



State of New Jersey  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

OFFICE OF THE COMMISSIONER  
CN 402  
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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 16, 1985  
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 16, 1985, adopted an amendment to its approved district solid waste management plan which proposes to include nine (9) transfer stations into the approved district plan and allow the expansion of an existing station.

The amendment was originally submitted on November 8, 1985, but lacked site specific information. The complete package was submitted December 20, 1985 and copies were distributed to various state level agencies for review and comment, as required by law. The Department has reviewed this amendment, as well as the entire Bergen County District Solid Waste Management Plan, and has determined that the amendment adopted by the Bergen County Board of Chosen Freeholders on October 16, 1985 is approved in part and rejected in part 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 16, 1985 amendment to the Bergen County District Solid Waste Management Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that the portion of this plan amendment that is approved is fully consistent with the Statewide Solid Waste Management Plan. The rejected portion of this plan amendment which pertains to the inclusion into the plan of two out-of-district transfer stations is inconsistent with the objectives, criteria and standards developed in the Statewide Solid Waste Management Plan.

In addition, the Division of 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 N.J.D.E.P. Divisions of Coastal Resources and Parks and Forestry; the State Departments of Agriculture, Community Affairs and Transportation; the Green Acres Program, the Office of Recycling, the New Jersey Turnpike Authority, the Board of Public Utilities and the State Advisory Council on Solid Waste Management. The following agencies failed to respond to our requests for comment: The N.J.D.E.P. Division of Water Resources; the State Departments of Health, and the Public Advocate, and the U.S. Environmental Protection Agency. The DEP Divisions of Fish, Game and Wildlife and Environmental Quality submitted substantive comments which are further addressed below.

The Division of Fish, Game and Wildlife commented that four of the proposed transfer stations are located near trout-stocked recreational waterways. The Division of Environmental Quality commented that transfer stations are subject to the provisions of N.J.A.C. 7:27-5 Prohibition of Air Pollution, also N.J.A.C. 7:27-82 (a)16, which requires air pollution control permits for any equipment which vents a solid waste facility directly or indirectly into the outdoor atmosphere.

The Department acknowledges the concerns expressed by the Divisions of Fish, Game and Wildlife and Environmental Quality and notes that, as part

of the application package for the unregistered facilities, an Environmental and Health Impact Statement and engineering designs will be required to address these concerns prior to the issuance of any permits necessary for the operation of the transfer stations. Also, all facilities will be required to abide by the Department's regulations to ensure that the operation of these facilities will minimize degradation of the environment, including any recreational waterways that may be in the vicinity of the transfer stations.

The Division of Waste Management has conducted its own review of the amendment and the public hearing transcript and has inspected each of the sites outlined in Section C. below. A review of the public hearing transcript revealed that no public opposition was registered toward any of the sites. In addition, no obvious deficiencies were observed during these site visits to preclude the Department from certifying approval of the county's initiative to include these sites into the approved Bergen County District Solid Waste Management Plan except as noted in Section C. 2. 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 16, 1985 amendment to the approved Bergen County District Solid Waste Management Plan and certify to the Bergen County Board of Chosen Freeholders that the October 16, 1985 amendment is approved in part and rejected in part as further specified below:

1. The inclusion of the following transfer stations into the Bergen County District Solid Waste Management Plan is approved:

Joe DiRese and Sons, Inc. Transfer Station, located on Lot 2.03, Block 88, in the borough of Tenafly.

Glen Rock/Ridgewood Transfer Station, located on Lot 32, Block 95, in the borough of Glen Rock.

Cilano Transfer Station, located on Lot 31, Block 24, in the township of South Hackensack.

Miele Sanitation Transfer Station, located on Lots 18 and 19, Block 46, in the borough of Closter.

Albanese - PUC Transfer Station, located on Lot 3, Block 2214, in the city of Englewood.

Industrial Haulage Co., Inc. Transfer Station, located on Lot 16B, Block 233, in the township of Lyndhurst.

City of Englewood Transfer Station, located on Lot 1.01, Block 2411, in the city of Englewood.

The expansion of the Sal Car/<sup>1219</sup>Transfer Systems, Inc. Transfer Station, located on Lot 10, Block 1209, in the borough of Hillsdale, to include Lot 1B, Block 1211, in the same borough is approved.

<sup>Lot</sup>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. Inclusion in the plan as shown above gives no right to operate until such permits are issued. 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 licensure under the provisions of N.J.S.A. 13:1E-126 et seq.

2. The inclusion into the plan of the C. Pyskaty and Sons Transfer Station, located on Lot 2-1B, Block 4, in the town of Secaucus, Hudson County, and the Robros Recycling Corporation Transfer Station, located on Lots 11 through 26 and 37 through 59, Blocks 1602 and 1603, in Jersey City, Hudson County, is rejected. The rejection of the inclusion of these two out-of-county transfer stations is based upon the fact that the appropriate district plan in which a solid waste facility should be included is the plan of the district in which the facility is geographically located. However, the rejection of the inclusion of these two facilities into the Bergen County plan does not preclude the county from utilizing these (or any other) out-of-district transfer stations provided that the ultimate disposal of the waste is in compliance with the Interdistrict and Intradistrict Solid Waste Flow Rules.
3. The Department has reviewed the entire Bergen County District Solid Waste Management Plan, including this amendment, to determine whether the plan fulfills the requirements set forth in N.J.S.A. 13:1E-21. This review indicates that Bergen County, which is a party to an Administrative Consent Agreement, has not designated an interim/residual landfill which will be necessary to meet the county's disposal needs after the Kingsland Park Extension Landfill reaches capacity and for residual waste disposal after the resource recovery plant becomes operational. This deficiency in the plan must be addressed expeditiously in order to avert a disposal crisis in the very near future. Therefore, in Section E. of this certification, Bergen County is ordered within ninety (90) days of the date of this certification to designate an interim/residual landfill site which will be necessary to meet the county's disposal needs after December 1987.

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, 10, 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 and pursuant to N.J.S.A. 13:1E-24C. and F., the county shall proceed with the implementation of the approved sections of the amendment contained herein.

5. Definitions

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

6. Effective Date of Amendment

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

7. Reservation of Authority

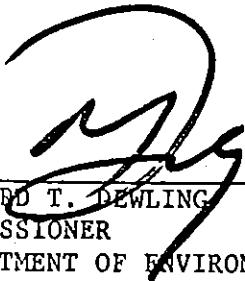
Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Bergen County District Solid Waste Management Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan. The Department has published a Statewide Solid Waste Management Plan with appendices which includes the Department's planning guidelines and rules, regulations, and orders of the Department, including the interdistrict and intradistrict waste flow rules, and also includes the compilation of individual district plans and amendments as they are approved.

E. Certification of Approval in Part and Rejection in Part of the Amendment and Notification of Deficiencies 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 in part and reject in part the amendment as outlined in Section C. of this certification, to the Bergen County District Solid Waste Management Plan which was adopted by the County Board of Chosen Freeholders on October 16, 1985 and further direct the Bergen County Board of Chosen Freeholders to remedy the deficiency outlined in Section C. of this certification and designate an interim/residual landfill within ninety (90) days of the date of this certification.

DATE

5/15/86

  
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RICHARD T. DEWLING  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION