



State of New Jersey

Christine Todd Whitman
Governor

Department of Environmental Protection

Robert C. Shinn, Jr.
Commissioner

**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 23, 1994 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:Le-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, 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 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 23, 1994, adopted an amendment to its approved County Plan. The amendment included the Valiant Paper and Packaging Company, Inc. located in Moonachie Borough as a recycling center for Class A recyclables.

The November 23, 1994 amendment was received by the Department on December 16, 1994 and copies were distributed to various administrative review agencies for review and comment, as required by law. The DEP has reviewed this amendment, as well as the entire County Plan, and has determined that the amendment adopted by the Bergen County Freeholders on November 23, 1994 is approved as provided in N.J.S.A. 13:1E-24. Also, serious longstanding deficiencies in the County Plan have been identified within Section C. of this certification.

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 23, 1994 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 issue of concern relative to the November 23, 1994 amendment which is included in Section B.2. below.

In conjunction with the review of the amendment, the Department circulated copies to sixteen 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 and without the Department. These agencies are as follows:

Office of Air Quality Management, DEP
 Division of Parks and Forestry, DEP
 Division of Fish, Game and Wildlife, DEP
 Division of Water Quality, DEP
 Division of Enforcement, DEP
 Division of Solid Waste 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
Hackensack Meadowlands Development Commission

1. Agency Participation in the Review of the November 23, 1994 Amendment

The following agencies did not object to the proposed plan amendment:

Division of Fish Game and Wildlife, DEP
Division of Enforcement, DEP
Green Acres Program, DEP
Department of Community Affairs
Department of Agriculture

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

Office of Air Quality Management, DEP
Division of Water Quality, DEP
Division of Parks and Forestry, DEP
Land Use Regulation Element, DEP
Department of Transportation
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Health
U.S. Environmental Protection Agency
Hackensack Meadowlands Development Commission

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

Division of Solid Waste Management, DEP

2. Issue of Concern Regarding the November 23, 1994 Amendment

Issue: Regulatory Requirements

If any operation of the recycling center will discharge pollutants as defined at 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.

Recycling centers 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. Also, recycling centers are considered solid waste facilities and 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.

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 23, 1994 amendment to the approved County Plan and certify to the County Freeholders that the November 23, 1994 amendment is approved as further specified below.

1. **November 23, 1994 Amendment**

The County Plan inclusion of the Valiant Paper and Packaging Company, Inc. located at Block 67, Lot 9, 300 West Commercial Avenue, Moonachie Borough, Bergen County, as a recycling center for Class A recyclables is approved. Specifically, the facility is approved to accept low density polyethylene (LDPE) and polystyrene.

Pursuant to N.J.A.C. 7:26A-4.1(a)1.iii, Class A recyclable materials may only be commingled with other Class A recyclable materials.

For recycling centers which handle only Class A recycling materials, as defined at N.J.A.C. 7:26A-1.3, no approval from the Department is necessary prior to operation. However, the recycling center must comply with the regulations at N.J.A.C. 7:26A-4.

Any residue generated as a result of the operation of this recycling center shall be disposed of pursuant to the County Plan and the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26 et seq.).

2. **Bergen County District Solid Waste Management Plan Deficiencies**

The County is again reminded that the DEP's December 22, 1993 certification detailed deficiencies that the County was required to address by March 31, 1994 in a subsequent plan amendment submission. Specifically, these deficiencies included the need for the County to address its long-term solid waste management plan for in-state disposal of its entire waste stream, to identify truck routes to existing and proposed solid waste facilities within the County, and to describe a method of financing long-term solid waste management. The County is also reminded that it was required to submit a plan amendment by November 24, 1993 which further addressed various components of the County's source reduction, recycling, and regionalization initiatives as noted in the Department's May 28, 1993 certification.

Although it is the Department's understanding that the Bergen County Utilities Authority held a public hearing on December 6, 1994 towards adoption of a plan amendment to address these longstanding deficiencies, it is imperative that the County adopt

and submit the amendment as soon as possible. Regarding these deficiencies, the County must pursue all available options including developing in-county capacity or reaching interdistrict agreements with neighboring counties to achieve the State's goal of disposal self-sufficiency by December 31, 1999 for the approximately 400,000 tons exported annually.

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 County 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. All nonhazardous 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 set forth at 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

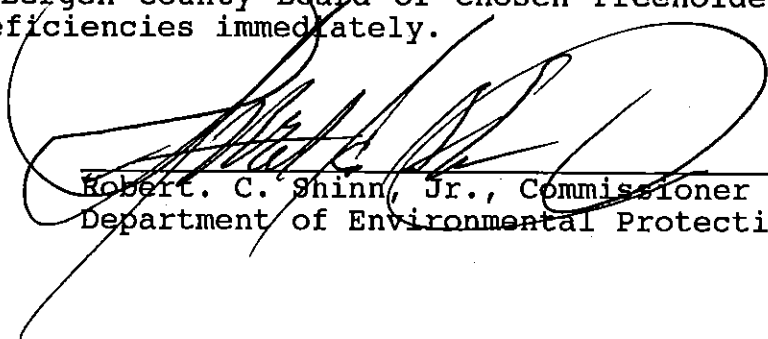
Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, 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 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 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 23, 1994. I hereby also require, as noted in Section C., the Bergen County Board of Chosen Freeholders to address the noted deficiencies immediately.

Date

2/14/95


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