



**State of New Jersey
Department of Environmental Protection and Energy**

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Scott A. Welner
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 25, 1992 AND DECEMBER 16, 1992
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 develop comprehensive plans for waste management in their respective districts. On October 31, 1980, the Department of Environmental Protection 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 25, 1992 and December 16, 1992 adopted amendments to its approved County Plan.

The November 25, 1992 amendment proposed a capacity expansion and revision of acceptable waste types to be received at the existing S&L Zeppetelli, Inc. transfer station located in Moonachie Borough. The December 16, 1992 amendments proposed inclusion of a microwave disinfection unit at the Holy Name Hospital located in Teaneck Township to process regulated medical waste generated at the hospital and inclusion of Alders Top Soil Supply, Inc. composting facility/market located in Florida, New York to accept vegetative waste.

The November 25, 1992 and the December 16, 1992 amendments were received by the Department Environmental Protection and Energy (Department or DEPE) on January 12, 1993 and January 21, 1993, respectively. At that time, copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed these amendments and has determined that the amendments adopted by the County Freeholders on November 25, 1992 and December 16, 1992 are 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 Amendments

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the November 25, 1992 and December 16, 1992 amendments 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 these plan amendments are consistent with the Statewide Solid Waste Management Plan. In this regard, the Bergen County Freeholders and applicants are notified of the issues of concern relative to the November 25, 1992 and December 16, 1992 amendments which are included below.

In conjunction with the review of the amendments, 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 the Department. These agencies are the following:

Office of Energy, DEPE
Division of Parks and Forestry, DEPE
Division of Fish, Game and Wildlife, DEPE
Green Acres Program, DEPE
Division of Solid Waste Management, DEPE
Land Use Regulation Element, DEPE
Groundwater Quality Management Element, DEPE
Wastewater Facilities Regulation Element, DEPE
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
Department of the Public Advocate
U.S. Environmental Protection Agency

1. Agency Participation in the Review of the November 25, 1992 Amendment

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

Division of Parks and Forestry, DEPE
Division of Fish, Game and Wildlife, DEPE
Green Acres Program, DEPE
Land Use Regulation Element, DEPE
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Health
Department of Transportation

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

Groundwater Quality Management Element, DEPE
Wastewater Facilities Regulation Element, DEPE
Department of Community Affairs
Department of the Public Advocate
U.S. Environmental Protection Agency

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

Hackensack Meadowlands Development Commission
Office of Energy, DEPE
Division of Solid Waste Management, DEPE

2. Agency Participation in the Review of the December 16, 1992 Amendments

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

Division of Parks and Forestry, DEPE
Division of Fish, Game and Wildlife, DEPE
Green Acres Program, DEPE
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Transportation

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

Land Use Regulation Element, DEPE
Groundwater Quality Management Element, DEPE
Department of Health
Department of Community Affairs
Department of the Public Advocate
U.S. Environmental Protection Agency

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

Office of Energy, DEPE
Division of Solid Waste Management, DEPE
Wastewater Facilities Regulation Element, DEPE

3. Issues of Concern Relative to the November 25, 1992 Amendment

Issue: Siting

The S&L Zeppetelli, Inc. transfer station is located within the Hackensack Meadowlands Development Commission (HMDC) district and, therefore, all land use issues relative to the facility are regulated by the HMDC. In this regard, the HMDC noted concerns with respect to the limited size of the facility building and site as well as its close proximity to residential housing. For these reasons, the HMDC noted that the proposed facility expansion will be too intensive and may adversely affect the surrounding neighborhood. Therefore, the HMDC requested that the Department restrict operations at the facility to those previously approved in the original permit, a 20 ton per day (TPD) facility accepting waste types 13 and 27. Although, as noted in Section C, the certification approves the expansion of the facility, any increase in capacity or acceptance of additional waste types at the transfer station must receive a land use variance approval from the HMDC.

Issue: Permit Requirements

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. Further, transfer stations are also 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.

Finally, the S&L Zeppetelli, Inc. Transfer Station must obtain a new solid waste facility permit from the Department authorizing a capacity of 100 TPD prior to the commencement of expanded operations.

4. Issues of Concern Relative to the December 16, 1992 Amendments

Issue: Permit Requirements

With regard to the Holy Name Hospital microwave disinfection unit, microwave treatment of medical waste is subject to N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits odors and emissions of air contaminants which interfere with the enjoyment of life and property. Also, microwave treatment units are considered solid waste facilities, which are subject to N.J.A.C. 7:27-8.2(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 will require devices to control odors. Further, medical waste awaiting treatment and destruction must be protected from the elements and maintained in a nonputrescent state and stored in a limited access area. Microwave treatment units are also subject to N.J.A.C. 7:26-3A, "Regulated Medical Waste Rules" and N.J.A.C. 7:26-2, "Solid Waste Rules." Finally, if the proposed operation will discharge pollutants as defined at N.J.A.C. 7:14A-1.9, said operation must secure a New Jersey Pollution Discharge Elimination System (NJPDES) permit and/or a Treatment Works Approval for pollution discharges prior to construction or operation.

With regard to Alders Top Soil Supply, Inc., if the proposed operations which transfer materials to this out-of-state facility will discharge pollutants as defined in N.J.A.C. 7:14A-1.9, said operations may also be required to secure a NJPDES permit and/or a Treatment Works Approval for pollutant discharges prior to operation. Also, as noted in Section C., utilization of the Alders Top Soil Supply, Inc. compost facility is only approved provided its operation is consistent with all applicable New York State rules, regulations, and statutes.

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

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 25, 1992 and December 16, 1992 amendments to the approved County Plan and certify to the County Freeholders that the November 25, 1992 and December 16, 1992 amendments are approved as further specified below.

1. November 25, 1992 Amendment

The County Plan inclusion of a capacity expansion and revision of acceptable waste types to be processed at the existing S&L Zeppetelli, Inc. transfer station located on Block 38, Lot 3, Moonachie Borough, to accept up to 100 tons per day of waste types 10, 13 and 27 is approved.

The facility has been a permitted facility in Bergen County since October 11, 1979 when the Department issued the facility a Certificate of Approved Registration and Engineering Design Approval. At that time, the facility was permitted to accept up to 20 tons per day of waste types 13 and 27. This permit approval predates the facility's inclusion in the

County Plan on October 31, 1980 and the existing facility was, therefore, initially grandfathered into the County Plan. However, as noted in Section B., the S&L Zeppetelli, Inc. transfer station is located within the HMDC district and, therefore, all land use issues relative to the facility are regulated by the HMDC. Any increase in capacity or the acceptance of additional waste types at the facility must receive a land use variance approval from the HMDC.

The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals pursuant to N.J.S.A. 13:1E-et seq., and all other applicable laws. The issuance of operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department and the Attorney General of the State of New Jersey to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126.

This certification shall not be construed as an expression of the Department's intent to issue a solid waste facility permit for the expansion of and revision of acceptable waste types to be processed at the S&L Zeppetelli, Inc. transfer station.

2. December 16, 1992 Amendments

a. The County Plan inclusion of a microwave disinfection unit at the Holy Name Hospital located on Block 3003, Lot 4, Teaneck Township, to process regulated medical waste generated at the hospital is approved.

The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals pursuant to N.J.S.A. 13:1E-et seq., and all other applicable laws. The issuance of operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department and the Attorney General of the State of New Jersey to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126.

b. The County Plan inclusion of Alders Top Soil Supply, Inc. vegetative waste compost facility/market located in Florida, New York, to accept vegetative waste generated from within Bergen County is approved. However, as noted in Section B., the Alders Top Soil Supply, Inc. compost facility is only approved to the extent that its operation is consistent with all applicable New York State rules, regulations, and statutes.

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 these amendments to the County Plan and which was executed prior to the approval of these amendments 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 in violation of these amendments and of the County Plan if such renegotiation is not completed within ninety (90) days of the effective date of these amendments 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 amendments contained herein shall operate in compliance with these amendments 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 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. 7:26-6, but are subject to regulation in accordance with N.J.A.C. 7:26A-1 et seq.

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

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

6. Effective Date of the Amendments

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

7. Reservation of Authority

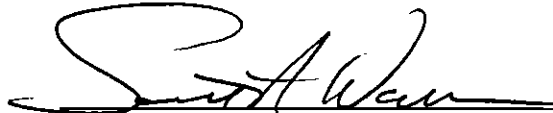
Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan. The Department has published a Statewide 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 of the Amendments by the Commissioner of the Department of Environmental Protection and Energy

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve 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 25, 1992 and December 16, 1992.

4-21-93

DATE



SCOTT A. WEINER
COMMISSIONER

DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND ENERGY

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