

Let's protect our earth



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
RICHARD T. DEWLING, Ph.D., P.E., COMMISSIONER
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(IN THE MATTER OF CERTAIN AMENDMENTS)
(TO THE ADOPTED AND APPROVED SOLID)
(WASTE MANAGEMENT PLAN OF THE)
(MORRIS COUNTY SOLID WASTE)
(MANAGEMENT DISTRICT)

CERTIFICATION
OF THE SEPTEMBER 15, 1987
AMENDMENT TO THE MORRIS 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 Board of Chosen Freeholders and the Hackensack Meadowlands Development Commission develop comprehensive plans for waste management in their respective districts. On January 29, 1981, the Department approved, with modifications, the Morris 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. The plan shall include 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 the ten-year period; these 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, the plan may be modified through an amendment. Under the New Jersey Solid Waste Management Act, counties are given the primary role in solid waste management planning. Counties are required to develop comprehensive plans which, among other things, describe a strategy for handling waste generated in the county, designate the facilities and

activities to implement the strategy, and describe the financial and institutional arrangements for implementation of the required facilities and activities.

It is the policy of the Department of Environmental Protection to affirm the primacy of the counties in this process. In implementation of this policy, the Department has provided advice and support for the required decisions but has refrained from directly intervening in the basic decisions regarding strategy and siting, except as required to ensure that county activities conform to the requirements of the Act. However, the Act does provide that the Commissioner may propose and adopt amendments to solid waste management plans to remedy any deficiencies.

On January 17, 1986, the Department proposed an amendment to the Morris County District Solid Waste Management Plan. The amendment proposed the incorporation of a short-term disposal strategy to provide for the development of a transfer station(s) to prepare the county's waste for transport to out-of-district disposal facilities. This initiative was considered necessary since the county disposed of all its solid waste at the Edgeboro Landfill in Middlesex County, which would reach its permitted capacity during 1987. The Department approved the proposed amendment, with modifications, on May 13, 1986..

To implement this short-term disposal strategy, on May 23, 1986, the Department issued a Request For Proposals (RFP) document. Proposals were solicited from private vendors who could provide an in-county transfer station site, obtain the necessary financing, and establish a contractual relationship with an out-of-state licensed disposal facility. In response to the RFP, the DEP received one proposal from the private sector. The proposal which was submitted by Morris County Transfer Station, Inc. (MCTS) on July 16, 1986, and amended on December 23, 1986, included two transfer stations, to be located in Mt. Olive Township and Parsippany-Troy Hills, which would transport the solid waste generated in Morris County to out-of-state disposal facilities.

On April 1, 1987, the Department proposed an amendment to the Morris County Plan incorporating the two transfer station sites, one in Mt. Olive and one in Parsippany-Troy Hills. The Department proposed utilization of both sites for approval and inclusion into the county plan, since the two transfer station sites were suitable and would, together, best serve the needs of the county by minimizing local hauling and truck traffic impact. The Department's amendment also proposed inclusion of operational plans and allocation of waste flows to both the Mt. Olive and Parsippany-Troy Hills sites. Further, the Department recommended acquisition of additional property, adjacent or contiguous to the Parsippany-Troy Hills transfer facility site, to provide flexibility in the design, development and operation of the transfer facility. Therefore, the Morris County Board of Chosen Freeholders were directed to adopt and submit a plan amendment to the Department, within sixty days of the July 28, 1987 certification, which provides for the inclusion of an additional site in Parsippany-Troy Hills.

Pursuant to the directive stated in the July 28, 1987 certification of the April 1, 1987 amendment to the Morris County District Solid Waste Management Plan, the Morris County Board of Chosen Freeholders, on September 15, 1987,

adopted an amendment to its approved district solid waste management plan. The amendment proposes to amend the plan to add a site located near the corner of Sharkey Road, south of Edwards Road on Block 768, Lots 2 and 3, as an additional property available for use as a transfer station.

The amendment was received by the Department of Environmental Protection on September 15, 1987. In anticipation of the county's adoption of the amendment, copies of the proposed amendment had been distributed to various state level agencies for review and comment, as required by law. The Department has reviewed this amendment and has determined that the amendment adopted by the Morris County Board of Chosen Freeholders on September 15, 1987, is approved as provided in N.J.S.A. 13:1E-24.

B. Findings and Conclusions with Respect to the Morris County District Solid Waste Management Plan Amendment

Pursuant to N.J.S.A. 13:1E-24a(1), I, Richard T. Dewling, Commissioner of the Department of Environmental Protection have studied and reviewed the September 15, 1987, amendment to the Morris 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 this plan amendment is consistent with the Statewide Solid Waste Management Plan.

In addition, the Division of Solid Waste Management circulated the plan amendment to twenty review agencies and solicited their review and recommendations. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various agencies, bureaus, and divisions within the Department of Environmental Protection, as well as the Board of Public Utilities. Also among these agencies were the Department of Community Affairs, the Department of the Public Advocate, the Department of Health, the Office of Recycling, the Department of Agriculture, the Department of Transportation, and the New Jersey Turnpike Authority. Of these agencies, the following did not object to the proposed plan amendment: the State Departments of Agriculture and Health; the Board of Public Utilities; the New Jersey Turnpike Authority, and the Office of Recycling. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Divisions of Water Resources, Financial Management and Hazardous Site Mitigation; the State Departments of Community Affairs, Transportation and the Public Advocate; the Green Acres Program; the New Jersey Advisory Council on Solid Waste Management and the U.S. Environmental Protection Agency. The N.J.D.E.P. Divisions of Solid Waste Management, Fish, Game, and Wildlife and Environmental Quality submitted substantive comments which are further addressed below.

The Bureau of Inspections and Investigations within the Division of Solid Waste Management noted that the transfer station site should be physically tested to insure that it is not part of, or impacted by, the adjacent Sharkey's Superfund site. Further, the Bureau commented that the building should be constructed and all proper equipment should be on site and available prior to operation of the facility. The Department responds that there will be no further drilling in the area mapped as a Superfund site without appropriate precautions noted in the boring/drilling design.

The area delineated as part of the Superfund site on the referenced property will not be incorporated into the transfer facility design or operation without appropriate remedial design. The additional property included by this amendment will be used for the truck scales and truck queuing lanes. All building or construction design will use land area outside the mapped Superfund site property. If any additional facility structures are contemplated for the site, a detailed protocol and Hazardous Site Mitigation approval must be obtained. Further, under any permit issued for operation the operator will be required to have, on site, all the necessary equipment for operation, together with adequate backup equipment and/or contracts for equipment rental.

The Division of Fish, Game, and Wildlife expressed the concern that the subject site is Palustrine scrub-shrub/emergent wetland as identified on the U.S.F.W.S. National Wetlands Inventory Maps. Moreover, the site is proximal to Troy Meadows, Hatfield Swamp and the Whippany/Rockaway Rivers. The Division of Fish, Game, and Wildlife requested to see a wetland delineation of the site. After wetlands are avoided, a site specific Environmental Impact Statement (EIS) should be conducted that focuses on vegetative and wildlife resource inventories, site containment issues, floodplain determinations and expected adverse impact. The Division also notes that the subject site may conflict with the Passaic Basin Tunnel Plan proposal by the Army Corps of Engineers. In response, the Department comments that it has investigated and continues to investigate the wetlands' involvements that would result from this project. To this date, the investigation has revealed that much of this area, which was classified as wetlands on the U.S.F.W.S. National Wetlands Inventory Maps, is actually upland as a result of historical landfill activities. Wetland pockets that do remain are being inventoried as requested for areas where construction will occur. The Department will ensure compliance with applicable wetland laws and regulations. Critical impacts will be evaluated in the EIS. The Passaic Basin Tunnel plan is not projected for implementation for at least five years and is still in the planning phase. No plans call for development of the Whippany River, adjacent flood ways or natural storage at the referenced site.

The Division of Environmental Quality (DEQ) commented that the plan amendment was consistent with the plans and programs administered by that agency, provided that truck traffic to and from the transfer station does not cause traffic congestion which would result in emissions exceeding the National Ambient Air Quality Standards (NAAQS). DEQ also commented that transfer stations are subject to the provision 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, N.J.A.C. 7:27-8.2(a)16 requires air pollution control permits for any equipment which vents a solid waste facility directly or indirectly in the outdoor atmosphere. Control devices to reduce odor and other air contaminants may be required on such vents. The Department responds, that with regard to NAAQS, the permit requires that the permittee shall act to prevent the acceptance of any vehicle not equipped with properly operating air pollution control systems. Further, any permit will require that the tipping floor entrance and exit doors of the transfer station shall remain closed at all times other than the normal, scheduled refuse truck delivery hours. In the event that natural ventilation is not effective in preventing

odor associated with solid wastes, effective measures shall be implemented to ensure compliance with N.J.A.C. 7:27-5.

C. Certification of Morris County District Solid Waste Management Plan Amendment

I, Richard T. Dewling, 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 September 15, 1987 amendment to the approved Morris County District Solid Waste Management Plan and certify to the Morris County Board of Chosen Freeholders that the September 15, 1987 amendment is approved as further specified below.

The amendment, which includes in the county plan, a site defined as Block 768, Lots 2 and 3 south of Edwards Road, Parsippany-Troy Hills Township, Morris County, for use in conjunction with a previously sited transfer station, is approved.

The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq. or N.J.A.C. 7:26-1.10. Issuance of the operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department and the Attorney General to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126 et seq.

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 the amendment to the Morris 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 this amendment and of the Morris 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 Morris County and affected by the amendment contained herein shall

operate in compliance with this amendment and all other approved provisions of the Morris 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 Morris 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 and shall not apply to liquid wastes, sewage sludge, septage, and hazardous wastes. 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).

4. Certification to Proceed with the Implementation of Plan Amendment

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

6. Effective Date of Amendment

The amendment to the Morris County District Solid Waste Management Plan contained herein shall take effect immediately and shall not be construed as being contingent upon compliance by the Morris County Board of Chosen Freeholders with the modification directed in Section C. herein.

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 Morris County District Solid Waste Management Plan, including any amendment made therein, shall conform with the Statewide Solid Waste Management Plan.

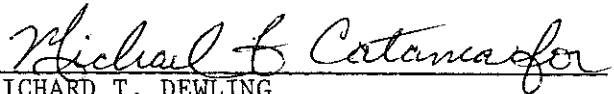
The Department has published a Statewide Solid Waste Management Plan with appendices which includes the Department's planning guidelines and rules, regulations, and orders of the Department, including the interdistrict and intradistrict waste flow rules, and also includes the compilation of individual district plans and amendments as they are approved.

E. Certification of Approval of the Amendment 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 Morris County District Solid Waste Management Plan which was adopted by the Morris County Board of Chosen Freeholders on September 15, 1987.

September 28, 1987

DATE


RICHARD T. DEWLING
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION