



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER
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(IN THE MATTER OF THE ADOPTED AND)
(MODIFIED SOLID WASTE MANAGEMENT)
(PLAN OF THE HACKENSACK MEADOWLANDS)
(SOLID WASTE MANAGEMENT DISTRICT)

CERTIFICATION OF APPROVAL
WITH MODIFICATION OF 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. as amended by C. 326, Laws of 1975) determines, among other things, "...that the management of solid waste in New Jersey consists largely of piecemeal, uncoordinated activities developed to meet the immediate needs of local government with little, if any, regard for regional planning and coordination..." and that "...the solid waste planning and management process is adversely affected by the absence of area-wide structures...." The Act addressed these and other findings by establishing "...a statutory framework within which all solid waste collection, disposal and utilization activity..." in New Jersey would be coordinated. This framework includes the designation of each of New Jersey's twenty-one counties and the Hackensack Meadowlands District as a Solid Waste Management District. Each District is authorized, either singly or jointly with one or more other Districts, to formulate and develop a comprehensive Solid Waste Management Plan. Following development, the resulting Plan is submitted by the District to the public for comment at an informational hearing. Thereafter, the District must adopt or reject, in whole or in part, the Solid Waste Management Plan.

After adoption of a Plan in whole or in part by a District, the Plan is then submitted to the Commissioner of the Department of Environmental Protection for review and final approval. The Commissioner has authority to modify, reject or approve such Plans and, in the final analysis, the Commissioner is authorized to adopt and promulgate any modification or replacement she deems necessary with respect to the Solid Waste Management Plan.

In order to establish a meaningful and responsible role for the State in the solution of solid waste problems, the Act grants broad powers to the Department of Environmental Protection. This includes the power "...to regulate and supervise all solid waste collection and disposal facilities and operations...", "...to register all persons engaged in the collection or disposal of solid waste...", "...to develop through a Statewide solid waste management plan objectives, criteria and procedures to assure the orderly preparation and evaluation of the [district] solid waste management plans...", "...to approve, modify or reject such solid waste management plans on the basis of their conformity with such objectives, criteria and

procedures...", and "...to develop and implement such a plan where none is approved or forthcoming from any solid waste management district...."

Specifically, the solid waste planning process includes five stages. These include the promulgation of guidelines by the Department of Environmental Protection, Plan formulation by the Districts, public hearings on the Plans developed by the Districts, adoption of the Plan by the District, and approval, rejection or modification of the Plan by the Department of Environmental Protection.

At the beginning of the planning process, the Department of Environmental Protection set forth guidelines for the formulation and development of District Solid Waste Management Plans.* The guidelines contain planning objectives, planning schedules and specific tasks to be addressed in the planning process. The objectives identified in the guidelines include the protection and enhancement of environmental quality and the conservation of natural resources. Through these objectives, the Department encouraged District Plans which would provide for the termination of existing solid waste disposal operations which cannot be upgraded to meet environmental standards, the provision of alternative services and facilities capable of meeting environmental standards and conservation of natural resources by the implementation of waste reduction techniques and resource recovery systems.

In order to achieve these objectives, the Department of Environmental Protection has and continues to encourage the development of a comprehensive regional scheme to ensure recovery systems and environmentally sound disposal facilities. To this end, the Commissioner of the Department of Environmental Protection, after study and review, issued a Certification of Modification to the Adopted Solid Waste Management Plan of the Hackensack Meadowlands Solid Waste Management District on October 1, 1979. The Certification required the Hackensack Meadowlands Solid Waste Management District to, among other things, develop a schedule for resource recovery implementation and negotiate interdistrict agreements with other Solid Waste Management Districts to provide those Districts with additional disposal capacity.

On June 25, 1980, the Hackensack Meadowlands Development Commission formally adopted modifications to the District's Plan. The modifications were received by the Department of Environmental Protection on July 1, 1980. The Department of Environmental Protection has studied and reviewed the Plan and its modifications in accordance with the Solid Waste Management Act. Based on the results of this review and evaluation, I have determined that the Hackensack Meadowlands District Solid Waste Management Plan be granted approval as amended by the modifications adopted herein and promulgated by me (see N.J.S.A. 13:1E-24).

B. Solid Waste Management Plan Accomplishments

The Hackensack Meadowlands District Solid Waste Management Plan has been

*"Guidelines for the Development and Formulation of District Solid Waste Management Plans," New Jersey Department of Environmental Protection, Solid Waste Administration (Trenton, August 1977).

reviewed by the Department of Environmental Protection and other State-level agencies and, with the District's adopted modifications along with the replacement modifications herein set forth, provides for environmentally sound solid waste management in the Hackensack Meadowlands. I am confident that with the implementation of this Plan, a comprehensive solid waste management program will be established.

The Plan contains a resource recovery implementation schedule that projects a resource recovery facility to be on line by 1983 with a capacity to handle 3,000 tons per day of solid waste. In addition, the District's baling facility will be expanded to 2,000 tons per day by January 1, 1981.

The Plan also contains provisions for the creation of the Richard W. DeKorte State Park. Bales of solid waste from the baling facility will be used to create the designed contours of the park. This unique land recycling concept is the first attempt of its kind in the country to transform massive areas of terminated landfills into active, upland recreation areas.

In addition, the Plan contains a proposed rate averaging scenario for the uniform distribution of disposal costs during the ten year planning period for all the Hackensack Meadowlands Development Commission's (H.M.D.C.) existing and future landfills, the baler, and all the resource recovery facilities proposed by and for the Counties of Bergen, Essex, Hudson and Passaic. This innovative regional approach to rate averaging is critical to ease the economical impact of the transition from the current undesirable practices of landfilling to the material and energy recovery and environmentally sound practices of resource recovery.

The Plan indicates that the overall implementation of the Plan and its updates will be performed by the Hackensack Meadowlands Development Commission. However, regarding the development of the proposed Ridgefield resource recovery facility, the H.M.D.C. and the Bergen County Board of Chosen Freeholders will serve as the implementation agency. The H.M.D.C. will continue to receive public input by being receptive to the comments generated by its Solid Waste Advisory Council and its Ad Hoc Citizens Committee.

C. Approved Hackensack Meadowlands District Solid Waste Management Plan

I, Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq., do hereby approve the following key elements of the adopted Hackensack Meadowlands District Solid Waste Management Plan and the Modifications adopted by the Hackensack Meadowlands Development Commission on June 25, 1980:

1) Data Base

The basic data utilized in the Plan is approved. However, as further data, particularly in the area of solid waste generation and composition becomes available as part of the District's resource recovery feasibility studies, such data will supercede existing data, and be made part of any Plan revision or update.

2) Schedule For Resource Recovery Implementation

The Plan's schedule for the implementation of resource recovery is approved. The Department of Environmental Protection will monitor the progress of the District in meeting the milestones of this implementation schedule. The Commission shall make quarterly status reports to the Department of Environmental Protection concerning the District's progress in meeting these milestones. The first status report shall be submitted to the Department's Solid Waste Administration by January 1, 1981.

3) Public Participation Program

The Plan's public participation program is approved.

4) Sludge and Septage

The Plan shall conform with any Rules and Regulations of the Department concerning sludge and septage.

5) Inclusion of Certain Solid Wastes Generated From Within the Bergen, Essex, Hudson, Passaic and Union County Solid Waste Management Districts for Disposal Within the Hackensack Meadowlands District

The Department of Environmental Protection has previously concurred with the H.M.D.C.'s planning proposals to reduce the waste stream into that District as a result of diminishing capacity to handle same in an environmentally sound manner and in a manner consistent with the District's unique statutory mandate under the "Hackensack Meadowlands Reclamation and Development Act," N.J.S.A. 13:17-1 et seq. On December 31, 1979, therefore, the Department of Environmental Protection adopted "Rules Concerning Interdistrict Flow of Solid Waste Between and Among Solid Waste Management Planning Districts in Northeastern New Jersey," N.J.A.C. 7:26-1.11 to N.J.A.C. 7:26-1.15, in accordance with which the Union County Solid Waste Management District and the Morris County Solid Waste Management District were directed to modify their plans to re-direct their wastes to disposal facilities located outside of the Meadowlands District. Moreover, on March 20, 1980, the Department of Environmental Protection adopted modifications to the Union County District Solid Waste Management Plan. These modifications directed that solid wastes generated from within seventeen of Union County's twenty-one municipalities be re-directed out of the Hackensack Meadowlands District to disposal facilities in Middlesex County. In addition, the modifications directed solid wastes generated from within two other Union County municipalities to disposal facilities in Morris County. The Hackensack Meadowlands District Plan and the modifications thereto recently submitted to the Department similarly demonstrate a continuing and severe shortfall in the disposal capacity needed to serve the needs of municipalities in and in close proximity to this District.

Therefore, in conjunction with the above, effective immediately, no solid waste other than that generated in the Counties and municipalities

listed below (and in Section D) shall be disposed of in the Hackensack Meadowlands District:

<u>District</u>	<u>Municipalities</u>
Bergen County	All Bergen County Municipalities
Passaic County	Paterson, Passaic, Clifton, West Paterson, Little Falls, Totowa, Wayne, Haledon, Prospect Park, and Hawthorne
Hudson County	All Hudson County Municipalities (with the exception of certain solid wastes being disposed of at the Bayonne Sanitary Landfill)*
Essex County	All Essex County Municipalities (with the exception of Essex Fells)
Union County	Only the Union County Municipalities of Union and Springfield Townships (and Hillside and Rahway until current municipal collection contracts expire)

It is the intention of this Section of the Plan modifications to limit, as of July 31, 1980, wastes directed to the Hackensack Meadowlands District to those wastes generated within the municipalities listed above. Wastes generated in other Counties and municipalities which were disposed of in the Hackensack Meadowlands District up to July 31, 1980, shall be re-directed to facilities in other Districts by agreement of the sending and receiving Districts, or by direction from the Department in the absence of such agreements.

By virtue of the fact that wastes generated outside of the State of New Jersey may not be subject to the interdistrict agreements described above, it is the further intention of this Section to provide the opportunity for such wastes to be directed to disposal sites within New Jersey, in Districts other than the Hackensack Meadowlands District. To accomplish this objective, the Department of Environmental Protection hereby authorizes any person(s) who presently disposes of their wastes in New Jersey, or who plans to do so, to enter into agreements for such disposal within Solid Waste Management Planning Districts, other than the Hackensack Meadowlands District. All such agreements must be executed prior to November 1, 1980.** In the event that agreements

*When the Bayonne Sanitary Landfill is closed, all wastes from the City of Bayonne shall be disposed of in accordance with Section D.

**All such wastes are hereby excluded from the Hackensack Meadowlands District, but may be re-directed to other County Solid Waste Management Planning Districts in the interim between the date of this approval and November 1, 1980.

are not finalized by November 1, 1980, any person(s) so situated may apply to the Department of Environmental Protection for authorization to dispose of their wastes in Solid Waste Management Districts within New Jersey.

D. 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

I, Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq., do hereby adopt and promulgate the following modifications to the Hackensack Meadowlands District Solid Waste Management Plan and certify to the Hackensack Meadowlands Development Commission that the modifications contained herein are hereby made a final approved part of the Hackensack Meadowlands District Solid Waste Management Plan.

1) Waste Flow Modifications

- a) All solid wastes, with the exception of those noted in Section 2.c. herein, generated from within all of Bergen County's municipalities, with the exception of North Arlington, shall be disposed of at the Bergen County Kingsland Park Sanitary Landfill, facility number 0232B, and the Kingsland Park Landfill Extension, facility number 0232C, located in Lynhurst, Bergen County, New Jersey. All solid wastes, with the exception of those noted in Section 2.c. herein, generated from within the Bergen County municipality of North Arlington shall be disposed of at the H.M.D.C. Baler, facility number 0239C, located in North Arlington. Upon the development and operation of the H.M.D.C./Bergen County resource recovery facility, scheduled for operation in 1983, all processable* solid wastes generated from within Bergen County, with the exception of North Arlington, shall be disposed of at said resource recovery facility. North Arlington will continue to utilize the H.M.D.C. Baler, facility number 0239C. Residues and non-processable** solid wastes shall be disposed of at a landfill(s) designated in the first two year update of the Hackensack Meadowlands District Solid Waste Management Plan.
- b) All solid wastes, with the exception of those noted in Section 2.c. herein, generated from within all of Hudson County's municipalities, with the exception noted below, shall be disposed of at Municipal Sanitary Landfill Authority landfill, facility number

*Processable solid waste is that part of the solid waste stream which can be processed through a resource recovery facility.

**Non-processable solid waste is that part of the solid waste stream which cannot be processed through a given resource recovery facility and solid wastes resulting from emergency back-up procedures.

0907B (MSLA 1-C), located in Kearny, New Jersey. When disposal operations cease at MSLA 1-C landfill (operations are expected to cease on December 31, 1980), the aforementioned Hudson County municipalities will utilize the H.M.D.C. Baler, facility number 0239C, located in North Arlington. Solid waste presently accepted at the Bayonne Sanitary Landfill, facility number 0901A, located in Bayonne, Hudson County, New Jersey, shall continue to be accepted until the facility is terminated. At this point, solid waste will be re-directed to the H.M.D.C. Baler, facility number 0239C. Also, solid waste generated in Hudson County presently being disposed of at the H.M.D.C. Baler, facility number 0239C, shall continue to do so.

- c) All solid wastes, with the exception of those noted in Section 2.c. herein, generated from within the Passaic County municipalities of Clifton, Haledon, Hawthorne, Little Falls, North Haledon, Passaic, Paterson, Prospect Park, Totowa, Wayne, and West Paterson shall be disposed of at the P & M Sanitation landfill, facility number 0239A, located in North Arlington. When disposal operations cease at the P & M landfill (operations are expected to cease on December 31, 1980), the aforementioned Passaic County municipalities will utilize the H.M.D.C. Baler, facility number 0239C, located in North Arlington. Wastes generated from within the aforementioned Passaic County municipalities which are presently being disposed of at the H.M.D.C. Baler, facility number 0239C, shall continue to do so.
- d) All solid wastes, with the exception of those noted in Section 2.c. herein, generated from within all of Essex County's municipalities, with the exception noted below, shall be disposed of at the MSLA I-D landfill facility number 0907C, until it ceases operations (operations are expected to cease on December 31, 1980). In addition, the Union County municipalities of Union and Springfield Townships shall utilize MSLA I-D, facility number 0907C, until it ceases operations and the Union County municipalities of Hillside and Rahway shall utilize MSLA I-D, facility number 0907C, until their present contracts expire. Should MSLA I-D cease operations before the contracts expire, solid wastes from Hillside and Rahway shall be directed to another H.M.D.C. facility. Upon the expiration of these contracts, solid wastes generated from within Hillside and Rahway shall be directed to disposal facilities within Middlesex County (see the Middlesex County Certification of Approval With Modifications). The Essex County municipality of Essex Fells shall continue to utilize the Combe landfills, facility numbers 1427A and 1407A, located in Mt. Olive and Chester Township, Morris County, New Jersey. Also, any solid waste generated in Essex County presently being disposed of at the H.M.D.C. Baler, facility number 0239C, shall continue to do so.
- e) It has become obvious that additional landfill capacity will have to be acquired to accommodate Essex County's solid waste subsequent to the closing of MSLA I-D, facility number 0907C. The H.M.D.C. and Essex County Districts shall, therefore, comply with

the schedule outlined below in order to assure that a site capable of handling Essex County's solid wastes (including those wastes generated from within the Union County municipalities of Union and Springfield Townships) is available for use on January 1, 1981. The facility should be of sufficient capacity to handle this waste flow until the proposed Essex County resource recovery facility is on line and, thereafter, to provide disposal for resource recovery residues, non-processable wastes and emergency back-up.

Schedule for Landfill Implementation:

August 15, 1980 - List of potential sites in Essex and H.M.D.C. Districts

August 25, 1980 - Preliminary screening of sites

September 5, 1980 - Assessment and selection of site

September 15, 1980 - Acquisition of site

October 1, 1980 - Selection of landfill construction contractors

October 15, 1980 - Obtain necessary permits

October 15 through December 31, 1980 - Preparation of site

January 1, 1981 - Begin operation

If neither the H.M.D.C. nor Essex County has selected a site by September 5, 1980, the Department of Environmental Protection will solicit proposals for the preparation, development and operation of a suitable site in Essex County and/or the Hackensack Meadowlands District for the Essex County waste specified above.

- f) When the proposed resource recovery facilities for Essex, Hudson and Passaic Counties become operational (scheduled for January 1, 1985), processable solid waste generated from within these Counties shall be directed to the resource recovery facilities in accordance with each District's approved Solid Waste Management Plan. The H.M.D.C. shall provide adequate capacity to handle solid wastes from the above specified municipalities in Hudson, Passaic and Essex (including Union and Springfield Township) in the event of a reasonable delay(s) in the implementation of the resource recovery facilities.
- g) The H.M.D.C. Sawmill Park SLF extension, facility number 0232D, located in Lyndhurst, which will accommodate waste delivered to the H.M.D.C. Baler, is projected to reach capacity by the end of December 1981. The H.M.D.C. shall, therefore, acquire additional capacity capable of receiving all solid wastes delivered to the Baler.

- h) The H.M.D.C. shall also acquire additional disposal capacity to provide for all non-processable wastes, for emergency back-up, and for resource recovery residues produced by the Bergen/H.M.D.C., Essex, Hudson, and Passaic District resource recovery facilities through 1990.
- i) Concerning the site for the proposed H.M.D.C./Bergen County resource recovery facility, the Department of Environmental Protection has concluded that the proposed facility shall be constructed at a site located in Ridgefield on Block 145, Lot 3 and Block 182, Lot 2 directly across the Hackensack River from the Bergen County Sewage Treatment Plant in Little Ferry. It should be noted, however, that necessary engineering and environmental studies will have to be completed and submitted to the Department for review and approval before the Ridgefield site can be used for the resource recovery facility. If the technology selected is co-disposal, then liquid sludge will be piped under the Hackensack River to a dewatering/drying facility adjacent to the resource recovery facility prior to combustion in the proposed resource recovery facility.

2) Other Provisions Effecting the Plan Modifications

a) Contracts

Nothing contained in these Modifications shall be construed as to interfere with, or in any way modify, the provisions of any contract for solid waste collection or solid waste disposal in force in any solid waste management district upon the effective date of this Act (July 29, 1977); provided, however, as set forth at N.J.S.A. 13:1E-29 no renewal of any such contract upon the expiration or termination of the original term thereof, and no new contract for solid waste collection or solid waste disposal, shall be entered into after the effective date of this act, unless such renewal or such new contract shall conform with the applicable provisions of the approved solid waste management plan, as set forth herein, of the relevant solid waste management district or unless such contract is approved by the Commissioner.

Any contract renewal or new contract for solid waste collection or solid waste disposal which was executed prior to the approval of the within modifications to the Hackensack Meadowlands District Solid Waste Management Plan 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 Modifications and of the Hackensack Meadowlands District Solid Waste Management Plan if such renegotiation is not completed by the effective date of these Modifications (November

1, 1980); 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.

b) Compliance

All solid waste facility operators registered with the Department of Environmental Protection and operating within Hackensack Meadowlands District and effected by the Modifications contained herein shall operate in compliance with these Modifications and all other approved provisions of the Hackensack Meadowlands District Solid Waste Management Plan. Any facility operator 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 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.

c) Types of Solid Wastes Covered by the Hackensack Meadowlands District Solid Waste Management Plan Modifications

The Modifications contained herein shall apply to all "solid wastes" generated within the identified County municipalities, as defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-2.5.27 and with the exceptions of liquid wastes, sewage sludge, septage, hazardous wastes, oil spill clean-up waste, infectious waste and those wastes separated and recovered at the point of generation.

d) Certification to Proceed with the Implementation of Plan Modifications

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 Modifications contained herein.

e) Definitions

For the purpose of these Modifications 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 -2.5.27.

f) Effective Date of Modifications

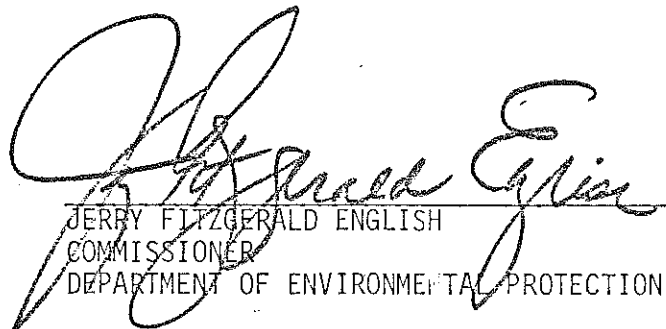
The adopted and promulgated Modifications to the Hackensack Meadowlands District Solid Waste Management Plan contained herein shall take effect on November 1, 1980, with the exception of Section 1.e. which shall take effect immediately.

- g) Nothing contained herein shall be construed as a bar to 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 shall conform with the Statewide Solid Waste Management Plan. The Statewide Solid Waste Management Plan includes the Department's Planning Guidelines and rules, regulations, and orders of the Department, and will include the compilation of individual District Plans and modifications as they are approved. The Statewide Solid Waste Management Plan for Group I and II Districts will be published this summer.*

E. Certification of Approval and Adoption and Promulgation of Modifications 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 Hackensack Meadowlands District Solid Waste Management Plan and its adopted modifications, subject to the modifications and replacements contained and adopted herein.

31 July 1980
Date


JERRY FITZGERALD ENGLISH
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION

*The Commissioner may adopt modifications to the approved District Plans in the Statewide Solid Waste Management Plan when it is promulgated.