



State of New Jersey  
Department of Environmental Protection

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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 15, 2001  
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 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.

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 February 15, 2001, adopted an amendment to its approved County Plan.

The February 15, 2001 amendment includes within the County Plan a capacity expansion, change in operating hours and the addition of new waste types at the existing Plainfield Municipal Utilities Authority Transfer Station/Materials Recovery Facility (TS/MRF) located on Rock Avenue in Plainfield City,

The amendment was considered administratively complete for review by the Department on April 19, 2001. Copies of the amendment were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this amendment and has determined that the amendment adopted by the County Freeholders on February 15, 2001 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 have studied and reviewed the February 15, 2001 amendment 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 this plan amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders and the applicant are notified of the issues of concern relative to the February 15, 2001 which are included below.

In conjunction with the review of the amendment, the Department circulated copies to fifteen 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 Water Quality Management, DEP
- Division of Parks and Forestry, DEP
- Division of Fish, Game and Wildlife, DEP
- Division of Compliance and Enforcement, DEP
- Division of Solid and Hazardous Waste, 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

## Issues of Concern Regarding the February 15, 2001 Amendment

### **Issue: Historical Background**

The Plainfield Municipal Utilities Authority TS/MRF was initially included in the County Plan via an amendment adopted by Union County on November 23, 1982, and certified by the Department on June 1, 1983. The facility was permitted by the DEP to accept up to 99 tons per day (TPD) of waste types 10, 13 and 23. The February 15, 2001 amendment proposes to expand the footprint of the facility to accommodate a second trailer out-load bay, increase the capacity of the facility from 99 TPD to 280 TPD, change the operating hours of the facility, and accept waste types 13C and 27 in addition to 10, 13 and 23. Within Section C. of this certification, the Department approves the amendment.

### **Issue: Regulatory Requirements**

If any operation of a TS/MRF will discharge pollutants as defined in N.J.A.C. 7:14-1.9, said operation must secure a New Jersey Pollutant Discharge Elimination System Permit and/or a Treatment Works Approval for pollutant discharges prior to operation.

Transfer station/materials recovery facilities are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits the release of odors and other air contaminants which interfere with the enjoyment of life and property.

The proximity of the facility to the 100-year floodplain and surrounding wetlands and the impingement of the proposed expansion on these areas was noted as an issue of concern.

The facility is currently permitted to operate from 7:00 a.m. to 4:00 p.m., Monday through Friday, and from 8:00 a.m. to 2:00 p.m. on Saturdays. The amendment proposes to change the operating hours to 6:00 a.m. to 6:00 p.m., Monday through Friday, and from 7:00 a.m. to 2:00 p.m. on Saturdays. The DEP noise control regulations (N.J.A.C. 7:29) establishes a daytime sound level standard of 65 decibels from 7:00 a.m. to 10:00 p.m., and a nighttime standard of 50 decibels from 10:00 p.m. to 7:00 a.m. It is a concern that the change in commencement time of operations from 7:00 a.m. to 6:00 a.m. may result in violations of the noise code. Although the change in operating hours is approved as further specified in Section C. below, it is important to note that this operational change must be preceded by the acquisition of DEP permit approval, and will be subject to the noise control regulations at N.J.A.C. 7:29.

### **C. Certification of the Union County 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 February 15, 2001 amendment to the approved County Plan and certify to the County Freeholders that the February 15, 2001 amendment is approved as further specified

below.

The County Plan inclusion of an increase in capacity and the addition of new waste types at the existing Plainfield Municipal Utilities Authority transfer station/materials recovery facility located at 95 Rock Avenue, Block 207, Lot 1, in Plainfield City, Union County, is approved. Specifically, the certification approves an increase in capacity from 99 TPD to 280 TPD; expansion of the footprint of the facility; a change in facility operating hours to 6:00 a.m. to 6:00 p.m., Monday through Friday, and from 7:00 a.m. to 2:00 p.m. on Saturdays; and the acceptance of new waste types 13C and 27, in addition to 10, 13 and 23.

The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals pursuant to N.J.S.A. 13:1E-1 et seq., and all other applicable laws. This certification shall not be construed as an expression of the Department's intent to issue a solid waste facility permit for any proposed facility or operation. The issuance of operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the DEP and the Attorney General of the State of the New Jersey to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126.

Any solid waste/residue transferred/generated as a result of the operation of a transfer station/materials recovery facility shall be disposed of pursuant to the County Plan.

**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 County 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 and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the County 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 County and affected by the amendment contained herein shall operate in compliance with this amendment 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 including waste types 10, 13, 23, 25, and 27 and all applicable subcategories and shall not apply to liquid and hazardous wastes. All nonhazardous materials separated at the point of generation for sale or reuse 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 County Freeholders and pursuant to N.J.S.A. 13:1E-24c. and f., the County shall proceed with the implementation of the approved 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, -2.13, and N.J.A.C. 7:26A-1.3.

**6. Effective Date of the Amendment**

The amendment to the County Plan contained herein shall take effect immediately.

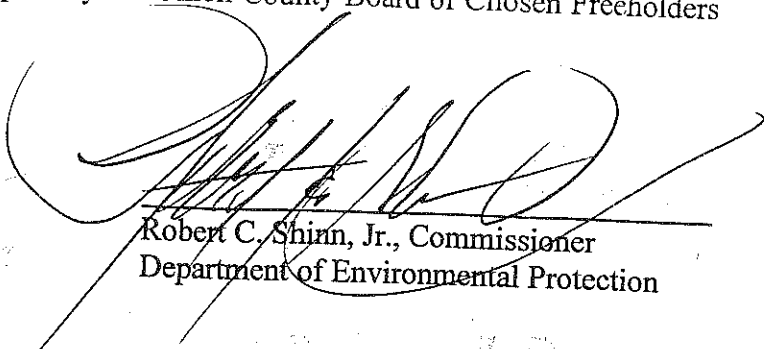
**7. Reservation of Authority**

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 Department, 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 15, 2001.

9/13/01  
Date

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