



STATE OF NEW JERSEY
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 ROBERT E. HUGHEY, COMMISSIONER
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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 DECEMBER 7, 1983 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 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 December 7, 1983, adopted Amendments to its approved District Solid Waste Management Plan. The Amendments were received by the Department of Environmental Protection on December 15, 1983 and copies were distributed to various state level agencies for review and comment.

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 December 7, 1983 are approved in accordance with N.J.S.A. 13:1E-24.

B. Certification of Bergen County District Solid Waste Management Plan Amendments

I, Robert E. Hughey, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq. and N.J.S.A. 13:1E-21, which established specific requirements regarding the contents of the District Solid Waste Management Plans, have reviewed the December 7, 1983 Amendments to the approved Bergen County District Solid Waste Management Plan and certify to the Bergen County Board of Chosen Freeholders that the December 7, 1983 Amendments are judged in compliance with the requirements of N.J.S.A. 13:1E-21 and are hereby made a final approved part of the Bergen County District Solid Waste Management Plan.

The Department has reviewed the entire Bergen County District Solid Waste Management Plan, including these Amendments, 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.

Report

- 1) N.J.S.A. 13:1E-21a.(1) requires an inventory of the sources, composition, and quantity of solid waste generated within Bergen County.

Bergen County has complied with this requirement and this section of the Bergen County District Solid Waste Management Plan remains approved.

- 2) N.J.S.A. 13:1E-21a.(2) requires projections on the amounts and composition of solid waste for a ten year period.

Bergen County has complied with these requirements and this section of the Bergen County District Solid Waste Management Plan remains approved.

- 3) N.J.S.A. 13:1E-21a.(3) requires an inventory and appraisal of all solid waste disposal facilities . . . and the identity of every person engaged in solid waste collection or disposal within the District.

Bergen County has complied with these requirements and this section of the Bergen County District Solid Waste Management Plan remains approved.

- 4) N.J.S.A. 13:1E-21a.(4) requires an analysis of existing solid waste collection systems and transportation routes within the Solid Waste Management District.

Bergen County has complied with this requirement and this section of the Bergen County District Solid Waste Management Plan remains approved.

Plan

- 1) N.J.S.A. 13:1E-21b.(1) requires the designation of a department, unit, or committee of County government . . . to supervise the implementation of the County's Solid Waste Management Plan.

Bergen County has complied with the requirements of N.J.S.A. 13:1E-21b.(1) and the Bergen County Utilities Authority is the approved solid waste implementation agency in Bergen County to carry out the implementation of the approved Bergen County Solid Waste Management Plan.

- 2) N.J.S.A. 13:1E-21b.(2) requires a statement of the solid waste disposal strategy to be applied . . . which strategy shall include the maximum practicable use of resource recovery procedures and a plan for using terminated landfill disposal sites . . . in the Solid Waste Management District.

The December 7, 1983 Amendments to the approved Bergen County District Solid Waste Management Plan identify a solid waste disposal strategy which includes: 1) the continued utilization of landfill disposal until the District's proposed resource recovery facility becomes operational, 2) the utilization of the proposed resource recovery facility when operational and landfill disposal of residue, and 3) the implementation of recycling programs to reduce the amount of material requiring disposal.

The revised schedule for the proposed Bergen County resource recovery facility states the facility will be operational by December 31, 1987. This revised schedule is approved and made part of the approved Bergen County District Solid Waste Management Plan.

The Bergen County goal of recycling 25 percent of its municipal solid waste is approved and made part of the approved Bergen County District Solid Waste Management Plan.

- 3) 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.

In order to provide the necessary solid waste facilities for the disposal of the solid waste generated within Bergen County until the proposed resource recovery facility becomes operational, the December 7, 1983 Amendments contain provisions for the expansion of the Bergen County Kingsland Park Landfill (facility #0232C) to an elevation of 110 feet and the development of a certain parcel of land (Block 198, portions of Lot 1, 2, and 3, and Block 236, Lot 1, located in Lyndhurst; Block 197, Lot 1, Block 195, Lot 1, and Block 194, Lot 1, located in North Arlington) located adjacent to the current landfill for a solid waste disposal facility.

The proposed Kingsland Park Landfill expansion and the proposed development of the cited lands for use as a solid waste disposal facility are approved and made part of the approved Bergen County Solid Waste Management Plan. The development and operation of these proposals are subject to the requirements of N.J.S.A. 13:1E-1 et seq., N.J.A.C. 7:26-1 et seq., and all other applicable laws and regulations. If additional landfill capacity is required before the Bergen County resource recovery facility is operational, the Plan must be further amended to provide a site(s) for such interim disposal.

The designation of Block 231, Lot 11 in the Township of Lyndhurst as a replacement facility for the proposed Bergen County resource recovery facility is prematurely presented to the Department for certification. This matter is currently under review by the HMDC and, if approved by

that agency in accordance with the procedures set forth in paragraph 10 of the Bergen County/HMDC interdistrict agreement (dated September 30, 1983), a plan amendment reflecting the designation of this site must be adopted by Bergen County.

- 4) 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.

Bergen County has complied with the requirements of N.J.S.A. 13:1E-21b.(4) and this section of the Bergen County Plan remains approved.

- 5) N.J.S.A. 13:1E-21b.(5) requires procedures for coordinating all activities related to the collection and disposal of solid waste by every person . . . 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 Solid Waste Management Plan.

The Department of Environmental Protection has reviewed and participated in the proposed Bergen County District and Hackensack Meadowlands District Interdistrict Agreement. This agreement is now made a part of the approved Bergen County District and Hackensack Meadowlands District Solid Waste Management Plans.

- 6) 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.

This portion of the Bergen County Solid Waste Management Plan will be certified when the final financing arrangements are selected.

C. 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 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 of Environmental Protection and operating pursuant to a contract as herein described, shall be deemed to be in violation of these Amendments 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 these Amendments; 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 Amendments contained herein shall operate in compliance with 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 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.

3) Types of Solid Wastes Covered by the District Solid Waste Management Plans

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-2 and N.J.A.C. 7:26-2.13 and shall not apply to liquid wastes, sewage sludge, septage, hazardous wastes, oil spill cleanup wastes, and infectious waste.

Also, all non-hazardous 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 (N.J.A.C. 7:26-6) which are part of the Bergen County District Solid Waste Management Plan.

4) Certification to Proceed with the Implementation of Plan Amendments

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 Amendments contained 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 Amendments to the Bergen County District Solid Waste Management Plan contained herein shall take effect immediately.

7) Reservation of Authority

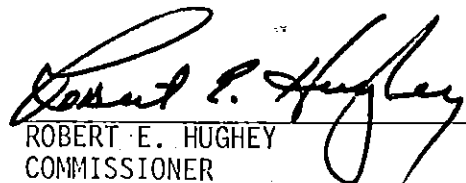
Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Bergen County District Solid Waste Management Plan, including any Amendments made thereto, shall conform with the Statewide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

includes the Department's Planning Guidelines and rules, regulations, and orders of the Department, including the interdistrict and intra-district waste flow rules, and also includes the compilation of individual District Plans and Amendments as they are approved.

D. Certification of Approval of 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 the Amendments, as outlined in Section B of this Certification, to the Bergen County District Solid Waste Management Plan which were adopted by the Bergen County Board of Chosen Freeholders on December 7, 1983.

11/19/84
DATE


ROBERT E. HUGHEY
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION