixteen review agencies and solicited their review and recommendations on Section 5 of the amendment. 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 Solid Waste Management, Environmental Quality, and Parks and Forestry; the New Jersey Advisory Council on Solid Waste Management; and the State Department of Community Affairs. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Divisions of Coastal Resources, Water Resources, Fish, Game and Wildlife; the State Departments of Agriculture, Health, Transportation and the Public Advocate; the Board of Public Utilities, the Green Acres Program, the New Jersey Turnpike Authority, and the U.S. Environmental Protection Agency. No agencies submitted substantive comments.

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

I, Richard T. Dewling, 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 only that portion of the May 18, 1988, amendment to the approved Bergen County District Solid Waste Management Plan relating to the addition of a Lot to the previously incorporated Bergen County Baler/Transfer Station and certify to the Bergen

County Board of Chosen Freeholders that only that portion of the May 18, 1988, amendment is approved as further specified below.

The inclusion into the Bergen County District Solid Waste Management Plan of the additional Block 154, Lot 1 for the Bergen County Baler/Transfer Station in the Borough of North Arlington is approved. The full site designation now consists of Block 154, Lots 1, 2 and 3; Block 174, Lots 1, 2, 3, and 4; Block 192, Lot 5; Block 193, Lot 1; and Block 300, Lots 1, 11, 12, 13, 14, 15, and 16 in the Borough of North Arlington. The construction and operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals as set forth at N.J.S.A. 13:1E-1 et seq. and all other applicable laws. Issuance of operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department and the Attorney General to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126 et seq.

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. 7:26-1.4 and 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 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 portion of the amendment 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 18, 1988.

July 21, 1988

DATE

Richard T. Dewling

RICHARD T. DEWLING

COMMISSIONER

DEPARTMENT OF ENVIRONMENTAL PROTECTION