

FILE



State of New Jersey
Department of Environmental Protection and Energy
Office of the Commissioner
CN 402
Trenton, NJ 08625-0402

Jeanne M. Fox
Acting 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 FEBRUARY 25, 1993
AMENDMENTS TO THE UNION COUNTY
DISTRICT SOLID WASTE MANAGEMENT PLAN

BY ORDER OF THE ACTING 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 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 February 25, 1993, adopted six amendments to its approved County Plan. The amendments proposed the County Plan inclusion of the following facilities:

- * The Schering Plough Corporation Research Institute shredder/grinder in Kenilworth to process treated regulated medical waste;
- * The Schering Plough Corporation shredder/grinder in Union Township to process treated regulated medical waste;
- * The Rockrete Recycling Corporation recycling center for Class B recyclable materials in Elizabeth;
- * The Safety Recycling Company, Inc. recycling center for Class A recyclable materials in Elizabeth;
- * The Automated Recycling Technologies, Inc. recycling center for Class A recyclable materials in Elizabeth; and,
- * The Automated Modular Systems, Inc. (AMS) transfer station facility in Linden to be designated also as a materials recovery facility and recycling center for Class A and B recyclable materials.

The amendments were received by the Department of Environmental Protection and Energy (Department or DEPE) on April 20, 1993 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 February 25, 1993 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 February 25, 1993 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 and the applicants are notified of the issues of concern relative to the February 25, 1993 amendments which are included in Section B.2. 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. These agencies are the following:

Office of Energy, DEPE
Land Use Regulation Element, DEPE
Wastewater Facilities Regulation Element, 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 February 25, 1993 Amendments

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

Division of Parks and Forestry, DEPE
Division of Fish, Game and Wildlife, DEPE
Green Acres Program, DEPE
New Jersey Turnpike Authority
Department of Agriculture
Department of Health
Department of Community Affairs

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

New Jersey Advisory Council on Solid Waste Management
Department of Transportation
Department of the Public Advocate
U.S. Environmental Protection Agency

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

Office of Energy, DEPE
Land Use Regulation Element, DEPE
Division of Solid Waste Management, DEPE
Wastewater Facilities Regulation Element, DEPE

2. Comments Received for the February 25, 1993 Amendments

Issue: Regulatory Requirements

Recycling centers 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. Also, recycling centers are considered solid waste facilities which are subject to N.J.A.C. 7:27-9.2(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.

If any operation of the planned recycling center 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.

The construction and operation of all recycling centers which receive, store, process or transfer Class B recyclable materials, as defined at N.J.A.C. 7:26A-1.3, shall be preceded by the acquisition of the necessary approval as per N.J.A.C. 7:26A-3 et seq., and shall be in conformance with Department regulations and guidelines, including N.J.A.C. 7:26A-4 et seq.

Also, grinders are subject to N.J.A.C. 7:26-3A, "Regulated Medical Waste Rules." Medical waste awaiting treatment and destruction must be protected from the elements and maintained in a nonputrescent state and stored in a limited access area. Additionally, the Schering Plough Corporation and the Schering Plough Corporation Research Institute must register as medical waste destination facilities pursuant to N.J.A.C. 7:26-3A.8. Finally, if any of the proposed facilities will discharge pollutants as defined in N.J.A.C. 7:14A-1.9, said operations may be required to secure a New Jersey Pollutant Discharge Elimination System permit and/or a Treatment Works Approval for pollutant discharges prior to construction or operation.

With regard to the Schering Plough Corporation Research Institute regulated medical waste grinder in Kenilworth and the Schering Plough Corporation regulated medical waste grinder in Union, these facility sites previously have been issued Freshwater Wetlands and Stream Encroachment Permits. If installation of regulated medical waste grinders will entail expansions of the sites beyond the permitted area, additional Freshwater Wetlands, Transition Areas, or Flood Plain Permits will be required.

Further, Automated Modular Systems, Inc. is currently permitted (under a Master Performance Permit) to process a maximum of 1200 tons per day of solid waste. At this time, the DEPE, Division of Solid Waste Management, is reviewing a solid waste application for AMS, Inc. which is seeking to obtain a regular solid waste facility permit without increasing the present capacity of 1200 tons per day under the new designation of a materials recovery facility/Class A/Class B recycling center. If the facility attempts to exceed the present capacity, it will be necessary for the permittee to seek proper prior approvals or modifications to the solid waste facility permit by submitting the required information after consulting with the Department.

Issue: County Plan Inclusion of Medical Waste Facilities

All future plan amendments which propose inclusion of medical waste facilities will be reviewed within the context of the regulated medical waste (RMW) management hierarchy and source reduction initiatives as identified in the Solid Waste Management State Plan Update 1993-2002; Section II: Comprehensive Regulated Medical Waste Management Plan. More specifically, the DEPE has proposed an RMW disposal strategy hierarchy which represents a listing in descending order of the options the DEPE views as the best management practices to safely dispose of RMW in environmentally sound and economical ways and to achieve self-sufficiency as quickly as possible. The DEPE's disposal strategy hierarchy is as follows:

1. County management strategies which include regional planning for the use of existing or planned RMW processing/treatment/disposal capacity on a multicounty basis through interdistrict agreements;
2. Strategies which demonstrate the capacity and timeframes for achieving self-sufficiency through more efficient use of existing in-county RMW disposal capacity at state-of-art hospital and other facilities such as microwaves, chemical disinfection and grinding systems, upgraded incinerators and sanitary sewer systems;
3. Plans for the development of new commercial or noncommercial disposal capacity on a singular countywide basis;
4. Plans for the development of new commercial or noncommercial disposal capacity for use by a single large generator;
5. Plans which call for the merger of RMW disposal within the existing solid waste infrastructure of the county through revision of existing regulations to allow for the acceptance of untreated RMW; and,
6. Out-of-state disposal which will only be acceptable as a short-term option pending development of in-state capacity and which will not be authorized for long-term use other than as part of a broad county contingency plan.

Each facility proposed by a County will be evaluated by the DEPE in relation to the RMW disposal hierarchy on a case by case basis in the plan amendment phase. As part of any future amendment for RMW facility inclusion, the County must indicate how the facility fits into the overall RMW plan being developed and provide a rationale, where appropriate, for why more preferred management options within the above hierarchy are not being pursued.

Issue: Facility Violations

As noted in Section A., the County proposes to include Rockrete Recycling Corporation as a recycling Center for Class B recyclable materials. This facility has outstanding enforcement violations for operating prior to having obtained a general approval for a recycling center for Class B

recyclable materials from the Department. Therefore, while the County Plan inclusion of this facility will correct a historical planning deficiency, approval of this facility in the County Plan will not relieve the applicant from compliance with all outstanding Department enforcement actions.

C. Certification of the 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 February 25, 1993 amendments to the approved County Plan and certify to the County Freeholders that the February 25, 1993 amendments are approved as further specified below.

- a. The County Plan inclusion of the Schering Plough Corporation Research Institute regulated medical waste shredder/grinder located at 2015 Galloping Hill Road, Lot 1, Block 181, in Kenilworth Borough, Union County is approved. This facility will process regulated medical waste and overclassified solid waste. The waste stream could include plastic, beakers, flasks, pipettes, slides, culture disks, syringes, polytubing, latex gloves, tyvek suit components, etc., generated from the pharmaceutical research and development laboratories in Kenilworth. The potentially infectious waste will be autoclaved to render it nonviable. The sterilized waste and all other waste will then be transferred to the mechanical shredder and grinder area, weighed and processed through the system to become nonrecognizable. Within the process of grinding and shredding, a disinfectant will be sprayed on the waste thereby providing treatment prior to destruction. The proposed grinding unit is capable of processing 1000 pounds per hour depending on the make up of material being processed through the unit.
- b. The County Plan inclusion of the Schering Plough Corporation regulated medical waste shredder/grinder located at 1011 Morris Avenue, Lot 2, Block 101, in Union Township, Union County is approved. This facility will process regulated medical waste and overclassified materials generated from the laboratory operations. The potentially infectious waste will be autoclaved to render it nonviable. The sterilized waste and all other waste will then be transferred to the mechanical shredder and grinder area, weighed and processed through the system to become nonrecognizable. Within the process of grinding and shredding, a disinfectant will be sprayed on the waste thereby providing treatment prior to destruction. The proposed grinding unit is capable of processing 2200 pounds per hour of waste material.

The above referenced regulated medical waste shredder/grinder facilities are subject to N.J.A.C. 7:26-3A, "Regulated Medical Waste Rules," and other regulatory requirements as described in Section B. of the certification. Also, the disposal of all residue from these facilities shall be in conformance with the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6.6 et seq.).

- c. The County Plan inclusion of Automated Modular Systems, Inc. (AMS), located at 1520 Lower Road, Lots 52 and 53, Block 580, in the City of Linden, Union County, as a materials recovery facility and as a recycling center for Class A and B recyclable materials is approved. AMS, Inc. located on Lower Road, Block 580, Lot 53, in the City of Linden is presently included in the County Plan as a transfer station facility through DEPE's July 21, 1987 certification. The proposed AMS, Inc. materials recovery facility and recycling center for Class A and B recyclable materials is designed to process 1,200 tons per day of solid waste and recyclable materials.

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. The issuance of operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department and the Attorney General of the State of New Jersey to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126. Further, this certification shall not be construed as an expression of the Department's intent to issue a solid waste facility permit or a recycling center approval.

- d. The County Plan inclusion of Safety Recycling Company, Inc. (SRCI), located at 864 Julia Street, Ward 8, Account 1401, in the City of Elizabeth, Union County, as a recycling center for Class A recyclable materials is approved. SRCI may process Class A recyclable materials including glass containers, plastic containers, aluminum cans, tin and bi-metal cans, newspaper, cardboard, and mixed paper at a total capacity of 290 tons per day. This recycling center shall be located within the building used for the Ellesor Transfer Station and the DEPE recommends that a physical barrier be installed to ensure the separation of recycling and transfer station operations.
- e. The County Plan inclusion of Automated Recycling Technologies, Inc. (ARTI), located at 857 Julia Street, Ward 8, Account 222, in the City of Elizabeth, Union County as a recycling center for Class A recyclable materials is approved. ARTI may process Class A recyclables including aluminum cans, tin cans, glass containers, and plastic containers at a total capacity of 350 tons per day.
- f. The County Plan inclusion of Rockrete Recycling Corporation (RRC), located at 863 Julia Street, Ward 8, Account 222, in the City of Elizabeth, Union County as a recycling center for Class B recyclable materials is approved. RRC may process concrete, brick, asphalt, blocks, blue stone, and granite stone up to 1,000 tons per day. The approval of this facility in the County Plan does not relieve the applicant from compliance with all outstanding Department enforcement actions.

Please note that ARTI and RRC will occupy the same property subdivided by a fence.

Recycling centers which will be handling only Class A recyclable materials, as defined at N.J.A.C. 7:26A-1.3, require no approval from the Department prior to operation. However, the recycling centers must comply with the regulations at N.J.A.C. 7:26A-4. Recycling centers that will be handling Class B recyclable materials, as defined at N.J.A.C. 7:26A-1.3, must obtain a recycling center approval from the Department pursuant to N.J.A.C. 7:26A-3 prior to operation.

Pursuant to N.J.A.C. 7:26A-4.1(a)1.iii, Class A recyclable materials may be commingled only with other Class A recyclable materials. Class B recyclable materials may be commingled only with other Class B recyclable materials and only to the extent authorized in the general approval. Any residue generated as a result of the operation of the recycling centers shall be disposed of pursuant to the County Plan and the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26 et seq.). The construction or operation of a recycling center which receives, stores, processes or transfers Class B recyclable materials, as defined at N.J.A.C. 7:26A-1.3, shall be preceded by the acquisition of the necessary approvals pursuant to N.J.A.C. 7:26A-3 et seq., and shall be in conformance with Departmental regulations and guidelines, including N.J.A.C. 7:26A-4.

This certification shall not be construed as an expression of the Department's intent to issue a recycling center approval to any recycling center for Class B recyclable materials. A recycling center approval shall only be granted where the applicant has submitted an administratively complete application, as per N.J.A.C. 7:26A-3.5, where all substantive criteria for approval set forth in N.J.A.C. 7:26A-3.2, 3.3 and 3.4 are satisfied, where a fee has been paid in accordance with N.J.A.C. 7:26A-2, and where none of the criteria for denial of a recycling center approval are met, as per N.J.A.C. 7:26A-11 and 12.

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 this amendment 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 the 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. 7:26-6, 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 Amendments

This document shall serve as the certification of the Acting 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 and -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. 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 of the Amendments by the Acting 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 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 February 25, 1993.

Sept. 10, 1993
DATE

Jeanne M. Fox
JEANNE M. FOX
ACTING COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND ENERGY