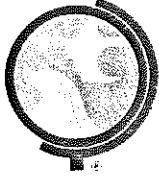


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STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
RICHARD T. DEWLING, Ph.D., P.E., COMMISSIONER
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(IN THE MATTER OF CERTAIN AMENDMENTS)
(TO THE ADOPTED AND APPROVED SOLID)
(WASTE MANAGEMENT PLAN OF THE)
(UNION COUNTY SOLID WASTE)
(MANAGEMENT DISTRICT)

CERTIFICATION
OF THE FEBRUARY 9, 1988
AMENDMENT 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 approved, with modifications, the Union County 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 Union County Board of Chosen Freeholders completed such a review and on February 9, 1988, adopted an amendment to its approved district solid waste management plan. The amendment proposed to include the Elizabeth General Medical Center's small scale incinerator in the Union County District Solid Waste Management Plan.

The amendment was received by the Department of Environmental Protection on March 15, 1988 and copies were distributed to various state level agencies for review and comment, as required by law. The Department has reviewed this amendment, as well as the entire Union County District Solid Waste Management Plan, and has determined that the amendment adopted by the Union County Board of Chosen Freeholders on February 9, 1988 is 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 Amendment

Pursuant to N.J.S.A. 13:1E-24a(1), I, Richard T. Dewling, Commissioner of the Department of Environmental Protection have studied and reviewed the February 9, 1988, amendment to the Union County District Solid Waste Management 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 with the Statewide Solid Waste Management Plan.

In addition, the Division of Solid Waste Management circulated the plan amendment to fifteen review agencies and solicited their comments and recommendations. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various agencies, bureaus, and divisions within the Department of Environmental Protection as well as the Board of Public Utilities. Also among these agencies were the Department of Community Affairs, the Department of the Public Advocate, the Department of Health, the Department of Agriculture, the Department of Transportation, and the New Jersey Turnpike Authority. Of these agencies, the following did not object to the proposed plan amendment: the N.J.D.E.P. Divisions of Water Resources, Fish, Game and Wildlife, and Parks and Forestry; the State Departments of Health, and Community Affairs; the Board of Public Utilities, the New Jersey Turnpike Authority and the New Jersey Advisory Council on Solid Waste Management. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Division of Coastal Resources; the Green Acres Program; the State Departments of Agriculture, Transportation, and the Public Advocate; and the the U.S. Environmental Protection Agency. The N.J.D.E.P. Divisions of Environmental Quality and Solid Waste Management submitted substantive comments which are further addressed below.

The Division of Environmental Quality commented that the Department is reconsidering its policy to accept less stringent control for incineration facilities under 500 pounds per hour charging capacity. Future new incineration facilities may be required to install more advanced control technologies. Further, the Division of Environmental Quality is considering requiring retrofitting of better air pollution control systems for existing small-scale incinerators.

In response, it is noted that concurrently with the State Level Review of this plan amendment, Elizabeth General Medical Center has submitted a permit application to both the Divisions of Solid Waste Management and Environmental Quality, both of which are currently under review. Either during the required pre-application meeting or the course of the permit reviews, the applicant will be made aware of and must address the requirements for air quality modelling; cancer risk assessment for metals

and dioxin demonstrating low cancer risk on and off site; continuous emission monitoring and recording for opacity, carbon monoxide, oxygen, and secondary chamber temperature; extensive stack testing after construction; and compliance with the Department's "Air Pollution Control Guidelines for Resource Recovery Facilities and Incinerators", March 1983, amended November 1984 and April 1987.

The Division of Solid Waste Management (DSWM) commented that the facility was inconsistent with the plan and programs administered by the Office of Recycling because Union County had not amended its plan to adopt a district recycling plan to implement the State Recycling Plan goals. In addition, they found that the proposed waste type ("Type 0 waste") would include paper and corrugated cardboard which are highly recyclable and should be designated by Union County in the District Recycling Plan as materials mandated to be source separated and recycled. Further, the DSWM stated that upon approval of the Union County District Recycling Plan, the Elizabeth General Medical Center will be required to develop an inspection plan to insure that the materials designated to be recycled in the approved Union County District Recycling Plan shall not be disposed of as solid waste at the incinerator.

In response, as of May 19, 1988, Union County has adopted an amendment to the Union County District Solid Waste Management Plan to incorporate a district recycling plan as required by N.J.S.A. 13:1E-99 et seq., which is currently undergoing State Level Review. The Union County District Recycling Plan designates white ledger/computer printout, corrugated, newspaper, glass bottles and jars, aluminum beverage cans, and leaves as materials to be source separated for recycling by the commercial and institutional sectors. The permit application indicates that, currently, of the 4,850 pounds per day generated by Elizabeth General Hospital, 280 pounds are recyclable glass and metal separated at the point of generation and collected by Linden Disposal. The Division of Solid Waste Management is hereby informing the applicant that upon approval of the Union County District Recycling Plan, Elizabeth General Medical Center will be required to source separate those approved designated recyclable materials to ensure consistency with the approved recycling plan.

C. Certification of Union County District Solid Waste Management Plan Amendment

I, Richard T. Dewling, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq. and N.J.S.A. 13:1E-21, which established specific requirements regarding the contents of the district solid waste management plans, have reviewed the February 9, 1988 amendment to the approved Union County District Solid Waste Management Plan and certify to the Union County Board of Chosen Freeholders that the February 9, 1988 amendment is approved as further specified below.

The inclusion of the Elizabeth General Medical Center small-scale incinerator, to be located at Block 7-312 in the City of Elizabeth, Union County, into the Union County District Solid Waste Management Plan is approved.

The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals as set forth at

N.J.S.A. 13:1E-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 as set forth at N.J.S.A 13:1E-126 et seq.

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 the within amendment to the Union County District Solid Waste Management Plan and which was executed prior to the approval 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 of Environmental Protection and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the Union County District Solid Waste Management 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 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 Union County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Union County 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, and 12 and all other applicable laws.

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

The provisions of the Union County District Solid Waste Management 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. 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).

4. Certification to Proceed with the Implementation of Plan Amendment

This document shall serve as the certification of the Commissioner of the Department of Environmental Protection to the Union County Board of Chosen Freeholders and pursuant to N.J.S.A. 13:1E-24c. and f., the county shall proceed with the implementation of the approved amendment contained 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 N.J.A.C. 7:26-1.4 and -2.13.

6. Effective Date of Amendment

The amendment to the Union County 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 Union County District Solid Waste Management 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 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 of the Amendment 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 amendment as outlined in Section C. of this certification, to the Union County District Solid Waste Management Plan which was adopted by the Union County Board of Chosen Freeholders on February 9, 1988.

"Original signed by
S/ MICHAEL F. CATANIA"

August 3, 1988
DATE

RICHARD T. DEWLING
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION