



State of New Jersey
Department of Environmental Protection and Energy

Office of the Commissioner

CN 402

Trenton, NJ 08625-0402

Tel. # 609-292-2885

Fax. # 609-984-3962

Scott A. Weiner
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 25, 1991,
OCTOBER 16, 1991 AND NOVEMBER 27, 1991
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 plan at any time and, if found inadequate, a new plan must be adopted. The Bergen County Board of Chosen Freeholders (County Freeholders) completed such a review and on September 25, 1991, October 16, 1991 and November 27, 1991 adopted amendments to its approved County Plan.

The September 25, 1991 amendment proposed a capacity expansion of up to a maximum of 600 tons per day for the United Carting Company, Inc.'s Transfer Station/Materials Recovery Facility located in the Borough of Fairview, Bergen County in accordance with existing and/or future permits/registrations issued by the Department of Environmental Protection and Energy (Department or DEPE). Also, the amendment requires the United Carting facility to provide the BCUA with documentation detailing its recycling efforts on a quarterly basis, utilizing forms provided by the BCUA. The inclusion of the capacity expansion of the United Carting facility in the County Plan was pursuant to DEPE's July 29, 1991 certification of the February 6, 1991 amendment to the Bergen County Plan, as further noted in Section C.1.

The October 16, 1991 amendment proposed the inclusion in the County plan of the utilization of Bird Compost Management, Inc. located in Monroe County, Pennsylvania as a vegetative waste and source separated recyclable food waste composting facility/market for waste generated within Bergen County. Also, the amendment requires that Bird Compost Management, Inc. provide the BCUA with documentation detailing the tonnage of waste accepted from Bergen County on a quarterly basis, utilizing forms provided by the BCUA.

The November 27, 1991 amendment proposed the inclusion in the County plan of the Mahwah Township municipal leaf composting facility located at Block 13, Lot 17 in Mahwah, Bergen County.

The amendments were received by the Department on October 21, 1991 and December 23, 1991 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 25, 1991, October 16, 1991 and November 27, 1991 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 September 25, 1991, October 16, 1991 and November 27, 1991 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 conjunction with the review of the 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 were the following:

Division of Environmental Quality, DEPE
Division of Coastal Resources, DEPE
Division of Parks and Forestry, DEPE
Division of Fish, Game and Wildlife, DEPE
Division of Solid Waste Management, DEPE
Green Acres Program, DEPE
Groundwater Quality Management Element, DEPE
Wastewater Facilities Regulation Element, 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 25, 1991, October 16, 1991 and November 27, 1991 Amendments

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

Division of Environmental Quality, DEPE
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 Community Affairs
U.S. Environmental Protection Agency

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

Division of Coastal Resources, DEPE
Groundwater Quality Management Element, DEPE
Wastewater Facilities Regulation Element, DEPE
Department of Health
Department of the Public Advocate

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

Division of Solid Waste Management, DEPE
Department of Transportation

2. Issues of Concern Regarding the September 25, 1991, October 16, 1991 and November 27, 1991 Amendments

Issue: Technical Requirements

Since Bergen County currently disposes of approximately 20,000 tons per month of solid waste at the Essex County Incinerator Facility, the County must identify in a letter to the Division of Solid Waste Management, the specific source of the vegetative and or source separated recyclable food waste to be processed at the Bird Compost Management facility. This should include identification of the exact percentage of food waste to be removed in order to determine the impact to the heating value of the waste to be burned at the incinerator. In addition, the County should identify the method for informing food waste generators of the option to use Bird Compost, including a description of how the materials will get to the facility. Finally, confirmation that the facility has received official approval from the Pennsylvania Department of Environmental Resources (DER) to accept food waste must be made to the County and DEPE prior to utilization by the County. Although Bird Compost is a permitted vegetative waste compost facility and has made application to the DER to accept food waste, the facility has not yet been permitted to accept food waste.

Finally, it has not yet been determined that sufficient space exists on site for United Carting transfer station to conduct a larger operation. However, this issue is more appropriately addressed during the Department's technical phase of the permit review process. The County Freeholders and applicant are notified of these comments and requirements.

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

I, Scott A. Weiner, Commissioner of the Department, 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, have reviewed the September 25, 1991, October 16, 1991 and November 27, 1991 amendments to the approved County Plan and certify to the County Freeholders that the September 25, 1991, October 16, 1991 and November 27, 1991 amendments are approved as further specified below.

1. September 25, 1991 Amendment

The inclusion in the County plan of a capacity expansion of up to a maximum of 600 tons per day for the United Carting Company, Inc.'s Transfer Station/Materials Recovery Facility, at 61 Broad Avenue on Block 74, Lot 4, in the Borough of Fairview, in accordance with existing and or future permits/registrations issued by the DEPE is approved. However, this certification shall not be construed as authorizing United Carting to expand its operations beyond its currently permitted capacity until such time as a new solid waste facility permit is issued by the Department for an expanded operation of up to a maximum of 600 tons per day. Further, in accordance with the plan amendment, the United Carting Company, Inc. Transfer Station/Materials Recovery Facility shall provide the BCUA with

documentation detailing its recycling efforts on a quarterly basis utilizing the forms provided by the BCUA. Prior to use of the forms, however, the BCUA must forward copies to the Department to gain approval to ensure consistency statewide in data collection and management. The inclusion of this capacity expansion in the County plan is pursuant to the DEPE's July 29, 1991 certification of Bergen County's Solid Waste Management Plan of February 6, 1991.

The operation of this facility shall be in conformance with Departmental regulations and guidelines. The construction and operation of such facilities shall be preceded by the acquisition of all necessary permits and approvals as per 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.

2. October 16, 1991 Amendment

The inclusion in the County plan of Bird Compost Management, Inc. located at Long Pond Road, Long Pond, Monroe County, Pennsylvania to be utilized by Bergen County as a vegetative waste and source separated recyclable food waste composting facility/market is approved. Further, in accordance with the plan amendment, in order for Bird Compost to accept Bergen County waste, it must operate pursuant to applicable approvals and permits by the Pennsylvania Department of Environmental Resources and any other regulatory agencies exercising jurisdiction. In addition, Bird Compost Management, Inc. shall provide the BCUA with documentation detailing the tonnage of waste accepted from Bergen County on a quarterly basis utilizing the forms provided by the BCUA. Prior to use of the forms, however, the BCUA must forward copies to the Department to gain approval to ensure consistency statewide in data collection and management.

Since Bergen County currently disposes of approximately 20,000 tons per month of solid waste at the Essex County Incinerator Facility, the County must identify in a letter to the Division of Solid Waste Management, the specific source of the vegetative and or source separated recyclable food waste to be processed at the Bird Compost Management facility. This should include identification of the exact percentage of food waste to be removed in order to determine the impact to the heating value of the waste to be burned at the incinerator. In addition, the County should identify the method for informing food waste generators of the option to use Bird Compost, including a description of how the materials will get to the facility. Finally, confirmation that the facility has received official approval from the Pennsylvania Department of Environmental Resources (DER) to accept food waste must be made to the County and DEPE prior to utilization by the County. Although Bird Compost is a permitted vegetative waste compost facility and has made application to the DER to accept food waste, the facility has not yet been permitted to accept food waste.

3. November 27, 1991 Amendment

The inclusion in the County plan of the Mahwah Township leaf compost facility located at Block 13, Lot 17 in Mahwah Township, Bergen County is approved.

The operation of this facility shall be in conformance with Departmental regulations and guidelines. Further, the construction and operation of such facilities shall be preceded by the acquisition of all necessary permits and approvals as per N.J.S.A. 13:1E-1 et seq., and all other applicable laws.

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.

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 and N.J.A.C. 7:26-1.4, -2.13 and 7:26A-1.3.

6. Effective Date of the Amendments

These amendments to the County Plan contained herein shall take effect immediately.

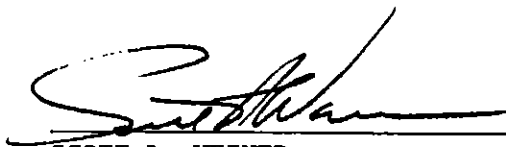
7. Reservation of Authority

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 25, 1991, October 16, 1991 and November 27, 1991.

Jan 28 1992
DATE


SCOTT A. WEINER
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND ENERGY