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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 THE OCTOBER 7, 1987
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 October 7, 1987 adopted an amendment to its approved district solid waste management plan.

As adopted the amendment proposed to:

1. Designate a residual landfill site in North Arlington;
2. Adopt a residual landfill development schedule;
3. Designate specific truck routes to the Bergen County resource recovery facility, to be located in the Borough of Ridgefield, Bergen County;
4. Designate properties to be used for site access to the resource recovery facility; and
5. Expand the site designation of the Cilano Transfer Station, located in South Hackensack Township, Bergen County.

The amendment was received by the Department of Environmental Protection on October 21, 1987 and copies were distributed to various state level agencies for review and comment, as required by law. The Department has reviewed this amendment, and has determined that the amendment adopted by the Bergen County Board of Chosen Freeholders on October 7, 1987 is 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 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 the October 7, 1987 amendment to the Bergen County District Solid Waste Management Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that this plan amendment is consistent 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. 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 Office of Recycling, 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 State Departments of Agriculture and Community Affairs, the Green Acres Program, and the New Jersey Advisory Council on Solid Waste Management. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Divisions of Water Resources and Coastal Resources; the State Departments of Health, Transportation and the Public Advocate; the Board of Public Utilities, and the U.S. Environmental Protection Agency. The Divisions of Environmental Quality, Parks and Forestry, Fish, Game, and Wildlife, the Office of Recycling, and the New Jersey Turnpike Authority submitted substantive comments which are addressed below.

The Division of Environmental Quality commented that landfills and transfer stations 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 and property. New and closed landfills should be equipped with positive ventilation systems, which direct landfill gases to air pollution control devices. These vents and devices require air pollution control permits pursuant to N.J.A.C. 7:27-8.2(a) 1 and 16. These regulations require permits for all stationary equipment used to ventilate a solid waste facility directly or indirectly to the ambient atmosphere. Transfer stations are also subject to N.J.A.C. 7:27-8.2(a)16 which requires air pollution control permits for any equipment which vents a solid waste facility directly or indirectly into the outdoor atmosphere. Such vents may require devices to control odors and other air contaminants. The Department responds by concurring with the Division of Environmental Quality and by way of this plan amendment certification, notifies Bergen County of the above mentioned requirements.

The Division of Parks and Forestry commented that there are no cultural resources listed in the State Register of Historic Places on the proposed North Arlington or Lyndhurst project sites. If the North Arlington project site possesses remaining intact land surfaces, it is extremely likely that it was an important locus of prehistoric use. The 1967 USGS map (Weehawken N.J. quadrangle) illustrates this piece of land rising in excess of ten feet out of the extensive adjacent Hackensack Meadows which encompasses the Hackensack River. The Division of Parks and Forestry questions what federal and state wetlands permitting will be necessary for this project in order to assess the applicability of Section 106 regulations and the state's prerogative to request an archaeological survey. However, no State Register resources have yet been identified within 2000 feet or more of the North Arlington or Lyndhurst sites. Presumably, the permanent and temporary construction access would not extend beyond this distance.

The Division of Parks and Forestry further commented that neither haul Routes 505 nor 507 are bordered by any State Register resources. Haul Routes 501, 109, and 111 each pass by several sites which are on the State Register of Historic Places, predominantly individual sites which are part of the Stone Houses of the Bergen County Thematic District. Route 503 also passes by numerous State Register sites including the Bergen County Courthouse Complex in Hackensack. Designated haul Route 9W borders the Palisades Interstate Park, and passes through it in a few locations. No State Register resources lie immediately adjacent to any of the limited access haul routes identified (e.g. Route 80 or the New Jersey Turnpike). Use of haul Route 505 rather than Route 501 would be preferable from the standpoint of State Register resources. In particular, if trucks can be routed so as not to pass through Rockleigh Historic District, this would be desirable. Further, it would be preferable for trucks to utilize the Garden State Parkway rather than haul Routes 109, 111, and 503. If this is not feasible, it is suggested that trucks exit Route 503 onto Routes 208/4 to avoid intrusion of additional truck traffic into downtown Hackensack where the Bergen County Courthouse Complex and other State Register resources are located. The Department responds that the determination of permits a project will require is identified in the Environmental and Health Impact Statement (EHIS). An EHIS for the residual

landfill has not yet been submitted. The comments concerning the haul routes will be forwarded to the county, by way of this certification, for their review and possible adoption in a subsequent amendment. However, it must be noted that it would be difficult to develop a practical haul route system that totally avoids all State Register resources. Also, the applicant must indicate within the EHS submission which federal and state wetlands permits will be necessary for this project.

The Division of Fish, Game, and Wildlife commented that the designated residual landfill site in North Arlington contains emergent wetlands as identified on the NWI (National Wetlands Inventory) map. The Division is opposed to wetlands filling. Wetland areas should be identified on site and avoided. Any wetland losses, after all alternatives/minimization procedures have been considered, must be mitigated. Site containment in such wetlands areas proximal to tidal surface water streams is also of paramount concern to the Division. These issues must be fully addressed in future environmental impact statements if pursued. The Department responds by concurring with the comments of the Division of Fish, Game and Wildlife concerning the designation of the residual landfill. The wetlands issue noted by the Division of Fish, Game and Wildlife will have to be examined as a part of the required Environmental and Health Impact Statement during the permit review process.

The Office of Recycling commented that at such time as the Bergen County District Solid Waste Management Plan is amended to incorporate the adopted and approved district recycling plan required pursuant to P.L. 1987, c. 102, section 3, the permittee for the Cilano Transfer Station shall be required to meet the requirements of the district recycling plan. The permittee shall provide an incoming waste inspection plan, submitted to and approved by the Department, which shall be used to insure that the material designated to be recycled in the approved Bergen County recycling plan shall not be disposed of as solid waste at the facility. Such incoming waste inspection plan shall include provisions whereby the permittee shall notify the designated county enforcement agency of violations of the source separation requirements of the district recycling plan. The Department concurs with the comments made by the Office of Recycling and, by way of this plan amendment certification, informs the transfer station owner/operator of the pending recycling requirements. The Division of Solid Waste Management notes that the Bergen County Board of Chosen Freeholders adopted a District Recycling Plan on January 27, 1988 and has submitted it to the Department for review and possible inclusion in the District Solid Waste Management Plan.

The New Jersey Turnpike Authority commented that the plan should note that egress from the resource recovery facility is to the northbound lanes of the Turnpike's easterly alignment. To the Turnpike Authority's knowledge, the location of the temporary access roads have not been resolved. Use of a turnpike ramp for entry to the site has recently been proposed, and is being investigated. The Department responds that plan inclusion of proposed access roads is one of the steps necessary to resolve the access designation issue. Should this proposed access road be nullified for any reason, a new access road would have to be proposed for inclusion into the district plan.

The Division of Solid Waste Management has reviewed the amendment and comments that the submittal of the subject amendment including the

designation of the residual landfill site, a schedule for landfill construction, the primary haulage routes to the proposed resource recovery facility, and the properties to be used for site access to the resource recovery facility, allowed the Division to complete its review and issue a solid waste facility permit for the Bergen County Resource Recovery Facility. The Division's review of the amendment indicated conformance with the resource recovery project as a whole. The various solid waste vehicle haulage routes are consistent with the routing plan identified in the solid waste facility application, and the properties identified for site access are also consistent with the application. The Division of Solid Waste Management further notes that the implementation of the residual landfill schedule has fallen behind target dates. However, this delay does not necessarily delay the final operational date of the landfill. Bergen County will be required to submit to the Department an updated schedule to reflect the revised implementation target dates, as further noted in Section C. below.

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 the October 7, 1987 amendment to the approved Bergen County District Solid Waste Management Plan and certify to the Bergen County Board of Chosen Freeholders that the October 7, 1987 amendment is approved as further specified below.

1. The inclusion within the district plan of the designation of the residual landfill site is approved. Specifically, the inclusion into the district plan of Block 191, Lot 1A, and Block 192, Lot 1, in the Borough of North Arlington, as the designated residual landfill, is approved. The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals under 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 provision of N.J.S.A. 13:1E-126 et seq.
2. The inclusion into the district plan of the Residual Landfill Activities Schedule is approved as modified herein. The proposed schedule anticipated freeholder adoption of this plan amendment, which designates a residual landfill, by March 1987. The proposed schedule projected the residual landfill to be operational in early 1990. However, the actual freeholder adoption date was October 7, 1987. Nonetheless, this delay can be made up during subsequent phases of the residual landfill development, thereby enabling Bergen County to have the residual landfill operational as originally projected. Therefore, Bergen County shall submit an updated schedule reflecting actual submittal dates and task completions to the Department as soon as possible.

3. The inclusion into the district plan of the primary haul routes to the proposed Bergen County resource recovery facility, as specified in Table 2 of the October 7, 1987 plan amendment, is approved.
4. The inclusion within the district plan of properties affected during construction of permanent and/or temporary access to the proposed resource recovery facility is approved. Specifically, the inclusion into the district plan of the temporary access roads on Block 4004, Lot 2; Block 4005, Lot 1; Block 4006, Lots 1,2,3; Block 4007, Lot 1; and Block 4010, Lot 2, in Ridgfield Borough, is approved. The inclusion into the district plan of the permanent access roads on Block 4004, Lot 2; Block 4005, Lot 1; Block 4006, Lot 1; Block 4007, Lot 1; Block 4010, Lots 1 and 2; Block 4011, Lot 1, and Block 4016, Lots 1 and 4, in Ridgefield Borough, is approved.
5. The inclusion in the plan of the expansion of the site designation for the Cilano Transfer Station, located in South Hackensack Township, is approved. Specifically, the Cilano Transfer Station was designated previously into the district plan on Block 24, Lot 31, in South Hackensack Township. The plan inclusion of the site expansion to include Block 24, Lot 28, and Block 20A, Lot 40, in South Hackensack Township, is approved. The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals under 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 provision 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. 7:26-2.13 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 amendment contained herein.

5. Definitions

For the purpose of this amendment and unless the context clearly requires a different meaning, the definitions of terms shall be the same as those found at N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-1.4 and -2.13.

6. Effective Date of Amendment

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

7. Reservation of Authority

Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Bergen County District

Solid Waste Management Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan. The Department has published a Statewide Solid Waste Management Plan with appendices which includes the Department's planning guidelines and rules, regulations, and orders of the Department, including the interdistrict and intradistrict waste flow rules, and also includes the compilation of individual district plans and amendments as they are approved.

E. Certification of 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 amendment as outlined in Section C. of this certification, to the Bergen County District Solid Waste Management Plan which was adopted by the Bergen County Board of Chosen Freeholders on October 7, 1987.

DATE

3/17/88



RICHARD T. DEWLING
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION