

10/31/80



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER
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(IN THE MATTER OF THE ADOPTED AND)
(MODIFIED SOLID WASTE MANAGEMENT)
(PLAN OF THE BERGEN COUNTY SOLID)
(WASTE MANAGEMENT DISTRICT)

CERTIFICATION OF APPROVAL
WITH MODIFICATION OF THE
BERGEN COUNTY DISTRICT
SOLID WASTE MANAGEMENT PLAN

10/1/80

BY ORDER OF THE COMMISSIONER:

A. Introduction

The New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq. as amended by C. 326, Laws of 1975) determines, among other things, "...that the management of solid waste in New Jersey consists largely of piecemeal, uncoordinated activities developed to meet the immediate needs of local government with little, if any, regard for regional planning and coordination..." and that "...the solid waste planning and management process is adversely affected by the absence of area-wide structures..." The Act addressed these and other findings by establishing "...a statutory framework within which all solid waste collection, disposal and utilization activity..." in New Jersey would be coordinated. This framework includes the designation of each of New Jersey's twenty-one counties and the Hackensack Meadowlands District as a Solid Waste Management District. Each District is authorized, either singly or jointly with one or more other Districts, to formulate and develop a comprehensive Solid Waste Management Plan. Following development, the resulting Plan is submitted by the District to the public for comment at an informational hearing. Thereafter, the District must adopt or reject, in whole or in part, the Solid Waste Management Plan.

After adoption of a Plan in whole or in part by a District, the Plan is then submitted to the Commissioner of the Department of Environmental Protection for review and final approval. The Commissioner has authority to modify, reject or approve such Plans and, in the final analysis, the Commissioner is authorized to adopt and promulgate any modification or replacement she deems necessary with respect to the Solid Waste Management Plan.

In order to establish a meaningful and responsible role for the State in the solution of solid waste problems, the Act grants broad powers to the Department of Environmental Protection. This includes the power "...to regulate and supervise all solid waste collection and disposal facilities and operations...", "...to register all persons engaged in the collection or disposal of solid waste...", "...to develop through a Statewide solid waste management plan objectives, criteria and procedures to assure the orderly preparation and evaluation of the [district] solid waste management plans...", "...to approve, modify or reject such solid waste management plans on the basis of their conformity with such objectives, criteria and

procedures...", and "...to develop and implement such a plan where none is approved or forthcoming from any solid waste management district...."

Specifically, the solid waste planning process includes five stages. These include the promulgation of guidelines by the Department of Environmental Protection, Plan formulation by the Districts, public hearings on the Plans developed by the Districts, adoption of the Plan by the District, and approval, rejection or modification of the Plan by the Department of Environmental Protection.

At the beginning of the planning process, the Department of Environmental Protection set forth guidelines for the formulation and development of District Solid Waste Management Plans.* The guidelines contain planning objectives, planning schedules and specific tasks to be addressed in the planning process. The objectives identified in the guidelines include the protection and enhancement of environmental quality and the conservation of natural resources. Through these objectives, the Department encouraged District Plans which would provide for the termination of existing solid waste disposal operations which cannot be upgraded to meet environmental standards, the provision of alternative services and facilities capable of meeting environmental standards and conservation of natural resources by the implementation of waste reduction techniques and resource recovery systems.

In order to achieve these objectives, the Department of Environmental Protection has and continues to encourage the development of a comprehensive regional scheme to ensure recovery systems and environmentally sound disposal facilities. To this end, the Commissioner of the Department of Environmental Protection, after study and review, issued a Certification of Modification to the Adopted Solid Waste Management Plan of the Bergen County Solid Waste Management District on May 1, 1980. The Certification required the Bergen County Solid Waste Management District to, among other things, develop a schedule for resource recovery implementation and negotiate interdistrict agreements with other Solid Waste Management Districts to provide those Districts with additional disposal capacity.

On October 1, 1980, the Bergen County Board of Chosen Freeholders formally adopted modifications to the District's Plan. The modifications were received by the Department of Environmental Protection on August 11, 1980.** The Department of Environmental Protection has studied and reviewed the Plan and its modifications in accordance with the Solid Waste Management Act. Based on the results of this review and evaluation, I have determined that the Bergen County District Solid Waste Management Plan be granted approval as amended by the modifications adopted herein and promulgated by me (see N.J.S.A. 13:1E-24).

*"Guidelines for the Development and Formulation of District Solid Waste Management Plans," New Jersey Department of Environmental Protection, Solid Waste Administration (Trenton, August 1977).

**Although the modifications were received on August 11, 1980, the Department did not begin its thirty day review until the modifications were officially adopted by the Bergen County Board of Chosen Freeholders on October 1, 1980.

B. Solid Waste Management Plan Accomplishments

The Bergen County District Solid Waste Management Plan has been reviewed by the Department of Environmental Protection and other State-level agencies and, with the District's adopted modifications along with the replacement modifications herein set forth, provides for environmentally sound solid waste management in Bergen County. I am confident that with the implementation of this Plan, a comprehensive solid waste management program will be established in Bergen County.

The Plan contains a resource recovery implementation schedule that projects a 3000 tons per day resource recovery facility to be on line by 1985 near the Bergen County Utility Authority (BCUA) waste water treatment plant. Although I have modified the schedule to conform with the more optimistic schedule prepared by the Hackensack Meadowlands Development Commission (HMDC) for the same facility, I believe that the County, in cooperation with the HMDC, can construct the resource recovery facility by 1983.

The Plan contains provisions for the development and expansion of source separation/recycling programs throughout the County. A guide for the establishment of source separation programs in those municipalities where none currently exist is provided along with a partial list of secondary material merchants.

The Plan also includes a solid waste transfer station feasibility study which concludes that the implementation of a transfer station in either Allendale or Ramsey would greatly benefit the northwestern section of the County.

In addition, the Plan recognizes the need to uniformly distribute disposal cost throughout the District so as to reflect the environmental costs of improving solid waste facilities, encourage the development of resource recovery alternatives and provide for the orderly flow of waste.

The Plan recognizes the Bergen County Utility Authority as the County's designated lead agency to direct resource recovery planning efforts and work with the HMDC to design and construct the joint County/HMDC resource recovery facility. Also, in the intervening period between now and the first update of the Bergen County and HMDC District Solid Waste Management Plans, the HMDC and the County should negotiate an agreement to jointly develop the next update of their Plans.

C. Approved Bergen County District Solid Waste Management Plan

I, Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq., do hereby approve the following key elements of the adopted Bergen County District Solid Waste Management Plan and Modifications adopted by the Bergen County Board of Chosen Freeholders on October 1, 1980.

1) Data Base

The basic data utilized in the Plan is approved. However, as further data, particularly in the area of solid waste generation and composi-

tion becomes available as part of the District's resource recovery feasibility studies, such data will supercede existing data, and be made part of any Plan revision or update.

2) Transfer Station Strategy/Schedule

The Plan's transfer station strategy/schedule is approved.

3) Recycling/Source Separation Program

The recycling/source separation program outlined in the Plan is approved.

4) Public Participation Program

The Plan's public education and participation program is approved.

5) Sludge and Septage

The Plan shall conform with any Rules and Regulations of the Department concerning sludge and septage.

D. Modifications Adopted and Promulgated by the Commissioner Pursuant to N.J.S.A. 13:1E-1 et seq. and Made an Approved Part of the Bergen County District Solid Waste Management Plan

I, Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq., do hereby adopt and promulgate the following modifications to the Bergen County District Solid Waste Management Plan and certify to the Bergen County Board of Chosen Freeholders that the modifications contained herein, are hereby made a final approved part of the Bergen County District Solid Waste Management Plan.

1) Modifications Adopted and Promulgated by the Commissioner

The following modifications are adopted and promulgated by me and shall take effect on February 1, 1981.

- a) All solid wastes, with the exception of those noted in Section D.2.c. herein, generated from within all of Bergen County's municipalities, with the exceptions of North Arlington and Westwood, shall be disposed of at the Bergen County Kingsland Park Sanitary Landfill, facility number 0232B, and the Kingsland Park Landfill Extension, facility number 0232C, located in Lyndhurst, Bergen County, New Jersey. Upon the development and operation of the H.M.D.C./Bergen County resource recovery facility, scheduled for operation in 1983, all processable* solid wastes

*Processable solid waste is that part of the solid waste stream which can be processed through a resource recovery facility.

generated from within Bergen County, with the exception of North Arlington, shall be disposed of at said resource recovery facility. Residues and non-processable** solid wastes shall be disposed of at a landfill(s) designated in the first two year update of the Hackensack Meadowlands District Solid Waste Management Plan.

- b) All solid wastes, with the exception of those noted in Section D.2.c. herein, generated from within the Bergen County municipality of North Arlington shall be disposed of at the H.M.D.C. Baler, facility number 0239C, located in North Arlington.
- c) All solid wastes, with the exception of those noted in Section D.2.c. herein, generated from within the Bergen County municipality of Westwood shall be disposed of at the Westwood Landfill, facility number 0267A, located in Westwood. When disposal operations cease at the Westwood Landfill, Westwood will utilize the Bergen County Kingsland Park Sanitary Landfill, facility number 0232B, and the Kingsland Park Landfill Extension, facility number 0232C, located in Lyndhurst, Bergen County, New Jersey.
- d) In light of the fact that Bergen County and the Hackensack Meadowlands Development Commission (H.M.D.C.) are jointly involved with the development of a 3,000 tons per day resource recovery facility, the Bergen County resource recovery schedule should be revised to conform with the schedule projected by the H.M.D.C. calling for the facility to be operational by 1983. Also, the site selected for the resource recovery facility, located adjacent to the Bergen County Utility Authority waste water treatment facility in Little Ferry should be dismissed from consideration because of the poor access situation that will be created upon completion of the nearby Losen Slote State Park. The elimination of this site does not preclude the County's option to implement a co-disposal resource recovery facility at a site in Ridgefield on Block 145, Lot 3 and Block 182, Lot 2 directly across the Hackensack River from the Bergen County Sewage Treatment Plant. However, the County and the H.M.D.C. should resolve their differences regarding the technology of the proposed facility. The County shall make quarterly status reports to the Department of Environmental Protection concerning the County's progress in meeting the milestones of the implementation schedule. The first status report shall be submitted to the Department's Solid Waste Administration by April 1, 1981.

2) Other Provisions Effecting the Plan Modifications

a) Contracts

Nothing contained in these Modifications shall be construed as to interfere with, or in any way modify, the provisions of any

**Non-processable solid waste includes that part of the waste stream which cannot be processed through a given resource recovery facility and solid wastes resulting from emergency back-up procedures.

contract for solid waste collection or solid waste disposal in force in any solid waste management district upon the effective date of this Act (July 29, 1977); provided, however, as set forth at N.J.S.A. 13:1E-29 no renewal of any such contract upon the expiration or termination of the original term thereof, and no new contract for solid waste collection or solid waste disposal, shall be entered into after the effective date of this act, unless such renewal or such new contract shall conform with the applicable provisions of the approved solid waste management plan, as set forth herein, of the relevant solid waste management district or unless such contract is approved by the Commissioner.

Any contract renewal or new contract for solid waste collection or solid waste disposal which was executed prior to the approval of the within modifications to the Bergen County District Solid Waste Management Plan 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 these Modifications and of the Bergen County District Solid Waste Management Plan if such renegotiation is not completed by the effective date of these Modifications (February 1, 1981); 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.

b) Compliance

All solid waste facility operators registered with the Department of Environmental Protection and operating within Bergen County and effected by the Modifications contained herein shall operate in compliance with these Modifications and all other approved provisions of the Bergen County District Solid Waste Management Plan. Any facility operator 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 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.

c) Types of Solid Wastes Covered by the Bergen County District Solid Waste Management Plan Modifications

The Modifications contained herein shall apply to all "solid wastes" generated within the identified County municipalities, as defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-2.5.27 and with the exceptions of liquid wastes, sewage sludge, septage, hazardous wastes, oil spill clean-up waste, infectious waste and those wastes separated and recovered at the point of generation.

d) Certification to Proceed with the Implementation of Plan Modifications

This Document shall serve as the Certification of the Commissioner of the Department of Environmental Protection to the Bergen County Board of Chosen Freeholders, as provided for by N.J.S.A. 13:1E-24f., to proceed with the implementation of the Modifications contained herein.

e) Definitions

For the purpose of these Modifications 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 -2.5.27.*

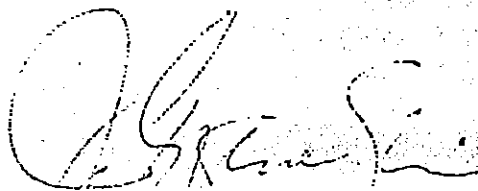
f) Effective Date of Modifications

The adopted and promulgated Modifications to the Bergen County District Solid Waste Management Plan contained herein shall take effect on February 1, 1981.

g) 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 shall conform with the Statewide Solid Waste Management Plan. The Statewide Solid Waste Management Plan includes the Department's Planning Guidelines and rules, regulations, and orders of the Department, and will include the compilation of individual District Plans and modifications as they are approved.**

E. Certification of Approval and Adoption and Promulgation of Modifications 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 Bergen County District Solid Waste Management Plan and its adopted modifications, subject to the modifications and replacements contained and adopted herein.



JERRY FITZGERALD ENGLISH
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION

October 31, 1980
DATE

*Note: In a municipal collection system where commercial and residential solid wastes are collected together, the wastes shall be considered, for the purposes of District solid waste planning, as residential solid waste.

**The Commissioner may adopt modifications to the approved District Plans in the Statewide Solid Waste Management Plan when it is promulgated.