



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

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

CERTIFICATION OF APPROVAL
OF PARTS OF THE 11/23/82 AMENDMENT TO THE
HACKENSACK MEADOWLANDS DISTRICT
SOLID WASTE MANAGEMENT PLAN

BY ORDER OF THE COMMISSIONER:

A. Introduction

In order to establish a meaningful and responsible role for the State in the solution of solid waste problems, the New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) 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...."

The Act further provides that "...if the board of chosen freeholders, the Hackensack Commission, or the department [Department of Environmental Protection] as the case may be, determines that any solid waste management plan, or any part thereof, is inadequate for the purposes for which it was intended, such board of chosen freeholders or the Hackensack Commission, as the case may be, shall develop and formulate a new solid waste management plan, or any part thereof, and such new plan, or part thereof, shall be adopted thereby pursuant to the procedures contained in section 14 [N.J.S.A. 13:1E-23] of this amendatory and supplementary act." Upon the adoption of the solid waste plan, or any part thereof, the board of chosen freeholders or the Hackensack Meadowlands Commission, as the case may be, shall submit such plan, or any part thereof, along with a transcript of every public meeting held thereon, 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, or parts thereof, and, in the final analysis, the Commissioner is authorized to adopt and promulgate any modification or replacement he deems necessary with respect to the solid waste management plan. In addition, the Act provides "that every such plan shall contain provisions for

automatic review thereof not less than once every two years..." [and] "if the board of chosen freeholders, the Hackensack Commission, or the department...determines that any solid waste management plan, or part thereof, is inadequate...a new solid waste management plan, or part thereof... shall be adopted..." The subject amendment, entitled "First Two-Year Update of the Hackensack Meadowlands Development Commission Solid Waste Management Plan" has been prepared in compliance with this provision of the Act (see N.J.S.A. 13:1E-20).

On July 31, 1980, the Commissioner approved, with modifications, the Hackensack Meadowlands District Solid Waste Management Plan. The Plan was again modified on January 19, 1981 when the Commissioner issued a directive to both Essex County and the Hackensack Meadowlands Development Commission regarding the implementation of additional landfill capacity. On March 2, 1982, the Department, Essex County, and the Hackensack Meadowlands Development Commission entered into a Consent Judgment whereby: 1) Essex County would have its proposed resource recovery facility operational by September 1, 1988, and 2) the Hackensack Meadowlands Development Commission would provide Essex County with interim disposal capacity. On November 23, 1982, the Hackensack Meadowlands District Commissioners adopted an amendment to its approved District Solid Waste Management Plan which in essence contains several modifications to the Plan. The amendment was received by the Department of Environmental Protection on December 6, 1982 and was distributed to the various State level agencies for review and comment.

Because Essex County presently lacks adequate disposal capacity, and this amendment includes provisions for the reopening and expansion of a disposal facility that will be capable of accepting the waste stream from Essex County, it was requested that the review of the specific provisions for the reopening and expansion 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, but for now this certification of the amendment will only concern itself to the reopening and expansion of the additional disposal facility, namely the MSLA 1-A landfill, located in Kearny, New Jersey. Based on the results of this review and evaluation, I have determined that the aforementioned modification contained in the amendment adopted by the Hackensack Meadowlands District Commissioners on November 23, 1982 is approved (see N.J.S.A. 13:1E-24).

B. Approved Parts of the Hackensack Meadowlands District Solid Waste Management 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 November 23, 1982, 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 reopening and expansion of the MSLA 1-A landfill, located in Kearny. Upon completion of the engineering review of the designs

for this facility, it shall accept only the waste types that appear in its approved engineering and design permit. The facility will accept wastes from the following sources now directed to the MSLA 1-C landfill:

- 1) all of the municipalities in Essex County,
- 2) the Union County municipalities of Union and Springfield, and
- 3) those sources identified on page 22 of this amendment to the Hackensack Meadowlands Development Commission Solid Waste Management Plan.

Approval of waste flows within the scope of item 3 above is limited until final action on the complete amendment. These waste flows are identical to those identified in the Department of Environmental Protection/Board of Public Utilities Interdistrict Waste Flow Rules adopted December 6, 1982 (N.J.A.C. 7:26-6 et seq.). However, certain portions of these waste streams originate from sources outside the Hackensack Meadowlands Development Commission service area and have been the subject of past litigation. The Department is currently reviewing the legitimacy of these waste flows and thus limits the duration of their approval as noted above.

C. Other Provisions Affecting the Amendment

1) 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 on 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 unless such renewal or such new contract shall conform with the applicable provisions of the approved solid waste management plan 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 written 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, 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 the Hackensack Meadowlands District and affected by the Modifications contained herein shall operate in compliance with 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 Hackensack Meadowlands District Solid Waste Management Plan Amendment

The Modifications contained herein shall apply to all "solid wastes" generated within the identified 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.

4) Certification to Proceed with the Implementation of Parts of the Amendment

This Document shall serve as the Certification of the Commissioner of the Department of Environmental Protection to the Hackensack Meadowlands District Commissioners, as provided for by N.J.S.A. 13:1E-24f., to proceed with the implementation of the Modifications contained herein.

5) 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, -2.5.27*, and 7:26-8.1.

6) Effective Date of Parts of the Amendment

The approved Modifications to the Hackensack Meadowlands District Solid Waste Management Plan contained herein shall take effect immediately.

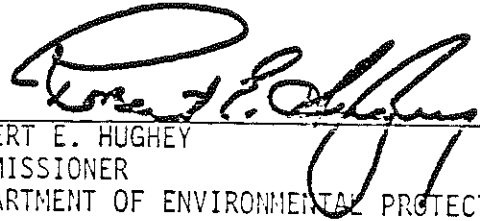
7) Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Hackensack Meadowlands District Solid Waste Management Plan, including any modifications made thereto, shall

*Note: In a municipal collection system where commercial and residential solid wastes are collected together, the wastes shall be considered, for the purposes of District solid waste planning, as residential solid waste.

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, including the interdistrict and intradistrict waste flow rules, and also includes the compilation of individual District Plans and modifications as they are approved.

D. 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 November 23, 1982.



ROBERT E. HUGHEY
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION

3/4/83
DATE