



State of New Jersey

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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 NOVEMBER 4, 1998
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 of Environmental Protection (Department or DEP) 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.

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 November 4, 1998, adopted an amendment to its approved County Plan.

The amendment proposes County Plan inclusion of capacity limitations on the existing Sal Car Transfer Systems, Inc. transfer station located in Hillsdale Borough, Bergen County.

The amendment was received by the Department on December 9, 1998, and copies of the amendment were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this amendment and has determined that the amendment adopted by the County Freeholders on November 4, 1998 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 have studied and reviewed the November 4, 1998 amendment 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 this plan amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders and the applicant are notified of the issues of concern relative to the November 4, 1998 which are included in Section B.2. below.

In conjunction with the review of the amendment, the Department circulated copies to fifteen 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 DEP. All agencies contacted are as follows:

- Division of Water Quality Management, DEP
- Division of Parks and Forestry, DEP
- Division of Fish, Game and Wildlife, DEP
- Division of Compliance and Enforcement, DEP
- Division of Solid and Hazardous Waste, DEP
- Office of Air Quality Management, DEP
- Green Acres Program, DEP
- Land Use Regulation Element, DEP
- 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
- U.S. Environmental Protection Agency

1. Agency Participation in the Review of the November 4, 1998 Amendment

The following agencies did not object to the proposed amendment:

- Division of Compliance and Enforcement, DEP

Division of Water Quality, DEP
Division of Parks and Forestry, DEP
Green Acres Program, DEP
Department of Transportation
Department of Agriculture
New Jersey Turnpike Authority

The following agencies did not respond to our requests for comment:

Office of Air Quality Management, DEP
Division of Fish, Game and Wildlife, DEP
Land Use Regulation Element, DEP
Department of Community Affairs
Department of Health
New Jersey Advisory Council on Solid Waste Management
U.S. Environmental Protection Agency

The following agency provided substantive comments as shown in Section B. of the certification document:

Division of Solid and Hazardous Waste, DEP

2. Issues of Concern Regarding the November 4, 1998 Amendment

Issue: Regulatory Requirements

If any operation of a transfer station will discharge pollutants as defined in N.J.A.C. 7:14-1.9, said operation must secure a New Jersey Pollutant Discharge Elimination System Permit and/or a Treatment Works Approval for pollutant discharges prior to operation.

Transfer stations are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits the release of odors and other air contaminants which interfere with the enjoyment of life and property.

Issue: Historical Background for Sal Car Transfer Systems, Inc.

The Sal Car Transfer Systems, Inc. transfer station was included within the initial County Plan which was certified as approved with modifications on October 31, 1980. However, a site designation and a capacity for this facility was not specified within that document. On October 16, 1985, the County Freeholders adopted an amendment providing for a site expansion of the Sal Car transfer station. Specifically, the facility located on Lot 10, Block 1209 in Hillsdale Borough was expanded onto Lot 1B, Block 1211 in the same borough. This amendment was certified as approved on May 15, 1986. Again, the County Plan was silent on a capacity for this facility. It must be noted that a change in municipal tax maps now identifies the site of the Sal Car transfer station as Lot 10, Block 1210 and Lot 1, Block 1211 in Hillsdale Borough.

Issue: Stipulation of Settlement

After years of litigation, a Stipulation of Settlement was executed on May 20, 1998 by and among Sal Car Transfer Systems, Inc., the County of Bergen, the Bergen County Utilities Authority, and the State of New Jersey in connection with litigation entitled State of New Jersey v. Joseph C. Franco, et al, Docket No. BER-L-9411-94, Superior Court of New Jersey. Historically, the Sal Car transfer station has been accepting 1,200 to 1,300 tons per day. One of the stipulations of the settlement was that the DEP and the County agreed to grant a 900 ton per day capacity on a permanent basis (after a public hearing and the absence of irresolvable technical, environmental, or public health concerns) which represents a decrease in the historical operating capacity of the transfer station. Therefore, in compliance with the Stipulation of Settlement, on November 4, 1998 the County Freeholders adopted an amendment which specified that the Sal Car transfer station shall accept 900 tons per day, up to a maximum facility capacity of 5,400 tons per week, comprising waste types 10, 13, 13C, 25, and 27. Accordingly, in compliance with the Stipulation of Settlement, within Section C. of this certification the Department approves the November 4, 1998 amendment.

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

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 November 4, 1998 amendment to the approved County Plan and certify to the County Freeholders that the November 4, 1998 amendment is approved as further specified below.

The County Plan inclusion of capacity limitations on the existing Sal Car Transfer Systems, Inc. transfer station located on Lot 10, Block 1210 and Lot 1, Block 1211, 131 Patterson Street in Hillside Borough, Bergen County is approved. Specifically, the facility shall accept 900 tons per day, up to a maximum facility capacity of 5,400 tons per week, comprising waste types 10, 13, 13C, 25, and 27.

The construction or operation of any solid waste facility shall be preceded by, and is expressly premised upon, the acquisition of all necessary permits and approvals (including but not limited to a solid waste facility permit) pursuant to N.J.S.A. 13:1E-1 et seq. and all other applicable laws. This certification shall not be construed as an expression of the Department's intent to issue or modify a solid waste facility permit for any facility or operation. The issuance of operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the DEP and the Attorney General of the State of the New Jersey to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126.

Any solid waste transferred as a result of the operation of a transfer station shall be disposed of pursuant to the County Plan.

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 this amendment to the County 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 and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the County 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, 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 the amendment contained herein shall operate in compliance with this amendment 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 District 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 including waste types 10, 13, 23, 25, and 27 and all applicable subcategories and shall not apply to liquid and hazardous waste. All nonhazardous materials separated at the point of generation for sale or reuse are subject to regulation pursuant to N.J.A.C. 7:26A-1 et seq.

4. Certification to Proceed with the Implementation of the Plan Amendment

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 amendment certified 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 -99.12, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of the Amendment

The amendment to the County Plan contained herein shall take effect immediately.

7. Reservation of Authority

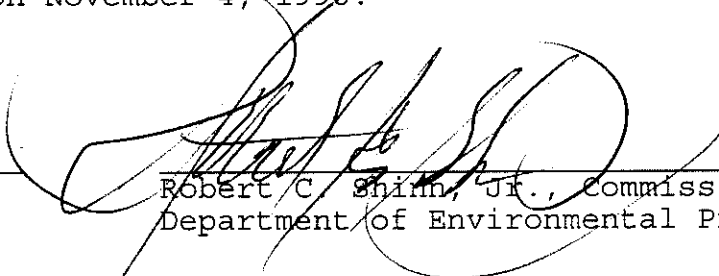
Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, 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 November 4, 1998.

Date

3/19/99


Robert C. Shinn, Jr., Commissioner
Department of Environmental Protection