



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
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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 7, 1990 AND DECEMBER 19, 1990  
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 (HMDC) 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.

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 November 7, 1990 and December 19, 1990 adopted amendments to its approved district solid waste management plan.

The November 7, 1990 amendment proposes to incorporate P.J.R. Industries Recycling Center, Inc. (P.J.R., Inc.), located on Lot 1, Block 169, Two Porete Avenue, North Arlington into the Bergen County District Solid Waste Management Plan as a construction and demolition waste recycling center.

The December 19, 1990 amendment provides for the direct shipment of solid waste to out-of-state disposal facilities from qualified privately operated transfer stations provided they are: (1) included within the Bergen County District Solid Waste Management Plan; (2) registered (permitted) by the DEP (3) Board of Public Utilities (Board or BPU) certified; (4) comply with Bergen County Utilities Authority (BCUA) rules and regulations; and, (5) demonstrate technical and operational capabilities by being able to weigh all incoming and outgoing solid waste through a state-certified, computerized scale system and produce wire-tied bales or AM-Fab slugs of acceptable solid waste. The December 19, 1990 amendment further provides that qualified privately operated transfer stations may process and recycle construction and demolition material and dispose of the non-recyclable fraction at permitted solid waste facilities consistent with the Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.).

The amendments were received and accepted for review by the Department on December 3, 1990 and January 7, 1991 respectively and copies were distributed to various state level agencies for review and comment, as required by law. The Department has reviewed these amendments, as well as the entire Bergen County District Solid Waste Management Plan, and has determined that the amendments adopted by the Bergen County Board of Chosen Freeholders on November 7, 1990 and December 19, 1990, are approved, rejected in part and modified 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 Amendments**

Pursuant to N.J.S.A. 13:1E-24a(1), I, Scott A. Weiner, Commissioner of the Department have studied and reviewed the November 7, 1990 and December 19, 1990 amendments 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 these plan amendments, as modified, are partially consistent with the Statewide Solid Waste Management Plan.

In conjunction with the review of the amendments, the Department circulated the plan amendments to sixteen review agencies and solicited their review and comments. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various agencies, bureaus, and divisions within the Department as well as the Board of Public Utilities. Among these agencies were the following:

Division of Water Resources, DEP  
Division of Coastal Resources, DEP  
Division of Parks and Forestry, DEP  
Division of Fish, Game and Wildlife, DEP  
Green Acres Program, DEP  
Division of Solid Waste Management, DEP  
Division of Environmental Quality, DEP  
Board of Public Utilities  
New Jersey Turnpike Authority  
Department of Agriculture  
New Jersey Advisory Council on Solid Waste Management  
Department of Transportation  
Department of Community Affairs  
Department of Health  
Department of the Public Advocate  
U.S. Environmental Protection Agency

1. Agency Participation in the Review of the November 7, 1990 Amendment

The following agencies did not object to the November 7, 1990 proposed plan amendment:

Division of Water Resources, DEP  
Division of Coastal Resources, DEP  
Division of Parks and Forestry, DEP  
Division of Fish, Game and Wildlife, DEP  
Green Acres Program, DEP  
Board of Public Utilities  
New Jersey Turnpike Authority  
Department of Agriculture

The following agencies did not respond to our request for comments:

New Jersey Advisory Council on Solid Waste Management  
Department of Transportation  
Department of Community Affairs  
Department of Health  
Department of the Public Advocate  
U.S. Environmental Protection Agency

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

Division of Solid Waste Management, DEP  
Division of Environmental Quality, DEP

2. Agency Participation in the Review of the December 19, 1990 Amendment

The following agencies did not object to the plan amendment:

Division of Fish, Game and Wildlife, DEP  
Division of Parks and Forestry, DEP

Green Acres Program, DEP  
Department of Agriculture  
New Jersey Turnpike Authority  
Department of Transportation

The following agencies did not respond to our request for comments:

Division of Water Resources, DEP  
Division of Coastal Resources, DEP  
New Jersey Advisory Council on Solid Waste Management  
Department of Health  
Department of Community Affairs  
Department of the Public Advocate  
U.S. Environmental Protection Agency

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

Division of Environmental Quality, DEP  
Division of Solid Waste Management, DEP  
Board of Public Utilities

3. Comments Received for the November 7, 1990 and December 19, 1990 Amendments

**Comment:** The Division of Environmental Quality commented that recycling centers 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 or property. Furthermore, recycling centers and transfer stations are considered solid waste facilities, which are 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.

**Response:** By copy of this certification, the Bergen County Board of Chosen Freeholders and the BCUA are reminded of the above mentioned regulatory provisions for recycling centers and transfer stations that must be met prior to operating the facilities.

**Comment:** The Division of Solid Waste Management commented that on December 12, 1990, P.J.R., Inc. was granted approval to operate a recycling facility at Lot 1, Block 169, in North Arlington, New Jersey. Further, this approval allows P.J.R., Inc. to receive, store, process, and/or transfer a maximum of 1000 tons per day of source separated concrete, asphalt, brick, cinder block, and concrete block as recyclable material. However, the proposed amendment specifies concrete, stone, aggregate, concrete block, brick, wood, and scrap metal as materials to be

received. Prior Departmental approval does not include wood or scrap metal. Furthermore, scrap metal, insofar as it pertains to ferrous scrap, is a designated recyclable material pursuant to the Bergen County District Recycling Plan and as such is outside the scope of established approval criteria for recycling centers that accept nontraditional recyclable materials. As a result, no prior approval is necessary for this material.

**Response:** I concur with the comments of the Division of Solid Waste Management regarding the acceptance of wood, and have addressed this comment in Section C. of the certification.

**Comment:** The Division of Solid Waste Management commented that the privately operated and qualifying transfer stations that Bergen County intends to utilize for direct shipments of solid waste to out-of-state disposal facilities and the accompanying requisite waste flows have not been specifically identified in the proposed amendment. This lack of facility specific clarity would likely result in significant confusion in attempts by the Department to enforce waste flow rules, particularly since at least ten (10) transfer stations currently operate within Bergen County and no mechanism for Departmental review or notification as to the specific participants in the proposed Bergen County system at any given point was provided for within the subject amendment. Nor does the proposed amendment address long-term waste flow considerations. In this regard, the vague nature of such a system, particularly with respect to which specific municipalities are being served by which specific transfer station, and the fact that municipal solid waste collection contracts are not enduring, would most likely preclude waste flow identification, at least on a long-term basis, and therefore prevent adequate enforcement of the waste flow rules. Each qualifying transfer station and each requisite waste flow strategy should be included in a subsequent plan amendment(s) and approved by the Department of Environmental Protection and Board of Public Utilities.

The Division of Solid Waste Management further commented that qualifying transfer stations may accept construction and demolition material for recycling as acceptance of this material is provided for in their Department of Environmental Protection transfer station permit and as long as the recycling activities are confined to areas already approved for processing. Any permit modifications that are necessary must be obtained prior to initiating operations.

**Response:** I partially concur with the Division of Solid Waste Management and have (i) rejected a portion of the December 19, 1990 amendment and (ii) modified another component of that amendment, in Section C. of the certification.

**Comment:** The Division of Solid Waste Management has also reviewed the entire Bergen County Plan with respect to the provisions of the New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-21), as well as the recommendations of the Emergency Solid Waste Assessment Task Force Final Report. As a result, within Section C., the Department has noted current deficiencies of the Bergen County Plan. Most notably, the Division of

Solid Waste Management has pointed out that on January 10, 1991, the Bergen County Utilities Authority voted to cancel its contract with American Ref-Fuel, Bergen County's vendor for construction of a waste-to-energy incinerator. This action essentially leaves Bergen County with no long-term management plan. Further, a landfill site, located in North Arlington, and certified by the Department on March 17, 1988 which was planned to accept ash from the cancelled incinerator project is of very limited size and capacity. Also, the Division of Solid Waste Management noted that the amendment fails to specify how Bergen County will achieve the 60% recycling rate as called for in the Emergency Solid Waste Assessment Task Force Final Report of August 6, 1990. In compliance with the Task Force's Final Report, the Division recommends that Bergen County adopt an amendment to indicate how it will achieve the 60% recycling goal by 1995 and, also, how it will achieve source reduction, in light of increased solid waste generation, through implementation of specific programs as outlined in the report. Further, the regionalization of long-term materials processing, recycling, transfer and disposal facilities should also be addressed by Bergen County in a subsequent plan amendment submission, as well as the other plan deficiencies noted above.

**Response:** I concur with the Division's comments as addressed in Section C. of the certification.

**Comment:** The Board of Public Utilities commented that although it recommended approval of the proposal to utilize privately owned and operated transfer stations for direct shipment of Bergen County solid waste to out-of-state disposal facilities, it also recognized that the waste flow system varied from those in other counties, making it more difficult to control and monitor. Moreover, the Board noted that the proposal had economic and technical advantages relative to the current plan by providing alternative disposal sites around Bergen County. The Board also commented that in order to assure appropriate control and consistency within state plans, each of the private transfer stations must be part of the Bergen County District Solid Waste Management Plan, must only accept permitted waste types and amounts, must file a revised tariff reflecting the amendment, and must maintain proper BPU, DEP and BCUA record requirements. The Board also recommended that the DEP require a timely submission by the BCUA of a specific action plan to achieve the source reduction and recycling goals of the Governor's Solid Waste Emergency Task Force. Finally, the Board recommends that the DEP make it clear that any reliance on out-of-state disposal should be short-term in nature and should have sufficient flexibility to permit Bergen County to take advantage of in-state disposal opportunities as they present themselves.

**Response:** I concur with the Board's comments as addressed within Section C. of this certification.

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

I, Scott A. Weiner, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq. and, more 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 November 7, 1990 and December 19, 1990 amendments to the approved Bergen County District Solid Waste Management Plan and certify to the Bergen County Board of Chosen Freeholders that the November 7, 1990 amendment is approved and that the December 19, 1990, amendment is partially rejected and partially approved with modification as further specified below.

**1. November 7, 1990 Amendment**

The inclusion within the Bergen County District Solid Waste Management Plan of P.J.R. Industries Recycling Center, Inc. located on Lot 1, Block 169, Two Porete Avenue, North Arlington, Bergen County is approved with modification as to the type of materials that are specified within the amendment as acceptable for processing and recycling.

The legal authority for recycling center approval is granted to the Department pursuant to the New Jersey Statewide Mandatory Source Separation and Recycling Act (N.J.S.A. 13:1E-99.34). This authority extends to conditions which may be placed on recycling facilities such as the type and amount of material that can be accepted. Accordingly, P.J.R. Industries Recycling Center, Inc. was granted prior approval to receive, store, process and transfer a maximum of 1000 tons per day of source separated concrete, asphalt, brick, cinder block and concrete block as recycled material. As a result, this amendment is hereby modified to specify that P.J.R. Industries Recycling Center, Inc. shall only accept those aforementioned materials in the amount for which they have been granted prior approval. In order to accept wood material, P.J.R. Industries Recycling Center, Inc. will need to obtain subsequent approval from the Division of Solid Waste Management.

**2. December 19, 1990 Amendment**

- a. The inclusion within the district plan of the Bergen County proposal to utilize privately operated transfer station facilities for out-of-district disposal is rejected in part and approved in part as modified herein.

The December 19, 1990 amendment proposed, among other things, that some or all of the solid waste transfer stations in Bergen County may be utilized for direct haul transport of solid waste to out-of-district disposal sites provided certain conditions established by the BCUA were met. Under this scenario, the BCUA would determine which facilities were qualified for this purpose and would provide certain on site staffing and compliance monitoring to ensure program integrity.

The above noted component of the December 19, 1990 amendment which would basically empower the BCUA to control the inclusion of participating transfer stations within Bergen County, as well as waste flow exclusive of the solid waste planning and waste flow processes found at N.J.S.A. 13:1E-1 et seq. and N.J.A.C. 7:26-6 et seq., is hereby rejected. This rejection is based upon the enforcement concerns noted by the Division of Solid Waste Management within Section B. of this certification, as well as the failure of Bergen County's proposal to incorporate any form of public or state level review process regarding the specific transfer stations to be incorporated within the Bergen County District Solid Waste Management Plan for direct haul transport at present or over time.

I am herein modifying the plan amendment to initially incorporate the BCUA, Sal Car, DiBella, Garofalo, National and United Carting transfer stations for participation in direct haul out-of-district transport of solid waste by the BCUA or its vendor. These facilities have been included due to their compliance with many of the county criteria enumerated under C.2.b. below with respect to the existence of scales, data management systems and balers. Further, this modification is being made to ensure consistency with the Memorandum of Understanding entered between Bergen and Essex Counties for shared use of the Essex County incinerator and the subsequent Emergency Redirection Order issued jointly by the Department and Board of Public Utilities on April 26, 1991. Also, as noted by the BPU in the comments found within Section B., this plan provides economic and technical advantages relative to the current plan by providing alternative disposal locations around Bergen County. Further, Bergen County is hereby ordered to incorporate these facilities or any revised listing of transfer stations to be designated to be used for direct haul of solid waste by the BCUA or its vendor to out-of-district disposal facilities in a subsequent plan amendment to be submitted within 60 days of the date of this certification. Inclusion of the above referenced facilities is in no way intended to preclude other qualified transfer stations from being designated for participation in the out-of-district transport of solid waste from Bergen County. Further, the BCUA procedures for the inclusion of facilities shall continue to be subject to BPU jurisdiction pursuant to the tariff review process to ensure that competition is not discouraged within the solid waste collection industry.

- b. The private transfer station direct haul component of the December 19, 1990 amendment was prepared and submitted to the Department prior to Bergen and Essex Counties entering into a Memorandum of Understanding for regional use of the Essex County incinerator for approximately three years commencing May 1, 1991. As a result, significant portions of the solid waste flow accepted at private transfer stations within Bergen



County have been redirected to the Essex facility pursuant to a DEP/BPU Emergency Redirection Order signed on April 26, 1991. As a result, circumstances have changed with respect to the private transfer station direct haul portion of the amendment.

However, the concept proposed within the December 19, 1990 amendment of utilizing private transfer stations, as well as the BCUA transfer station, for direct haul of solid waste to out-of-district disposal facilities by the BCUA or its vendor is approved as modified herein. As noted in C.2.a. above, each specific transfer station participating within this arrangement must be incorporated for this purpose as part of a subsequent plan amendment. In addition, this portion of the December 19, 1990 amendment is modified to provide that the above out-of-district disposal arrangement is only for the short-term and amendments which identify specific transfer station facilities must also address waste flow. In this regard, Bergen County must indicate its approval of a short-term direct haul arrangement from each site of all solid waste types 10, 13, 23, 25 and 27 (as applicable) currently accepted at the particular transfer station for out-of-district disposal. Based upon the outcome of the review of these proposed plan amendments, the Department and Board will prepare appropriate documents necessary to formally embody the approved waste flows as per N.J.A.C. 7:26-6.

Further, the conditions proposed by Bergen County for the inclusion of specific transfer station facilities are hereby approved. These pertain to DEP registration and permitting, BPU certification, rule compliance certification with BCUA procedures, fitness and competence of weighmasters, the existence of scales and computer data entry systems, and the ability to bale solid waste. In addition, in accordance with the Board's comments in Section B., and in order to assure appropriate control and monitoring of the utilization of private transfer stations for out-of-state disposal, each of the private transfer stations must adhere to the following conditions:

- i. each privately owned transfer station must be part of the DEP approved Bergen County District Solid Waste Management Plan;
- ii. each of the privately owned transfer stations must accept only those wastes allowed by the DEP operating permit and the amounts processed by each must not exceed the amounts permitted by the DEP;
- iii. each of the privately owned transfer stations must file a revised tariff with the BPU which reflects this amendment;

- iv. each of the transfer stations must maintain proper records in accordance with BPU, DEP and BCUA requirements.

It must also be noted that any changes in rates or charges at or of the BCUA transfer station or other private BPU regulated transfer stations will require specific BPU approval. Further, implementation of the plan outlined under Section C.2 above can not commence until approval of the rate structure for the operations of these transfer stations under the Bergen County program has been approved by the BPU. In addition, the operation of any solid waste facility shall be in accordance with its approved capacity and shall be preceded by the acquisition of all necessary permits and approvals pursuant to N.J.S.A. 13:1E-1 et seq. and all applicable laws and regulations.

Finally, as discussed within Section B., privately operated transfer stations may accept construction and demolition material for processing and recycling insofar as their Department of Environmental Protection transfer station permit allows for this type of activity. Any residue resulting from these recycling activities must be disposed of in accordance with the DEP/BPU Emergency Redirection Order of April 26, 1991. Residue resulting from material accepted from outside the Bergen County District shall be disposed of in accordance with the applicable waste flow rule issued by the DEP/BPU for the district where the material originated.

### 3. Bergen County District Solid Waste Management Plan Deficiencies

- a. I have reviewed the entire Bergen County 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. The result of that review is as follows:

- i. N.J.S.A. 13:1E-21b(3) requires a site plan which shall include all existing solid waste disposal facilities located within the Solid Waste Management District. . . and sufficient additional available suitable sites to provide solid waste facilities to treat and dispose of the actual and projected amounts of solid waste contained in the report accompanying the plan.

Pursuant to the March 17, 1988 certification of Bergen's October 7, 1987 plan amendment, Bergen County sited a sanitary landfill for residual waste generated by Bergen County's proposed Resource Recovery Facility. This site is of insufficient size and capacity to provide for Bergen County's long-term disposal needs. Additionally, on May 3, 1989 the Bergen County Board of Chosen Freeholders adopted an amendment to the Bergen County District Solid Waste Management Plan to

site a bypass and nonprocessable landfill on a contiguous piece of property. This proposed amendment was rejected by the Department on October 10, 1989 due primarily to location in a wetlands area. Finally, on January 10, 1991, the BCUA voted not to renew their contract with their resource recovery project vendor, essentially cancelling the project. As a result, Bergen County has no identified or approved long-term disposal strategy as a component of its solid waste plan, therefore, rendering the Bergen County District Solid Waste Management Plan deficient with respect to the requirements of N.J.S.A. 13:1E-21b(3). Bergen County is hereby directed to develop a solid waste strategy to provide for its long-term solid waste management needs which must address, at a minimum, facility siting, technology selection, duration of dependence upon out-of-district capacity, plans for in-state regionalization, and an implementation schedule for the strategy. A primary component of this strategy must be the achievement of New Jersey's statewide goal of long-term in-state self-sufficiency in disposal capacity. This strategy must be contained within a subsequent plan amendment which is to be submitted to the Department within 180 days of the date of this certification.

Bergen County's agreement with Essex County providing for regional use of the Essex incinerator for approximately three years represents a significant agreement consistent with the recommendations of the Emergency Solid Waste Assessment Task Force. While negotiations between Essex County and Bergen County are ongoing to achieve a long-term regional disposal agreement, at present Bergen County's District Solid Waste Management Plan is deficient in the absence of a long-term strategy.

- ii. N.J.S.A. 13:1E-21b(4) requires a survey of proposed collection districts and transportation routes with projected transportation costs from collection districts to existing or available suitable sites for solid waste disposal facilities.

As noted above, Bergen County has no long-term solid waste plan. As a result, the plan continues to also be deficient with respect to N.J.S.A. 13:1E-21b(4) in lacking any form of transportation plan. Bergen County is hereby directed to develop a transportation plan for vehicles accessing and exiting existing and proposed solid waste facilities within the district for submission to the Department as a proposed amendment to the plan.

- iii. N.J.S.A. 13:1E-21b(5) requires procedures for coordinating all activities related to the collection and disposal . . . within the Solid Waste Management District, which procedures shall include the agreements entered into as provided herein between the Board of Chosen Freeholders . . . and every such person, and the procedures for furnishing the solid waste facilities contained in the District Solid Waste Management Plan.

Bergen County does not currently have in-county disposal capacity to provide for its long-term disposal needs. Also, there are currently no interdistrict agreements between Bergen County and any other district for long-term disposal capacity. Therefore, the Bergen County District Solid Waste Management Plan is deficient with respect to the requirements of N.J.S.A. 13:1E-21b(5) and efforts to date to enter into interdistrict agreements and future plans must be embodied within a subsequent plan amendment to be submitted to the Department within 180 days of the date of this certification. At that time, the short-term (approximately three year) Memorandum of Understanding between Bergen and Essex Counties should also be submitted for formal inclusion within the Bergen County plan as an interdistrict agreement.

- iv. N.J.S.A. 13:1E-21b(6) requires a method or methods of financing solid waste management in the Solid Waste Management District pursuant to the Solid Waste Management Plan.

Once again, as Bergen County has no long-term plan, the required method or methods of financing solid waste management have not been adequately addressed. Therefore, the Bergen County Solid Waste Management Plan is deficient with respect to the requirements of N.J.S.A. 13:1E-21b(6).

2. Finally, I have also reviewed this amendment to determine whether the plan fulfills the recommendations of the Emergency Solid Waste Assessment Task Force Final Report accepted by the Governor on November 16, 1990. Following this review, Bergen County is hereby directed to submit a subsequent plan amendment within 180 days of this certification to address the following provisions to source reduction, recycling and regionalization:

- a. Source Reduction: Bergen County shall determine what source reduction measures can be taken at the county level to eliminate the trend of increased per capita solid waste generation. For each noted source reduction measure, Bergen County shall estimate its potential impact upon total solid waste generation with the district.

- b. Recycling: Bergen County shall determine what measures will be taken by the district to achieve at least a 60% recycling rate by 1995. This determination shall address, at a minimum, what additional facilities will be needed within the district; what sites already exist or under what procedure the Bergen district will select necessary sites; and under what schedule the district feels that each necessary facility can be brought into operation.

Also, for each component of the recycling strategy, the district shall outline estimates of the tonnages which can be recycled in a mass balance format taking into consideration the total projected solid waste generation in Bergen County. Further, based upon the minimum 60% recycling rate, the district must outline the amount of solid waste still requiring disposal.

- c. Regionalization: As already noted above under Section C.3.a.1 and iii, Bergen County shall determine the extent to which it can undertake long-term regionalization of its solid waste facilities and programs with other districts to provide regional solutions to solid waste management. Consideration should be given to regional plans for materials processing, recycling, transfer and disposal facilities.

**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 the within amendments 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 the 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 the approval of these amendments 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 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 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, with the exception of liquid waste, sewage sludge, septage, hazardous waste, infectious waste, and all nonhazardous materials separated at the point of generation for sale or reuse as provided for at N.J.A.C. 7:26-6.3.

4. Certification to Proceed with the Implementation of Plan Amendments

This document shall serve as the certification of the Commissioner of the Department to the Bergen County Board of Chosen Freeholders and pursuant to N.J.S.A. 13:1E-24c. and f., Bergen County shall proceed with the implementation of the approved portions of the 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 N.J.A.C. 7:26-1.4 and -2.13.

6. Effective Date of Amendments

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

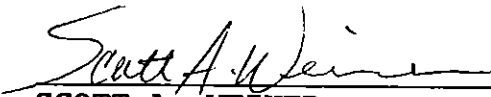
7. Reservation of Authority

Nothing contained herein shall be construed as a limitation on any other action taken by the Department 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, 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, Rejection and Modification of the Amendments 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, reject in part and modify in part 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 November 7, 1990 and December 19, 1990. Further, pursuant to Section C. I have also required a subsequent plan amendment submission to address noted deficiencies within 180 days of the date of this certification. This certification memorializes the determinations made by me on or before June 5, 1991.

June 6, 1991  
DATE

  
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SCOTT A. WEINER  
COMMISSIONER  
DEPT. OF ENVIRONMENTAL PROTECTION