



## State of New Jersey

Christine Todd Whitman  
Governor

Department of Environmental Protection

Robert C. Shinn, Jr.  
Commissioner

**IN THE MATTER OF CERTAIN AMENDMENTS  
TO THE ADOPTED AND APPROVED SOLID  
WASTE MANAGEMENT PLAN OF THE  
UNION COUNTY SOLID WASTE  
MANAGEMENT DISTRICT**

**CERTIFICATION  
OF THE JANUARY 26, 1995  
AMENDMENTS TO THE UNION 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 Boards of Chosen Freeholders and the Hackensack Meadowlands Development Commission develop comprehensive plans for waste management in their respective districts. On August 13, 1980, the Department of Environmental Protection (Department or DEP) approved with modifications the Union County District Solid Waste Management Plan (County 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 County Plan at any time and, if found inadequate, a new County Plan must be adopted. The Union County Board of Chosen Freeholders (County Freeholders) completed such a review and on January 26, 1995 adopted two amendments to its approved County Plan.

The amendments proposed the deletion of a landfill site for the disposal of ash and nonprocessable waste located in the City of Elizabeth and the inclusion of an expansion of the existing Scotch Plains Township leaf compost facility.

The amendments were received by the Department on February 8, 1995 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed these amendments and has determined that the amendments adopted by the County Freeholders on January 26, 1995 are approved as provided in N.J.S.A. 13:1E-24.

**B. Findings and Conclusions with Respect to the Union County District Solid Waste Management Plan Amendments**

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the January 26, 1995 amendments to the County Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that these plan amendments are consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the issues of concern relative to the January 26, 1995 amendments which are included in Section B.2. below.

In conjunction with the review of the amendments, the Department circulated copies to fifteen federal and state 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. All agencies contacted are as follows:

- Division of Enforcement, DEP
- Division of Parks and Forestry, DEP
- Division of Fish, Game and Wildlife, DEP
- Division of Solid and Hazardous Waste, DEP
- Division of Water Quality, DEP
- Office of Air Quality Management, DEP
- Green Acres Program, DEP
- Land Use Regulation Element, DEP
- 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
- U.S. Environmental Protection Agency

**1. Agency Participation in the Review of the January 26, 1995 Amendments**

The following agencies did not object to the proposed amendments:

Division of Parks and Forestry, DEP  
Division of Enforcement, DEP  
Division of Fish, Game and Wildlife, DEP  
Green Acres Program, DEP  
New Jersey Advisory Council on Solid Waste Management  
Department of Agriculture  
Department of Transportation  
Department of Community Affairs

The following agencies did not respond to our requests for comment:

Office of Air Quality Management, DEP  
Land Use Regulation Element, DEP  
New Jersey Turnpike Authority  
Department of Health  
U.S. Environmental Protection Agency

The following agencies provided substantive comments as shown in Section B. of the certification document:

Division of Solid and Hazardous Waste, DEP  
Division of Water Quality, DEP

**2. Issues of Concern Regarding the January 26, 1995 Amendments**

**Historical Background**

**a. Elizabeth Landfill Site**

In a September 11, 1986 amendment, certified on February 23, 1987, an ash/nonprocessible landfill site located on Lot 1, Blocks 1375 and 1380 in the City of Elizabeth was included within the County Plan. In a December 5, 1991 amendment the County designated the Empire Landfill located in Taylor, Pennsylvania as the site to accept ash and bypass waste from the Union County Resource Recovery Facility. In a July 16, 1992 certification the Department approved with modification this amendment by allowing the use of the Empire Landfill only on a short-term basis and/or as a back-up facility and directed the County, by November 16, 1992, to identify an in-state disposal site for ash and bypass waste in conformance with the DEP's December 31, 1999 self-sufficiency goal. To date, the County has not complied with this directive.

The January 26, 1995 amendment identifies reasons why the County does not intend to develop a site in Elizabeth for ash and nonprocessible waste. Among the reasons are the proximity of the landfill site to Newark International Airport and Federal Aviation

Administration regulations which restrict the development of landfills in the vicinity of airports. Also, a plan has been proposed by OENJ Corporation to develop the subject site as a large discount retail mall. Both the host municipality and county are supportive of this proposal due to the significant economic benefits to be realized from the development of a project of such magnitude. Therefore, in light of the FAA restrictions, the proposed OENJ mall, and the Empire Landfill contract, the County is proposing to delete the Elizabeth landfill site for the disposal of ash and nonprocessibles from the County Plan. While Section C. of the certification approves this deletion, the County is advised that the deletion of this landfill site does not relieve the County from the need to comply with the DEP's self-sufficiency goal by identifying a long-term in-state disposal strategy for the disposal of ash and nonprocessable waste.

**b. Scotch Plains Compost Site**

Scotch Plains Township operates an existing leaf compost facility located on Lot 6, Block 6201. This facility was included within the County Plan through the County's blanket inclusion policy for compost facilities. In February 1990 the Township filed an application with the County Freeholders to amend the County Plan to provide for an expansion of this compost facility. On November 29, 1990, the County Freeholders denied the application which led to the Township filing an action in New Jersey Superior Court seeking relief from the denial. The County has conducted a legal review of the new application to amend the County Plan to provide for said compost facility expansion and finds that the concerns of the County Freeholders and neighboring property owners as to noise, dirt, and odors have been addressed by the Township in its hiring of a qualified contractor to manage the facility. Therefore, on January 26, 1995 the County Freeholders adopted the amendment providing for the expansion of the Scotch Plains Township compost facility.

**Issue: Regulatory Requirements**

If any activities associated with the proposed compost facility expansion will discharge pollutants as defined in N.J.A.C. 7:14A-1.9, said operation must secure a New Jersey Pollutant Discharge Elimination System Permit for pollutant discharges prior to operation.

Compost facilities 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.

The Scotch Plains compost facility operates pursuant to the provisions of N.J.A.C. 7:26-1.11. This regulation exempts leaf compost facilities with a capacity not in excess of 20,000 cubic

yards annually from the Department's solid waste permitting requirements. However, pursuant to N.J.A.C. 7:26-1.11 (j), any site expansion of this compost facility requires the filing to the DEP of a new application package.

**C. Certification of the January 26, 1995 Union County District Solid Waste Management Plan Amendments**

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 January 26, 1995 amendments to the approved County Plan and certify to the County Freeholders that the January 26, 1995 amendments are approved as further specified below.

**a. Elizabeth Landfill Site**

The County Plan deletion of a landfill site for the disposal of ash and nonprocessable waste located in the City of Elizabeth, Union County, on Lot 1, Blocks 1375 and 1380 is approved. However, as noted within Section B., the deletion of this landfill site does not relieve the County from the need to comply with DEP's December 31, 1999 self-sufficiency goal by identifying a long-term in-state disposal strategy for the disposal of ash and nonprocessable waste.

**b. Scotch Plains Compost Site**

The County Plan inclusion of a site expansion of the Scotch Plains Township leaf compost facility to include Block 6201, Lot 7, in addition to existing Block 6201, Lot 6, in the Township of Scotch Plains, Union County is approved. The facility shall be restricted to accepting only vegetative waste comprising leaves generated from within Scotch Plains Township.

**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 these amendments to the County 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 and operating pursuant to a contract as herein described, shall be deemed to be in violation of these amendments and of the County 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, 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 County and affected by these amendments contained herein shall operate in compliance with these amendments and all other approved provisions of the County 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 County 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. 7:26A-1 et seq.

**4. Certification to Proceed with the Implementation of Amendments**

This document shall serve as the certification of the Commissioner of the Department to the County Freeholders and pursuant to N.J.S.A. 13:1E-24c and f, the County shall proceed with the implementation of the approved amendments certified 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 -99.12, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

**6. Effective Date of the Amendments**

The amendments to the County 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 County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management

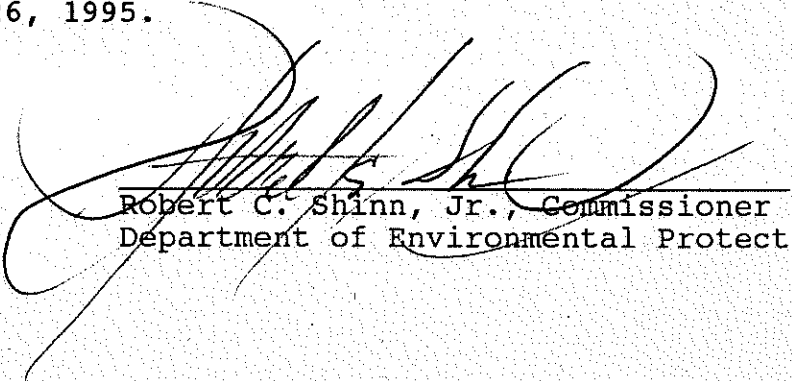


Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the DEP, interdistrict and intradistrict waste flow rules, and the compilation of individual district plans and amendments as they are approved.

**E. Certification of Approval of the Amendments 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 amendments, as outlined in Section C. of this certification, to the Union County District Solid Waste Management Plan which were adopted by the Union County Board of Chosen Freeholders on January 26, 1995.

5/32/95  
Date

  
Robert C. Shinn, Jr., Commissioner  
Department of Environmental Protection