



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ROBERT E. HUGHEY, COMMISSIONER
CN 402
TRENTON, N.J. 08625
609 - 292 - 2885

(IN THE MATTER OF CERTAIN AMENDMENTS)
(TO THE ADOPTED AND APPROVED SOLID)
(WASTE MANAGEMENT PLAN OF THE)
(HACKENSACK MEADOWLANDS DISTRICT)

CERTIFICATION
OF THE FEBRUARY 27, 1984 AMENDMENTS
TO THE HACKENSACK MEADOWLANDS
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 July 31, 1980, the Department approved, with modifications, the Hackensack Meadowlands 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 Hackensack Meadowlands Development Commission completed such a review and on February 27, 1984, adopted Amendments to its approved District Solid Waste Management Plan. The Amendments were received by the Department of Environmental Protection on March 19, 1984 and copies were distributed to various state level agencies for review and comment.

Because Essex County presently lacks adequate disposal capacity, and this amendment includes the designation of a disposal facility that will be capable of accepting the waste stream from Essex County, it is important that the review of the specific provisions for the designation of the disposal facility be expedited. The other parts of the amendment will continue to be reviewed by the Department and the other State agencies and certified at a later date, however, certification will concern itself with the designation of an interim (1 year) disposal site, and with the promulgation of a schedule which will ensure the availability of subsequent sites.

The February 27, 1984 Amendments designate the HMDC 1C site as the location of a facility to receive the waste stream currently directed to the HMDC 1A facility for a period of one year. However, under the terms of the Amended Consent Judgment entered on May 2, 1983 in Essex County Superior Court, the HMDC must provide disposal capacity for this waste stream until July 31, 1987. Therefore, the Department finds the Hackensack Meadowlands District Solid Waste Management Plan deficient in that it does not designate sufficient available suitable sites for this waste stream for the period until July 31, 1987.

B. Approved Parts of the Hackensack Meadowlands District Solid Waste Management Plan Amendment

I, Robert E. Hughey, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq., do hereby approve specific parts of the amendment to the approved Hackensack Meadowlands District Solid Waste Management Plan which were adopted by the Hackensack Meadowlands District Commissioners on February 27, 1984, and certify to the Hackensack Meadowlands District Commissioners that the modifications outlined below are hereby made a final approved part of the Hackensack Meadowlands District Solid Waste Management Plan.

The adopted Hackensack Meadowlands District Solid Waste Management Plan is amended to include the Hackensack Meadowlands Development Commission 1-C landfill (Block 149, Lot 10), located in Kearny, Hudson County, New Jersey. The facility will accept wastes from the sources now directed to the Hackensack Meadowlands Development Commission 1-A landfill.

C. Modifications Adopted and Promulgated by the Commissioner Pursuant to N.J.S.A. 13:1E-1 et seq. and Made an Approved Part of the Hackensack Meadowlands District Solid Waste Management Plan

The February 27, 1984 Amendments, portions of which are herein approved, designate a site which can provide disposal capacity for the waste stream currently directed to the HMDC 1-A landfill for a period of one year. In order to ensure the designation, development and availability of a site(s) to handle this waste stream subsequent to the closure of the HMDC 1-A facility, the schedule attached hereto as Schedule A is made an approved part of the Hackensack Meadowlands District Solid Waste Management Plan, and the Hackensack Commission is hereby directed to implement this schedule.

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 Hackensack Meadowlands 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 Hackensack Meadowlands 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 as shown, obtain an extension of time complete such renegotiation.

2) Compliance

All solid waste facility operators and collector/haulers registered with the Department of Environmental Protection and operating within the Hackensack Meadowlands District and affected by the Amendments contained herein shall operate in compliance with these Amendments and all other approved provisions of the Hackensack Meadowlands 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 Hackensack Meadowlands 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 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) which are part of the Hackensack Meadowlands 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 Hackensack Meadowlands Development Commission, 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 Hackensack Meadowlands District Solid Waste Management Plan contained herein shall take effect immediately.

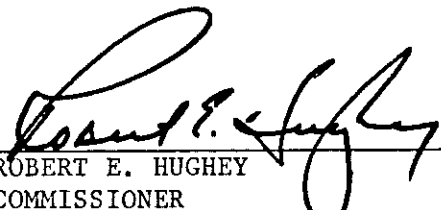
7) Reservation of Authority

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 Hackensack Meadowlands 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 intradistrict waste flow rules, and also includes the compilation of individual District Plans and Amendments as they are approved.

E. Certification of Approval 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 specific modifications from the Amendment appearing in Section B herein to the Hackensack Meadowlands District Solid Waste Management Plan which were adopted by the Hackensack Meadowlands District Commissioners on February 27, 1984.

A/26/89
DATE


ROBERT E. HUGHEY
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION

AMMENDED HACKENSACK MEADOWLANDS DISTRICT SOLID WASTE MANAGEMENT PLAN

Schedule A

1. Within 30 days of the Certification, propose an available, suitable site and at least one additional, alternate site for the disposal of the waste flows formerly directed to the HMDC IA site, as part of an ammendment to the Hackensack Meadowlands District Solid Waste Management Plan.
2. Within 60 days of this Certification, designate an available, suitable site and at least one additional, alternate site for the disposal of the waste flows formerly directed to the HMDC IA site as an ammendment to the Hackensack Meadowlands District Solid Waste Management Plan.
3. Within 7 days of approval of a site as part of the Hackensack Meadowlands District Solid Waste Management Plan engage the services of a consulting engineer to prepare an environmental impact statement, a final engineering design and such cost estimates and construction specifications as my be necessary to assure timely approval, construction and operation of the site upon termination of the interim HMDC I-C site.
4. Within 120 days of approval of the site designated in the approved Solid Waste Management Plan submit to the Department a full environmental impact statement, engineering design, closure and post-closure plans and such other permit applications and sub-missions as may be required to commence operation of the facility.
5. Within 14 days of approval of all necessary environmental impact statements, designs and permits for the facility, engage a contractor(s) to construct all improvements which must be installed prior to its operation.