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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
SEPTEMBER 16, 1992 AND DECEMBER 16, 1992
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 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 September 16, 1992 and December 16, 1992, adopted amendments to its approved County Plan. As adopted, the September 16, 1992 amendment proposed inclusion of five qualified private transfer stations and the Bergen County Utilities Authority (hereinafter referred to as the BCUA) baler/transfer station for the continuation of the direct haul Phase II transfer operations to the Essex County incinerator and permitted out-of-state disposal facilities. The December 16, 1992 amendment included the County's long-term solid waste management strategy and addressed the Emergency Solid Waste Assessment Task Force (Task Force) Final Report recommendations concerning source reduction, recycling and regionalization.

The September 16, 1992 and December 16, 1992 amendments were received by the Department of Environmental Protection and Energy (Department or DEPE) on January 5, 1993 and January 25, 1993, respectively, and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed these amendments and has determined that the amendments adopted by the County Freeholders on September 16, 1992 and December 16, 1992 are approved as provided in N.J.S.A. 13:1E-24. With respect to the following certification language, the BCUA is referred to on a number of occasions. However, on April 21, 1993 the County Freeholders adopted a plan amendment which proposed designation of the Bergen County Improvement Authority (BCIA) as the County's solid waste management implementation agency to replace the formerly designated BCUA. For the purposes of the September 16, 1992 and December 16, 1992 amendments, the Department acknowledges the intent of the County Freeholders to change its implementation agency, but has continued to recognize the BCUA until a decision has been reached regarding the pending April 21, 1993 amendment.

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 September 16, 1992 and December 16, 1992 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 Bergen County Freeholders and the five private transfer station owner/operators are notified of the issues of concern relative to the September 16, 1992 and December 16, 1992 amendments which are included below in Section B.3.

In conjunction with the review of these amendments, the Department circulated copies to sixteen 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 the Department. These agencies are the following:

Office of Energy, DEPE
Land Use Regulation Element, DEPE
Groundwater Quality Management Element, DEPE
Wastewater Facilities Regulation Element, DEPE
Division of Parks and Forestry, DEPE
Division of Fish, Game and Wildlife, DEPE
Division of Solid Waste Management, DEPE
Green Acres Program, DEPE
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
Department of the Public Advocate
U.S. Environmental Protection Agency

1. Agency Participation in the Review of the September 16, 1992 Amendment

The following agencies did not object to the proposed plan amendment:

Division of Parks and Forestry, DEPE
Green Acres Program, DEPE
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Health
Department of Transportation

The following agencies did not respond to the Department's requests for comments:

Division of Fish, Game and Wildlife, DEPE
Land Use Regulation Element, DEPE
Groundwater Quality Management Element, DEPE
Wastewater Facilities Regulation Element, DEPE
Department of Community Affairs
Department of the Public Advocate
U.S. Environmental Protection Agency

The following agencies submitted substantive comments which are further addressed below:

Office of Energy, DEPE
Division of Solid Waste Management, DEPE

2. Agency Participation in the Review of the December 16, 1992 Amendment

The following agencies did not object to the proposed plan amendment:

Division of Parks and Forestry, DEPE
Division of Fish, Game and Wildlife, DEPE
Green Acres Program, DEPE

New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Health
Department of Transportation

The following agencies did not respond to the Department's requests for comments:

Land Use Regulation Element, DEPE
Groundwater Quality Management Element, DEPE
Department of Community Affairs
Department of the Public Advocate
U.S. Environmental Protection Agency

The following agencies submitted substantive comments which are further addressed below:

Office of Energy, DEPE
Division of Solid Waste Management, DEPE
Wastewater Facilities Regulation Element, DEPE

3. Issues of Concern Relative to the September 16, 1992 Amendment

Issue: History of Phase I and Phase II Operations

On December 19, 1990 the County Freeholders adopted an amendment which provided for the shipment of solid waste generated within the County to out-of-state disposal facilities from both the BCUA transfer station and qualified privately operated transfer stations. All private transfer stations had to meet the following plan inclusion criteria in order to qualify for participation in the County's Phase II waste transfer system.

- a. Each privately owned transfer station must be part of the DEPE approved Bergen County Plan;
- b. Each of the privately owned transfer stations must accept only those wastes allowed by the DEPE operating permit and the amounts processed by each must not exceed the amounts permitted by the DEPE;
- c. Each of the privately owned transfer stations must file a revised tariff with the DEPE which reflects the December 19, 1990 amendment, and;
- d. Each of the transfer stations must maintain proper records in accordance with DEPE and BCUA requirements.

Also, on April 26, 1991, the former Board of Public Utilities (BPU) and the DEP jointly issued an Emergency Redirection Order (ERO) which directed the delivery of 250,000 tons per year of processible solid waste types 10 and 23 generated from within the County and processed at the five

qualified transfer stations to the Essex County incinerator in Newark, Essex County. The above redirection was based on an April 1991 Memorandum of Understanding (MOU) between Essex County and the BCUA and an agreement between Essex County, the Port Authority of New York and New Jersey, and American Ref-Fuel, the operator of the County's incinerator.

The June 6, 1991 certification modified the December 19, 1990 amendment to initially identify the specific private transfer stations for participation in direct haul out-of-district transport of solid waste by the BCUA or its vendor. The specific private transfer stations included were DiBella Sanitation, Garofalo Recycling, Sal Car Transfer Systems, National Transfer, and United Carting. This modification was made by the Department to ensure consistency with the April 26, 1991 ERO and the MOU entered between Bergen and Essex Counties for shared use of the Essex County incinerator. Further, the certification directed the County to submit a subsequent plan amendment within 60 days of the certification (or August 5, 1991) which, among other things, identified within the County Plan each specific transfer station participating in the transfer system pursuant to the plan inclusion criteria established by the County. In response, the County Freeholders adopted a plan amendment on September 16, 1992 and submitted it to the Department for review on January 5, 1993.

During Phase I operations, which commenced on May 1, 1991, acceptable waste was processed and baled at the five private transfer stations, loaded onto transport vehicles and transported by the BCUA's transportation and disposal contractor to the Essex County incinerator in the amounts necessary to comply with the monthly flow schedule outlined in the MOU. Any remaining waste, both baled and loose, was transported by the operators of the private facilities to the BCUA transfer station in North Arlington. Further, all solid waste generated within the County and not specifically handled by one of the five private transfer stations was directed and delivered to the BCUA transfer station prior to out-of-state disposal.

Phase II operations, which are currently in effect, commenced on May 18, 1992 when the DEPE issued another ERO which specified that 250,000 tons per year of processible waste types 10 and 13 generated in Bergen County and processed at the five private transfer stations are to be transported directly to the Essex County incinerator. All remaining processible and nonprocessible waste types 10, 13, 23, 25 and 27 generated from within Bergen County and processed by the subject transfer stations which are not directed to the Essex County incinerator are to be transported by the BCUA's transport and disposal vendor directly from the private transfer station facilities to permitted out-of-state disposal facilities provided these waste types are baled or in AM-FAB slug form. Finally, all remaining non-baled waste types 10, 13, 23, 25 and 27 generated in Bergen County and processed at the private transfer stations are to be directed to the BCUA transfer station by the BCUA's vendor as well as the private facilities prior to transport to out-of-state disposal facilities.

Pursuant to the Bergen/Essex MOU, Phase II operations may end as early as May 18, 1993 or as late as March 1, 1994.

Issue: Transfer Station Capacities

As noted above, under the provisions of the Department's June 6, 1991 certification, the County was required to specifically identify those private transfer stations which met the County's system plan inclusion criteria and would participate in Phase I transfer operations. The County was ordered to submit an adopted amendment within 60 days or by August 5, 1991. On August 31, 1991, the BCUA submitted a draft amendment to the Department which had originally proposed County Plan inclusion of the above noted five qualified private transfer stations to participate in Phase II operations, as well as capacity expansions to each of the participating transfer stations. These expansions reflected pending applications previously submitted by those transfer stations to the Department and/or the BCUA. In this regard, conversations with the BCUA at that time indicated that the Department could expect a formal plan amendment submission addressing capacity expansions sometime during October, 1991. On September 26, 1991 the BCUA held a public hearing concerning the draft amendment. At that time, the DEPE's Division of Solid Waste Management was advised by the County that adoption of the subject plan amendment was imminent. However, the amendment was not actually adopted by the County until September 16, 1992 and was not received as an administratively complete plan amendment submission for Departmental review until January 5, 1993.

While the original draft amendment had included proposed capacity expansions for the subject transfer stations, the adopted amendment indicated that the qualified private transfer stations participating in Phase II operations must operate at facility capacities which were currently included in their solid waste facility permits. In this regard, the following is a listing of existing permitted capacities for the DiBella Sanitation, Garofalo Recycling, Sal Car Transfer, National Transfer and United Carting transfer stations.

<u>Facility</u>	<u>Existing Permitted Capacity</u>
DiBella Sanitation, Inc.	200 tons per day (TPD)
Garofalo Recycling and Transfer	250 TPD
Sal Car Transfer Systems, Inc.	300 TPD
National Transfer	80 TPD
United Carting Company	600 tons per week

With the exception of the United Carting Company transfer station, which was given expansion authorization at the County planning phase in the February 6, 1991 amendment to the County Plan and certified on July 29, 1991 as a 600 TPW facility, the County Plan and subject plan amendment do not include any other facility capacity expansions. Therefore, as noted in Section C., pending the inclusion of the capacity expansions in the County Plan, the transfer stations must operate at their previously permitted capacities. Also, since the subject plan amendment did not clearly state and notice the proposed capacities for the expansion of the five private transfer stations and the capacity of the BCUA transfer station, the County Freeholders are directed within Section C. to adopt and submit to the Department a subsequent plan amendment within 90 days which includes any intended capacity expansions for DiBella Sanitation, Garofalo Recycling and Transfer, Sal Car Transfer Systems, Inc. and/or National Transfer following a properly noticed public hearing. This 90 day submission requirement is only applicable should the County Freeholders endorse capacity expansions. No submission is necessary if operations are to continue consistent with the capacities listed in the above table.

4. Issues of Concern Relative to the December 16, 1992 Amendment

Issue: Permit Requirements

With regard to the potential development of recycling centers, transfer station and compost facilities within the County, it is noted that these facilities are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits odors and other air contaminants which interfere with the enjoyment of life or property. Additionally, air pollution control permits are required for equipment used to vent a solid waste facility to the ambient atmosphere (N.J.A.C. 7:27-8.2(a)16). Stationary conveying equipment which causes fugitive emissions of air contaminants require air pollution control permits pursuant to the provisions of 7:27-8.2(a)11.

The amendment also indicates the County's intention to use existing transfer stations as recycling centers. Pursuant to current Department policy, solid waste facilities may require a recycling center approval prior to implementation of recycling activities at transfer stations. Each facility owner/operator must apply for and receive approval from the Department prior to adding recycling operations at their facilities.

Further, the amendment indicates the existence of sixteen (16) privately operated transfer stations in the County. However, the Division of Solid Waste Management records indicate twelve (12) transfer stations are currently in operation in the County, including the BCUA facility and the HMDC baler facility. Therefore, the County should provide clarification of its list of transfer stations currently operating in the County to the Director of the Division of Solid Waste Management in the form of a letter within thirty days of the date of this certification.

Also, the Department is currently reviewing a modification application of the BCUA transfer station permit to receive sludge (waste types 12 and 74) at the facility. However, this intended use is not reflected in the subject plan amendment. Therefore, any modification of the existing transfer station permit to receive sludge at the facility must be preceded by modification of the County Plan.

Issue: County Response to Task Force Recommendations

The December 16, 1992 amendment indicates that source reduction, recycling and regionalization will be achieved through the following strategies:

Source Reduction

a. Waste Audits

The County proposes a two stage waste audit implementation procedure to provide a better accounting of the commercial solid waste stream including data relative to tonnage and composition, as well as providing the County with the ability for direct input into the development of recycling and source reduction programs in the business sector. The first stage of the program is the implementation of a pilot waste audit program which is intended to define the benefits, costs and staffing required for a full scale county-wide program. The County will select ten (10) Bergen County businesses to participate in the pilot program. The second stage of the waste audit program will be the implementation of a full scale county-wide program following an analysis of the pilot program. However, while the County has addressed its proposed waste audit procedure, as noted in Section C., the County is directed to submit a subsequent plan amendment within 180 days which provides a detailed schedule for implementation of both phases of their program. Further, it must be stressed that the Department's goal is to have waste audits conducted for county/municipal buildings and industries with more than 500 employees by 1993, for industries with more than 250 employees by 1994, and for industries with more than 100 employees by 1995. These timeframes should be considered by the County in developing the schedule for the pilot and full-scale phases of their waste audit program.

b. Per Container Systems

The County is proposing to: develop and implement a pilot program for a generator-pay system; monitor the programs progress; collect all necessary data; and perform a complete and detailed analysis of the costs, reduction and expanded recycling associated with the program. In this regard, the County is exploring per container subscription rates which require individual generators to pay for the number of containers which are set out for disposal; container licenses which require individual generators to purchase a license for each container; and metered/tagged containers which may require individual generators to purchase a fixed number of tags which incorporate the cost of collection and waste disposal. The DEPE

notes that a Bergen County municipality, Midland Park, has an operating per container system. The County may, therefore, consider monitoring this existing program rather than developing a pilot program. As noted in Section C., the County is directed to submit a subsequent amendment within 180 days to either provide a specific schedule of activities for their proposed program or report back to the DEPE on its monitoring of the existing Midland Park per container program.

c. Yard Waste Management Practices

The County is proposing to implement four (4) programs to assist in the management of the County's yard waste. Specifically, the County proposes:

- (1) The development of an extensive educational campaign designed to bring the message of "Leave It on Your Lawn" to the homeowner. The program will utilize newspaper and billboard advertising and a brochure to inform the public of the benefits of both backyard composting and the practice of cut it and leave it;
- (2) The development of an aggressive marketing program to assist each municipality in obtaining a market for their collected grass;
- (3) The modification of the Municipal Recycling Assistance Program to provide for significant financial incentives for the implementation of grass recycling/composting programs; and
- (4) An amendment to the County Plan which will prohibit the disposal of grass clippings at solid waste disposal facilities.

Further, the BCUA has received approval from the Department to accept a limited volume of grass clippings at its compost facility at the Kingsland Park Landfill. Also, the Hackensack Meadowlands Development Commission (HMDC) has applied for permission to develop a vegetative waste composting facility at the site of the 1-E Landfill. It is anticipated by the County that these additional facilities will provide composting capacity for all seventy (70) Bergen County municipalities. In this regard, the County is directed within Section C. to submit a subsequent plan amendment within 180 days which considers development of specific schedules toward implementation of its comprehensive yard waste management program.

d. Household Hazardous Waste Collection Programs

The County is proposing to implement a permanent household hazardous waste collection program through the utilization of two (2) waste collection facilities to be located in northern and southern Bergen County. Following the establishment and permitting of the two (2) facilities, the County intends to collect for disposal paint, pesticides, herbicides, corrosives and cleaners, pool chemicals, aerosol cans, gasoline, solvents and thinners, varnishes and photographic chemicals. Additionally, the County will collect for recycling used motor oil, automotive batteries, household batteries and antifreeze. Within Section C., the County is directed to submit a subsequent amendment within 180 days which considers preparation of inventories of small quantity generators, analyzes how

household hazardous wastes are currently handled, identifies sites for the two proposed facilities, and specific schedules for program implementation. Also, further consideration should be given to expanding the existing service station collection of used motor oil to identify a network of County or municipally sponsored collection sites. The feasibility of incorporating used oil collection into curbside collection programs of recyclable materials should also be considered.

e. Procurement Policies

The County is proposing to develop "Source Reduction Procurement Guidelines" which will provide information for the procurement of products and/or services which help to achieve the source reduction and recycling goals of the County. The County is directed within Section C. to submit a subsequent amendment within 180 days which includes a schedule for development and distribution of the County's procurement guidelines. Also, in this regard, on April 22, 1993 Governor Florio signed P.L. 1993, Chapter 109 which establishes specific goals for the purchase of recycled paper and allows preferential purchase of recycled nonpaper finished products. Additionally, Executive Order No. 91 on the procurement of recycled products was signed by the Governor on May 3, 1993. The County should consider the scope of these state level programs, as well as the state's cooperative purchasing program and state distribution and support services program for recycled products, for application at the County level.

f. Educational Strategies

The County is proposing to develop four (4) programs to assist in its education efforts. These include: environmental shopping tours, advertising and promotional campaigns, school presentations and other civic oriented presentations. In this regard, the County's program should consider targeting businesses and institutions. Further, as noted in Section C., the County is directed to submit a subsequent amendment within 180 days which provides a schedule for developing and implementing its programs. Also, the County should consider incentive systems for community groups and the private sector toward achievement of the established recycling goals.

Recycling

a. Designated Recovery Target

The amendment formally adopts the State's policy of recycling 50% of the municipal waste stream and 60% of the total waste stream by December 31, 1995. The County is cognizant, however, that these figures are minimum goals. Data collected by the BCUA indicates the County having already achieved a 1991 total recycling rate of 50%. To reach a 60% total recycling rate by 1995, the County intends to implement programs which will increase the types and amounts of material recycled by mandating

additional materials, increasing public education and participation, developing monitoring systems for recyclables, implementing cooperative marketing programs, and expanding composting of the organic waste stream. As noted in Section C., the County is directed to submit a subsequent amendment within 180 days which provides timeframes for implementation of its programs to achieve its recycling targets.

b. Designation of Additional Materials

The amendment identifies materials to be recycled in addition to the County's previously designated materials. In the residential sector the previously designated recyclable materials are newspaper, glass beverage containers, aluminum cans, ferrous scrap and leaves. In the commercial sector the previously designated recyclable materials are corrugated, high-grade paper, glass and ferrous scrap. The County's additional designated materials include the recycling of white goods, tin cans and grass in the residential sector and white goods, aluminum cans, mixed paper and construction and demolition debris in the commercial sector. Pursuant to the amendment, each Bergen County municipality must amend its recycling ordinance to include the additional mandatory materials within one year of the date of the certification. The County should require the municipalities to amend their recycling ordinances within six months in order to attain and/or exceed the designated 50% and 60% recycling rates as soon as possible. The County should also consider mandating additional recyclables within both the residential and the commercial sectors for the same purpose.

c. Public Education

The amendment outlines the County's intentions to continue to expand its recycling education efforts in schools and throughout the public and private sectors of the County. More specifically, the County plans to:

- (1) Publish a newsletter (Recycling Bin) to be distributed to all municipalities, libraries and other public areas. To expand upon this program, the BCUA is researching the possibility of expanding the distribution of the newsletter;
- (2) Continue to conduct presentations throughout Bergen County school districts for grades K-12 which stress the importance of recycling and source reduction as a solid waste management strategy;
- (3) Continue to outreach local senior citizens organizations and other community groups, via a Speakers Bureau, to stress the importance of recycling and source reduction;
- (4) Revise its Recycling Brochure for distribution to the public;
- (5) Continue to implement and develop its annual recycling sculpture contest;

- (6) Continue to publish periodic advertisements and distribute press releases regarding recycling and source reduction to local newspapers;
- (7) Sponsor a video tape contest among Bergen County High School students. Prizes will be awarded to the best videos which proclaim the message of recycling and source reduction;

As noted in Section C., the County is directed to submit a subsequent amendment within 180 days of this certification which includes associated timeframes for implementing its comprehensive public education programs and the anticipated frequency of its efforts.

d. Monitoring and Compliance of Mandatory Recycling

In February 1990 the BCUA implemented a program to enforce the County's Recycling Plan. The goal of the program is to inspect each commercial establishment and multi-family dwelling in the County and determine compliance with local and county recycling requirements, distribute recycling information and provide program assistance as necessary, ascertain that the required tonnage documentation is being forwarded to the respective municipality, and provide a recycling "reminder" and a constant "presence" in the communities.

Through a series of four (4) inspections and continuous progress reports to the local recycling coordinator, mayor and council, this program has significantly contributed to the County's increasing recycling rate. Although this program was not designed to be punitive in nature, should inspections and warnings go unheeded, the BCUA will issue the appropriate fines and penalties. In this regard, the County should also consider incentives to commercial/institutional establishments and multi-family dwelling units with the highest recycling rates. These might include financial incentives such as tax credits, financial awards from existing recycling funds, and recognition from County officials.

e. Cooperative Market Program

In an effort to assist the County municipalities in the marketing of recyclable materials, the BCUA currently operates a pilot materials recovery operation at its transfer station/baler facility in North Arlington to recover and process for market: corrugated cardboard, scrap metal and wood. Further, following the completion of the pilot program, the BCUA intends to receive source separated wood waste, corrugated cardboard, newspaper, magazines, tin cans, automobile tires, and scrap metal at its facility. It is the intent of the BCUA to receive these materials from municipalities, process them for market (baled if appropriate) and deliver them in large quantities to markets.

However, as noted in Section C., the long-term utilization of this transfer station/baler facility as a materials recovery facility to process Class A and B material must be preceded by the amendment of the County Plan as well as by the receipt of all applicable DEPE approvals.

f. Expanded Composting

In order to achieve the highest recycling rate possible, the County has focused on the composting of material other than leaves and grass. In this regard, the County is proposing the development of a regional "in vessel" composting facility to compost organic paper waste and food waste. It is anticipated that the development of this facility will aid the County in achieving a minimum recycling rate of 60%, provide for the disposal of a portion of the organic and food waste streams in the most environmentally sensitive manner, and provide the County with increased in-county disposal capacity. The County also plans to initiate discussions with other counties regarding the potential regionalization of the proposed facility once the project is further along in its development. As noted in Section C., the County is directed to submit a subsequent amendment within 180 days to include a schedule for the site selection for this proposed facility. Further, the utilization of this facility must be preceded by the County Plan inclusion of a specific site location as well as the receipt of all applicable DEPE approvals.

g. Blanket Inclusion Policies

A blanket plan inclusion policy for recycling centers and recycling markets which will establish procedures by which needed facilities and markets and minor program policies can gain expedited County Plan inclusion should be considered by the County in a subsequent plan amendment submission. The Department will supply the County with a model blanket recycling center plan inclusion amendment which has been certified by the Department for other counties utilizing this mechanism. Further, in the DEPE's September 19, 1983 certification of the County's January 19, 1983 amendment, a blanket compost facility inclusion policy was approved. Since that time, many counties have adopted and the DEPE has approved more updated, comprehensive blanket inclusion policies. The Department will supply the County with the current DEPE standards on the blanket plan inclusion of compost facilities. The County should consider revising its former blanket inclusion policy for compost facilities to reflect the current DEPE standards for such procedures. Staff of the DEPE will be available to assist the County in revising this policy.

h. Cost for Implementing the 60% Recycling Strategy

The amendment does not indicate a projected cost for developing the many programs necessary to implementing the County's recycling strategy. The County should prepare such an estimate and include it in a subsequent plan amendment submission.

i. Private Sector Involvement

Successful recycling plan implementation will involve a substantive role by the private sector. The County should consider the development of private sector incentive programs which foster creative planning approaches and promote competition. The Department staff is available to work with the County in developing private sector recycling plans.

Regionalization

As previously noted above, the County intends to develop a regional organic waste paper and food waste compost facility which will assist the County in its pursuit of a minimum 60% recycling rate. Also, the amendment supports the efforts of the HMDC to site a nonprocessable waste landfill and bulky waste processing facility to address the needs of the northern solid waste districts.

However, the County lacks any in-county disposal capacity and is currently delivering waste to the Essex County incinerator and permitted out-of-state disposal facilities. Although the amendment indicates that the BCUA and Essex County have commenced negotiations regarding a long-term regional agreement, no long-term agreement currently exists between Bergen and Essex Counties for the continued shared use of the Essex County incinerator.

Further, on October 24, 1991, the BCUA entered into an MOU with the Union County Utilities Authority (UCUA) which provided for Bergen County's utilization of the Union County incinerator currently under construction in Rahway, New Jersey. An interdistrict agreement/contract was later entered into between the BCUA and UCUA which provides for 150,000 tons per year of acceptable waste to be directed to the Union County incinerator for a period of twenty (20) years, once operational. However, as noted in Section C. the interdistrict agreement between the UCUA and the BCUA must be submitted to the Department in the form of a plan amendment within 180 days for certification by the Commissioner.

Finally, the DEPE notes that while the Union agreement is significant toward achieving self-sufficiency, Bergen County has no current disposal plan for large quantities of its waste stream. Negotiations with Essex and any other counties with long-term capacity must be expedited, particularly in light of the termination of existing regional arrangements as early as May 18, 1993 or as late as March 1, 1994. Therefore, as noted in Section C., the County must submit within 180 days in a subsequent plan amendment a status report on negotiations toward long-term in-state capacity use for the incinerator not covered under the Union agreement.

Issue: Long-Term Management Plan

On January 10, 1991, the BCUA voted to cancel its contract with American Ref-Fuel, the County's vendor for construction of a waste to energy incinerator. Further, a landfill site located in North Arlington, and certified by the Department on March 17, 1988, which was planned to accept ash from the canceled incinerator project is of very limited size and capacity.

Therefore, as noted above under the Regionalization section, to provide disposal capacity the County has developed a long-term management strategy which entails the utilization of the Union County incinerator for the long-term for a portion of its processible waste stream. Further, the

County supports the efforts of the HMDC to site a nonprocessable waste landfill and a bulky waste processing facility which could accommodate significant amounts of Bergen County's nonprocessable waste stream. Finally, the County supports self-sufficiency and indicates that out-of-state disposal will be viewed only as a contingency option.

While the long-term management plan is approved as a general strategy, it is far too general. Therefore, as noted in Section C. within 180 days in a subsequent plan amendment submission, the County must specifically define its long-term plan with a capacity analysis indicating waste types and amounts that could be processed/disposed of at each identified facility. In addition, as mentioned above under the Regionalization section, the County must also provide within 180 days in a subsequent plan amendment submission a status report on in-state capacity negotiations.

Issue: Waste Management Hierarchy

The plan amendment endorses the following solid waste management hierarchy as outlined in the Task Force Final Report. Specifically, the County intends to:

- a. Develop and implement source reduction programs to achieve a capping of the total waste generated within five years and to reduce the total amount of waste generated within ten (10) years;
- b. Develop and implement recycling programs to enhance and expand upon the current programs in place in the County to achieve the recycling of at least 50% of the municipal and vegetative waste streams and the recycling of at least 60% of the total waste stream by December 31, 1995;
- c. Develop and implement composting capacity to provide for the composting of those portions of the solid waste and vegetative streams which are subject to composting, and to provide for in-county disposal capacity;
- d. Develop and implement the required agreements and/or contracts which provide for the utilization of a portion of a regional incinerator on a long-term basis;
- e. Develop and implement the required agreements and/or contracts which provide for the utilization of a portion of regional landfilling capacity for the disposal of nonprocessable, nonrecyclable, bypass, and/or incinerator ash; and,
- f. Develop and implement the agreements and/or contracts necessary which provide for contingency disposal capacity.

As noted in Section C. of this certification, the general strategy adopted by the County Freeholders for addressing the Task Force recommendations concerning source reduction, recycling, and regionalization is approved. However, the above noted specific areas of source reduction, recycling, and regionalization and the long-term management plan should be considered by the County in further refinement and development of its solid waste program in a subsequent plan amendment to be submitted within 180 days. Staff at the DEPE will be available to discuss the preceding comments and to work with the County to structure future plan amendment submissions.

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 September 16, 1992 and December 16, 1992 amendments to the approved County Plan and certify to the County Freeholders that the September 16, 1992 and December 16, 1992 amendments are approved as further specified below.

1. September 16, 1992 Amendment

The County Plan inclusion of the five private qualified transfer stations and the BCUA Baler/Transfer Station for the continuation of the direct haul Phase II transfer operations and waste flows to the Essex County incinerator and permitted out-of-state disposal facilities (at existing permitted capacities) until March 1, 1994 as per the conditions of the MOU between Bergen and Essex Counties is approved as further specified below.

As noted in the amendment, with the continuation of Phase II, all baled waste processed at the below listed private transfer stations will be loaded onto transport vehicles and transported by the BCUA's vendor to the Essex County incinerator and/or directly to permitted out-of-state disposal facilities in accordance with the waste flow prioritization detailed below. Any waste handled by the below listed private transfer stations which is not baled will be transported by the operators of the private transfer stations to the BCUA's Transfer Station/Baler Facility located in North Arlington prior to out-of-state disposal.

The following list of transfer stations represents those transfer stations located in Bergen County which are currently qualified to participate in Phase II operations as well as the capacities for which they are currently permitted. These private transfer stations must operate pursuant to all permits, approvals, certificates and/or registrations issued by the Department.

Current Qualified Private Transfer Stations

- * DiBella Sanitation Inc., Block 1802, Lots 6 and 7, Park Ridge, New Jersey; 200 tons per day (TPD) of waste types 13, 23 and 27;

- * Garofalo Recycling and Transfer, Block 48, Lot 16, Block 34, Lot 41 and Block 52, Lot 46, Garfield, New Jersey; 250 TPD of waste types 10, 13 and 27;
- * Sal-Car Transfer Systems, Inc., Block 1209, Lot 10, Hillsdale, New Jersey; 300 TPD of waste types 10, 13, 23 and 27;
- * National Transfer, Block 169B, Lots 21A-21E, Lodi, New Jersey; 80 TPD of waste types 10, 13, 23 and 27; and
- * United Carting Company, Inc., Block 74, Lot 4, Fairview, New Jersey; 600 tons per week of waste types 10, 13, 23 and 27.

BCUA Baler/Transfer Facility

- * BCUA baler/transfer station, 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 and 11-16 inclusive; 5000 TPD of waste types 10, 13, 23, 25 and 27.

Since the BCUA Rules and Regulations for Operations of the Solid Waste System require that only baled or AM-FAB slug waste will be transported via the BCUA's transportation and disposal contractor to the Essex County incinerator and/or permitted out-of-state disposal facilities, waste not baled or processed into AM-FAB slug form must be transported and disposed of at the BCUA Transfer Station/Baler Facility.

In general, waste type 10 in most cases is capable of being baled/AM-FAB slug and, therefore, would under Phase II operations be transported directly to the Essex County incinerator to satisfy the monthly flow requirements and, if such exceeds the quota, would be transported directly out-of-state.

Waste types 23 and 25, to the extent they can be baled and would be determined to be "acceptable waste" under the definition contained in the Essex/Bergen MOU, would also be transported either directly to the Essex County incinerator or out-of-state. Waste types 13 and 27, if not capable of being baled/AM-FAB slug, will be transported to the BCUA Transfer Station/Baler Facility.

Acceptable waste handled at the BCUA facility would be disposed of at the Essex County incinerator if the waste flow from the private transfer stations was not sufficient to meet the monthly flow requirements, or in the alternative, would be transported to permitted out-of-state disposal facilities.

Phase II Waste Flow Summary

In summary, 250,000 tons per year of processible solid waste types 10 and 13 generated within Bergen County and currently processed at the qualifying private transfer facilities and the BCUA facility, to the extent necessary, shall be transported directly to the Essex County incinerator by the BCUA's transport and disposal contractor in accordance with the following schedule contained in the aforementioned April, 1991 MOU.

January	22,000 tons	July	23,000 tons
February	20,000 tons	August	20,000 tons
March	19,000 tons	September	20,000 tons
April	22,000 tons	October	23,000 tons
May	20,000 tons	November	20,000 tons
June	21,000 tons	December	20,000 tons

All remaining processible and nonprocessible waste types 10, 13, 23, 25 and 27 generated within Bergen County, not directed to the Essex County incinerator and handled by the private transfer stations, shall be transported directly from each of the private facilities to permitted out-of-state disposal facilities by the BCUA's transport and disposal contract providing these waste types are placed in baled or AM-FAB slug form.

All remaining non-baled solid waste types 10, 13, 23, 25 and 27 generated within Bergen County shall be transported to the BCUA facility for processing prior to transport, to permitted out-of-state disposal facilities by the BCUA's transport and disposal contractor.

As noted in Section B., the plan amendment indicates that the qualified private transfer stations participating in Phase II operations must operate at the facility capacities which are currently included in the County Plan and consistent with existing permits. In this regard, DiBella Sanitation, Garofalo Recycling, Sal Car Transfer, and National Transfer currently have expansion applications pending before the Department. However, until any capacity expansions are included within the County Plan, the transfer stations must operate at their previously permitted capacities. Therefore, since the subject plan amendment did not clearly state and notice the proposed capacities for the expansion of the five private transfer stations and the capacity of the BCUA transfer station, the County Freeholders are herein directed as noted in Section B. to within 90 days adopt and submit to the Department a subsequent plan amendment which includes the intended capacity expansions for DiBella Sanitation, Garofalo Recycling and Transfer, Sal Car Transfer Systems, Inc. and/or National Transfer following a properly noticed public hearing. This 90 day submission requirement is only applicable should the County Freeholders endorse capacity expansion. No submission is necessary if operations are to continue consistent with the transfer stations existing capacities.

2. December 16, 1992 Amendment

Task Force Recommendations

Source Reduction

a. **Waste Audits**

The County's two stage waste audit implementation procedure as described in Section B. is approved. However, as noted in Section B., the County is directed to provide within 180 days in the required subsequent plan amendment submission a detailed schedule for implementation of both phases of their program and for conducting waste audits for county/municipal buildings and industries with more than 500 employees, more than 250 employees, and finally 100 employees.

b. **Per Container Systems**

The County's proposal to develop and implement a pilot program for a generator-pay system, monitor the programs progress, collect all necessary data and perform a complete and detailed analysis of the costs, reduction and expanded recycling associated with the program is approved. However, as noted in Section B., the County is directed to provide within 180 days in the required subsequent plan amendment submission either a specific schedule of activities for their proposed program or report back to the DEPE on its monitoring of the existing Midland Park per container program.

c. **Yard Waste Management Practices**

The County's proposal to implement four (4) programs to assist in the management of Bergen County's yard waste as described in Section B. is approved. Also, as noted in Section B., the County is directed to provide within 180 days in the required subsequent plan amendment submission schedules toward implementation of its comprehensive yard waste management program.

d. **Household Hazardous Waste Collection Programs**

The County's proposal to implement a permanent household hazardous waste collection program through the utilization of two (2) waste collection facilities to be located in northern and southern Bergen County as described in Section B. is approved. Also, as noted within Section B., the County is directed to provide within 180 days in the required subsequent plan amendment submission inventories of small quantity generators, analysis of how household hazardous wastes are currently handled, sites for the proposed facilities, and specific schedules for program implementation. Also, further consideration should be given to expanding the existing service station collection of used motor oil to identify a network of County or municipally sponsored collection sites. The feasibility of incorporating used oil collection into curbside collection programs of recyclable materials should also be considered.

e. Procurement Policies

The County's proposal to develop "Source Reduction Procurement Guidelines" which will provide information for the procurement of products and/or services which help to achieve the source reduction and recycling goals of the County is approved. However, as noted in Section B., the County is directed to provide within 180 days in the required subsequent plan amendment submission a schedule for development and distribution of the County's procurement guidelines.

f. Educational Strategies

The County's proposal to develop four (4) programs to assist in its education efforts is approved. These include: environmental shopping tours, advertising and promotional campaigns, school presentations and other civic oriented presentations. In this regard, the County's program should consider targeting businesses and institutions. Further, as noted in Section B., the County is directed to provide within 180 days in the required subsequent plan amendment submission a schedule for developing and implementing its programs. Also, the County should consider incentive systems for community groups and the private sector toward achievement of the established recycling goals.

Recycling

a. Designated Recovery Target

The County's goal to recycle 50% of the municipal waste stream and 60% of the total waste stream by December 31, 1995 is approved. However, as noted in Section B., the County is directed to provide within 180 days in the required subsequent plan amendment submission timeframes for implementation of its programs to achieve its recycling targets.

b. Designation of Additional Materials

The following comprehensive listing of designated recyclable materials to be source separated in the residential and commercial sectors is approved.

Residential

Newspaper
Glass beverage containers
Aluminum cans
Ferrous scrap
Leaves
White goods*
Tin cans*
Grass*

Commercial

Corrugated cardboard
High-grade paper
Glass beverage containers
Ferrous scrap
White goods*
Aluminum cans*
Mixed paper*
Construction and
demolition*

* To be mandated for recycling within one year of the date of this certification.

Accordingly, each Bergen County municipality must amend its recycling ordinance to include the additional mandatory materials within one year of the date of the plan amendment certification. Additionally, the County should consider mandating additional recyclables within both the residential and commercial sectors.

c. Public Education

The County's strategy to continue to expand its recycling education efforts in schools and throughout the public and private sectors of the County as described in Section B. is approved. As noted in Section B., the County is directed to provide within 180 days in the required subsequent plan amendment submission timeframes for developing its public education programs and the anticipated frequency of its efforts.

d. Monitoring and Submission Compliance of Mandatory Recycling

The County's goal to inspect each commercial establishment and multi-family dwelling in the County and determine compliance with local and county recycling requirements, distribute recycling information and provide program assistance as necessary, ascertain that the required tonnage documentation is being forwarded to the respective municipality, and provide a recycling "reminder" and a constant "presence" in the communities is approved. The County should also consider incentives to commercial/institutional establishments and multi-family dwelling units with the highest recycling rates.

e. Cooperative Market Program

Regarding the inclusion of a pilot materials recovery operation at the BCUA Transfer Station/Baler facility in North Arlington to recover and process for market corrugated cardboard, scrap metal and wood, the DEPE policy is that short-term pilot projects do not require County Plan inclusion. However, regarding this pilot project additional information is necessary concerning the specific aspects of the materials recovery program as well as its intended goals. Therefore, prior to conducting any pilot operations at the BCUA Transfer Station/Baler facility, the County must contact the Engineering Element of the DEPE's Division of Solid Waste Management for further discussions in this matter. Finally, as noted in Section B., the long-term utilization of this transfer station/baler facility as a materials recovery facility to process Class A and B materials must be preceded by the County Plan inclusion of this facility operation for this purpose as well as the receipt of all applicable DEPE approvals.

f. Expanded Composting

The County's proposal for the development of a regional "in vessel" composting facility to compost organic paper waste and food waste as described in Section B. is approved. As noted in Section B., the County

is directed to provide within 180 days in the required subsequent plan amendment submission a schedule for the site selection for the development of the proposed facility. Further, the utilization of this facility must be preceded by the County Plan inclusion of a specific site as well as the receipt of all applicable DEPE approvals.

Regionalization

As noted in Section B., the County identifies its efforts to regionalize in conformance with the Task Force Final Report. Specifically, the County intends to develop a regional organic waste paper and food waste compost facility which will assist the County in its pursuit of a minimum 60% recycling rate. Also, the County supports the efforts of the HMDC to site a nonprocessable waste landfill and bulky waste processing facility to address the needs of the northern solid waste districts. Finally, the BCUA has entered into a long-term agreement with the UCUA, to provide 150,000 tons per year of acceptable waste to the Union County incinerator once operational. While the regionalization strategy adopted by the County is approved, as noted in Section B. the County must provide within 180 days in the required subsequent plan amendment submission a status report on negotiations toward long-term in-state capacity use for the waste flow increment not covered by the Union agreement. Also, the interdistrict agreement between the UCUA and BCUA must be submitted to the Department in the form of a plan amendment for certification by the Commissioner within 180 days of this certification.

Long-Term Management Plan

While the long-term management plan as described in Section B. is approved as a general strategy, it is far too general. Therefore, as noted in Section B. within 180 days in the required subsequent plan amendment submission, the County must specifically define its long-term plan with a capacity analysis indicating waste types and amounts that could be processed/disposed of at each identified facility. In addition, as indicated above under the Regionalization section, this amendment must also include a status report on in-state capacity negotiations.

Waste Management Hierarchy

The County's solid waste management hierarchy as set out in Section B. is approved.

Deletion of Bergen County Incinerator

The County Plan deletion of a waste-to-energy incinerator located on Block 145, Lot 3 and Block 182, Lot 2 in the Borough of Ridgefield, Bergen County is approved.

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 these 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. 7:26-6, but are subject to regulation in accordance with 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 and -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of the Amendment

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. The Department has published a Statewide Solid Waste Management Plan, with appendices, which includes the Department'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 and Energy

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 September 16, 1992 and December 16, 1992.

5-28-93
DATE


SCOTT A. WEINER
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND ENERGY

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