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Scott A. Weiner
Commissioner

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

CERTIFICATION
OF THE OCTOBER 3, 1991
AMENDMENT TO THE HACKENSACK MEADOWLANDS
DEVELOPMENT COMMISSION 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 (HMDC) develop comprehensive plans for waste management in their respective districts. On July 31, 1981, the Department of Environmental Protection approved, with modifications, the HMDC District Solid Waste Management Plan (District 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 plan at any time and, if found inadequate, a new plan must be adopted. The HMDC Commissioners completed such a review and on October 3, 1991 adopted an amendment to its approved District Plan.

The proposed amendment incorporates the following components into the HMDC District Solid Waste Management Plan:

1. A Regional Leaf Composting and Vegetative Waste Processing Facility for acceptance of up to 70,000 cubic yards per year of leaves and grass clippings to be composted, and branches, tree trimmings and stumps to be chipped. This HMDC facility is to be located at the site of the HMDC 1-E landfill;
2. An interdistrict agreement between Hudson County, the Hudson County Improvement Authority (HCIA) and the HMDC which provides, among other things, for a short-term disposal strategy for solid waste generated within Hudson County. Pursuant to the terms of the Settlement Agreement of June 14, 1990 between the Department, the former Board of Public Utilities (Board or BPU), the HMDC and the HCIA, entered into as a result of Hudson County's Notice of Appeal of February 3, 1990 to the Department's and Board's Order For Termination of Landfill Operations dated December 22, 1989, the Hudson County Board of Chosen Freeholders adopted an amendment to its approved District Plan on September 27, 1990 to provide a short-term disposal strategy. That amendment was certified by former DEP Commissioner Judith Yaskin on January 24, 1991. Specifically, this short-term disposal strategy, as approved, requires all solid waste types 10, 13, 23, 25 and 27 generated within Hudson County to be delivered to the HMDC baler facility. Following processing, all waste type 10 (and waste type 27 asbestos) is to be disposed of at the HMDC 1-E landfill in North Arlington and all waste types 13, 23, 25 and 27 (non-asbestos) will be transferred for out-of-state disposal. In addition to this short-term strategy, which is intended to provide disposal capacity for a period sufficient for Hudson County to bring long-term in-county disposal facilities into operation or negotiate necessary interdistrict agreements with other New Jersey districts, Hudson County was required to enter into an interdistrict agreement with the HMDC for use of the aforementioned HMDC facilities. Plan inclusion of the interdistrict agreement at this time memorializes the terms of that agreement which was executed by all parties on December 6, 1990;
3. The Sanzari-Grano Concrete/Asphalt Recycling Center located in North Bergen, Hudson County for acceptance of up to 500 tons per day of source separated concrete and asphalt; and,
4. The Jersey Carting/Meadowlands Recycling Materials Recovery Facility located in East Rutherford, Bergen County for acceptance of up to 350 tons per day of solid waste types 10, 13, 23, 25 and 27.

The amendment was received by the Department of Environmental Protection and Energy (Department or DEPE) on October 21, 1991 and copies were distributed to various administrative review agencies for review and

comment, as required by law. The Department has reviewed this amendment, as well as the entire District Plan, and has determined that the amendment adopted by the HMDC Commissioners on October 3, 1991 is approved in part and rejected in part as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the October 3, 1991 amendment to the District 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 in part and inconsistent in part with the Statewide Solid Waste Management Plan.

In conjunction with the review of the amendment, 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:

Division of Environmental Quality, DEPE
Water Supply Element, DEPE
Wastewater Quality Element, DEPE
Division of Coastal Resources, DEPE
Division of Parks and Forestry, DEPE
Division of Fish, Game and Wildlife, DEPE
Division of Solid Waste Management, DEPE
Green Acres Program, 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 HMDC Amendment

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

Division of Parks and Forestry, DEPE
New Jersey Advisory Council on Solid Waste Management
U.S. Environmental Protection Agency

The following agencies did not respond to the Department's requests for comments:

Water Supply Element, DEPE
Wastewater Quality Element, DEPE
Division of Coastal Resources, DEPE
Green Acres Program, DEPE
New Jersey Turnpike Authority

Department of Agriculture
Department of Health
Department of Community Affairs
Department of the Public Advocate

The following agencies submitted substantive comments which are further addressed below:

Division of Solid Waste Management, DEPE
Division of Environmental Quality, DEPE
Division of Fish, Game and Wildlife, DEPE
Department of Transportation

2. Issues of Concern Regarding the HMDC Amendment

Issue: Permit Requirements

The HMDC baler facility operates under a Certificate of Approved Registration and Engineering Design Approval (CAREDA) issued on March 17, 1977. This CAREDA will expire in 1992. Submittal of updated engineering plans will be required in order to update its current permit. Furthermore, submittal of a description of the internal solid waste handling and transfer operations for shipping waste out-of-state as well as a description of the traffic volume to and from the facility is currently required in order to determine whether or not a solid waste facility permit modification is warranted.

Recycling centers 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, recycling centers are considered solid waste facilities, which are 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. Also, the use of shredders, chippers, and crushers will necessitate the control of particulate emissions into the air. Pursuant to N.J.A.C. 7:27-8.2(a), 7, 11, 15 and 16, air pollution control permits to construct, install or alter control apparatus or equipment are required. Moreover, the recycling of asphalt may release organic substances to the air. As a result, the recycling equipment may need air pollution control apparatus to control these organic substance emissions. Furthermore, if the Sanzari-Grano Concrete/Asphalt Recycling Center markets any recycled asphalt to bituminous concrete plants, these facilities may also need air pollution control apparatus to control organic emissions. Additionally, air pollution control permits for existing bituminous concrete plants would have to be revised to include recycled asphalt. Facilities to shred, chip and crush asphalt, brick, etc. must comply with the noise control code, N.J.A.C. 7:29-1. A recycling center handling Class B recyclable materials requires an approval as per N.J.S.A. 13:1E-99.34b and N.J.A.C. 7:26A-3 et seq. Finally, should any of the aforementioned facilities require access onto a New Jersey State Highway, then an Access Application and, possibly, a Drainage Application would have to be filed with the New Jersey Department of Transportation.

These issues of concern are more appropriately addressed during the Department's technical phase of the approval review process. The HMDC and applicants are hereby notified of these requirements.

Issue: Waste Flow Control

The plan amendment for Sanzari-Grano states that residue generated from the asphalt and concrete recycling operations are expected to be de minimus. Pursuant to N.J.A.C. 7:26A-4.1(a)3, any residue generated by this facility shall be removed from the recycling center site in accordance with the Department's interdistrict and intradistrict solid waste flow rules found at N.J.A.C. 7:26-6.

Issue: Solid Waste Task Force Recommendations

The HMDC is currently evaluating methods to implement the Emergency Solid Waste Assessment Task Force Final Report recommendations. Therefore, the amendment does not currently include a specific plan of action.

Further, the HMDC is comprised of a portion of two counties and, although it is a designated solid waste district, its responsibilities are unique with respect to solid waste management and the Emergency Solid Waste Assessment Task Force Final Report recommendations. However, within this plan amendment, the HMDC's proposed Regional Leaf Composting and Vegetative Waste Processing Facility is consistent with the goals embodied within the Task Force Final Report for shared use of solid waste facilities. Furthermore, in this respect, the HMDC's Interdistrict Agreement with Hudson County is also consistent with the regionalization component of the Task Force Report. Despite these positive regional contributions, and recognizing that the Bergen and Hudson Counties' District Plans will significantly impact the plans of the HMDC due to the overlapping nature of the districts, Section C. of this certification requires the HMDC to submit a subsequent plan amendment within 180 days to address the specific provisions outlined within the Task Force Final Report.

Issue: Jersey Carting/Meadowlands Recycling Materials Recovery Facility Amendment

On June 13, 1991, Jersey Carting was convicted of theft by deception charges pursuant to N.J.S.A. 2c:20-4, in connection with dumping at HUB Recycling in Newark, New Jersey. Pursuant to N.J.S.A. 13:1E-133(10), the Department is precluded from licensing any person convicted of theft and related crimes and, as such, Jersey Carting would not be qualified to be included within the Hackensack Meadowlands Development Commission District Plan.

C. Certification of the HMDC District Solid Waste Management Plan Amendment

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 October 3, 1991 amendment to the approved District Plan and certify to the District Commissioners that the October 3, 1991 amendment is approved in part and rejected in part as further specified below.

1. The HMDC Regional Leaf Composting and Vegetative Waste Processing Facility located at Blocks 175, 176, 177, 178, 180, 181, 182, 183, 184, 185, 186, 187, 188 and 189, Lot 1 in North Arlington, Bergen County, and Block 149, Lot 10 in Kearny, Hudson County for the acceptance of up to 70,000 cubic yards per year of leaves and grass clippings to be composted and branches, tree trimmings and stumps to be chipped is approved.

The operation of this facility shall be in conformance with Departmental regulations and guidelines. The construction and operation of such a facility shall be preceded by the acquisition of all necessary permits and approvals as per N.J.S.A. 13:1E-1 et seq., and all other applicable laws. Issuance of 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.

2. The Sanzari-Grano Concrete/Asphalt Recycling Center located at Block 480, Lot 4 in North Bergen, Hudson County to recycle up to 500 tons per day of concrete and asphalt is approved.

The operation of this facility shall be in conformance with Departmental regulations and guidelines. The construction and operation of such a facility shall be preceded by the acquisition of all necessary approvals as per N.J.S.A. 13:1E-99.34b., N.J.A.C. 7:26-3 et seq., and all other applicable laws.

3. The HMDC/Hudson County/Hudson County Improvement Authority Interdistrict Waste Flow Agreement of December 6, 1990 is approved. The agreement among other things, provides for utilization of the HMDC baler facility for processing solid waste types 10, 13, 23, 25 and 27 for subsequent disposal in the HMDC 1-E landfill and/or for shipment to permitted out-of-state disposal facilities. Further, as noted in Section B., the HMDC baler facility operates under a Certificate of Approved Registration and Engineering Design Approval (CAREDA) issued on March 17, 1977. This CAREDA will expire in 1992. Submittal of updated engineering plans will be required in order to update its current permit. Furthermore, submittal of a description of the internal solid waste handling and transfer operations for shipping waste out-of-state as well as a description of the traffic volume to and from the facility is currently required in order to determine whether or not a solid waste facility permit modification is warranted.

4. The inclusion within the District Plan of the Jersey Carting/Meadowlands Recycling Materials Recovery Facility, located at 288 Paterson Plank Road, East Rutherford, New Jersey, Block 105B, Lot 6D is rejected. As noted in Section B. on June 13, 1991, the principals of Jersey Carting were convicted of theft by deception charges, pursuant to N.J.S.A. 2C:20-4, in connection with dumping at HUB Recycling in Newark, New Jersey. Pursuant to N.J.S.A. 13:1E-133(10), the Department is precluded from licensing any person convicted of theft and related crimes and, as such, Jersey Carting would not be qualified to be included within the Hackensack Meadowlands Development Commission District Plan.

5. Solid Waste Task Force Recommendations:

The HMDC is currently evaluating methods to implement the Emergency Solid Waste Assessment Task Force Final Report recommendations as noted in Section B. Therefore, the amendment does not currently include a specific plan of action.

The Department recognizes that the HMDC is comprised of a portion of two counties and, although it is a designated solid waste district, its responsibilities are unique with respect to solid waste management and the Emergency Solid Waste Assessment Task Force Final Report recommendations. However, within this plan amendment, the HMDC's proposed Regional Leaf Composting and Vegetative Waste Processing Facility is consistent with the goals embodied within the Task Force Final Report for shared use of solid waste facilities. Furthermore, in this respect, the HMDC's Interdistrict Agreement with Hudson County is also consistent with the regionalization component of the Task Force Report. Despite these positive regional contributions, and recognizing that the Bergen and Hudson Counties district plans will significantly impact the plans of the HMDC due to the overlapping nature of the districts, the HMDC is directed to submit a subsequent plan amendment within 180 days to address the specific provisions outlined within the Task Force Final Report, including source reduction, recycling a minimum of 60% of the total waste stream and regionalization.

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 this amendment to the District Plan and which was executed prior to the approved portion 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 and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the District 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, 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 District and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the District 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 12 and all other applicable laws.

3. Types of Solid Wastes Covered by the District Solid Waste Management Plan

The provisions of the District 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 Amendment

This document shall serve as the certification of the Commissioner of the Department to the Hackensack Meadowlands Development District Commissioners and pursuant to N.J.S.A. 13:1E-24c and f, the District shall proceed with the implementation of the approved portion of the amendment certified 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 -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 Amendment

The approval in part and rejection in part of the amendment to the District Plan contained herein shall take effect immediately.

7. Reservation of Authority

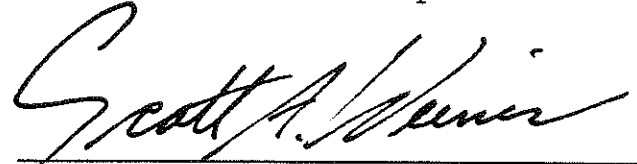
Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The District Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan. The Department has published a Statewide 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 in Part and Rejection in Part of the Amendment 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 in part and reject in part the amendment, as outlined in Section C. of this certification, to the Hackensack Meadowlands Development Commission District Solid Waste Management Plan which was adopted by the Hackensack Meadowlands Development Commission District on October 3, 1991. I hereby also require, as noted within Section C., the HMDC to address the Task Force recommendations within the timeframe specified.

MAR 16 1992

DATE



SCOTT A. WEINER

COMMISSIONER

DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND ENERGY

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