



UNION COUNTY SOLID WASTE MANAGEMENT PLAN

MODIFICATIONS ADOPTED AND PROMULGATED BY THE COMMISSIONER PURSUANT TO N.J.S.A. 13:1E-1 ET SEQ. AND MADE AN APPROVED PART OF THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN

I, Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq., do hereby adopt and promulgate the following modifications to the Union County District Solid Waste Management Plan and certify to the Union County Board of Chosen Freeholders that these modifications are hereby made a final approved part of the Union County District Solid Waste Management Plan, with these elements of the District Plan, subject to the conditions herein, effective on April 1, 1980.

A. Introduction

The New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq. as amended by C. 326, Laws of 1975) determines, among other things, "...that the management of solid waste in New Jersey consists largely of piecemeal, uncoordinated activities developed to meet the immediate needs of local government with little, if any, regard for regional planning and coordination..." and that "...the solid waste planning and management process is adversely affected by the absence of area-wide structures...." The Act addressed these and other findings by establishing "...a statutory framework within which all solid waste collection, disposal and utilization activity..." in New Jersey would be coordinated. This framework includes the designation of each of New Jersey's twenty-one counties and the Hackensack Meadowlands District as a Solid Waste Management District. Each District is authorized, either singly or jointly with one or more other Districts, to formulate and develop a comprehensive Solid Waste Management Plan. Following development, the resulting Plan is submitted by the District to the public for comment at an informational hearing. Thereafter, the District must adopt or reject, in whole or in part, the Solid Waste Management Plan.

After adoption of a Plan in whole or in part by a District, the Plan is then submitted 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 and, in the final analysis, the Commissioner is authorized to adopt and promulgate any modification or replacement she deems necessary with respect to the Solid Waste Management Plan.

In order to establish a meaningful and responsible role for the State in the solution of solid waste problems, the Act 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..."

Specifically, the solid waste planning process includes five stages. These include the promulgation of guidelines by the Department of Environmental Protection, Plan formulation by the Districts, public hearings on the Plans developed by the Districts, adoption of the Plan by the District, and approval, rejection or modification of the Plan by the Department of Environmental Protection.

At the beginning of the planning process, the Department of Environmental Protection set forth guidelines for the formulation and development of District Solid Waste Management Plans.* The guidelines contain planning objectives, planning schedules and specific tasks to be addressed in the planning process. The objectives identified in the guidelines include the protection and enhancement of environmental quality and the conservation of natural resources. Through these objectives, the Department encouraged District Plans which would provide for the termination of existing solid waste disposal operations which cannot be upgraded to meet environmental standards, the provision of alternative services and facilities capable of meeting environmental standards and conservation of natural resources by the implementation of waste reduction techniques and resource recovery systems.

In order to achieve these objectives, the Department of Environmental Protection has and continues to encourage the development of a comprehensive regional scheme to ensure recovery systems and environmentally sound disposal facilities. To this end, the Commissioner of the Department of Environmental Protection, after study and review, issued a Certification of Modification to the Adopted Solid Waste Management Plan of the Union County Solid Waste Management District on November 5, 1979. The Certification required the Union County Solid Waste Management District to, among other things, develop a schedule for resource recovery implementation and negotiate interdistrict agreements with other Solid Waste Management Districts for the use of resource recovery and disposal capacity.

Based on the District Solid Waste Management Plans and other information submitted, it became evident to the Department of Environmental Protection that the Solid Waste Management Districts were not in the process of developing sufficient interdistrict solutions to solid waste management planning

*"Guidelines for the Development and Formulation of District Solid Waste Management Plans," New Jersey Department of Environmental Protection, Solid Waste Administration (Trenton, August 1977).

issues, including, but not limited to, the number and siting of suitable waste disposal facilities, transportation routes and collection services, resource recovery planning, and short and long term waste disposal alternatives. There was a lack of regional and interdistrict solid waste management planning, and as a result, inconsistencies among Plans were identified and areawide waste disposal needs were not fully addressed. Therefore, the Commissioner of the Department of Environmental Protection, after due notice and consideration of public comment, Adopted Rules Concerning Interdistrict Flow of Solid Waste Between and Among Solid Waste Management Planning Districts in Northeastern New Jersey (N.J.A.C. 7:26-1.11) on December 31, 1979. These Rules set forth required steps which must be taken by Solid Waste Management Districts to effect regional and statewide solutions to solid waste management problems. The Rules establish the basis upon which interdistrict solid waste management planning is to be developed among the Districts and are set forth as part of the statewide Solid Waste Plan required by the Solid Waste Management Act. The Rules required that the Union County Solid Waste Management District adopt certain specified modifications to its Solid Waste Management Plan and submit them to the Commissioner of the Department of Environmental Protection on or before February 18, 1980.

By February 19, 1980, it became apparent that the Union County Solid Waste Management District had failed to adopt and submit the required modifications to its Solid Waste Management Plan to the Commissioner of the Department of Environmental Protection as required in N.J.A.C. 7:26-1.11. Upon the failure of the Board of Chosen Freeholders to submit the required modifications, the Solid Waste Management Act authorizes the Commissioner of the Department of Environmental Protection to adopt and promulgate modifications which she deems necessary to the District Solid Waste Management Plan.

Therefore, the Commissioner of the Department of Environmental Protection adopts and promulgates the following modifications to the Union County District Solid Waste Management Plan in order to accommodate the implementation of resource recovery and to address the severe shortage of land-fill disposal capacity in the northeastern region by directing certain waste streams to specific existing disposal and planned resource recovery facilities. The Act requires that the Board of Chosen Freeholders, upon the Certification of the Commissioner of the Department of Environmental Protection, implement the District Solid Waste Management Plan modifications adopted by her.

The adopted and promulgated modifications to this District Solid Waste Management Plan re-directs the flow of certain solid wastes out of disposal facilities in the Hackensack Meadowlands District and into Middlesex County disposal facilities. In addition to conserving existing disposal capacity in the Meadowlands, the modifications direct the long term flow of waste to specific existing or projected resource recovery and/or disposal facilities. This guaranteed long term flow of solid waste will enable solid waste facility operators to obtain the necessary financing for the implementation of environmental improvements at existing disposal facilities and for the establishment of resource recovery facilities and new disposal capacity.

The adopted and promulgated modifications to the Union County District Solid Waste Management Plan contained herein will ensure that short and

Long term solid waste disposal capacity is available to private and public generators of solid waste in Union County. In addition, the modifications dedicate the long term flow of solid waste to high technology material and energy recovery facilities proposed for Union and Middlesex Counties.

The Department of Environmental Protection recognizes that these modifications will affect traditional transportation and disposal patterns and costs for private and public solid waste collection agencies in Union County. However, the pressing need to ensure sufficient solid waste disposal services to the residents of New Jersey requires that these modifications be adopted and promulgated.

B. Implementation

1. All solid wastes, with the exception of those noted in Section C.3. herein, generated from within the Union County municipalities of Berkeley Heights, Fanwood, Garwood, Mountainside, Plainfield, Scotch Plains and Westfield shall be disposed of at the Industrial Land Reclaiming, Inc. landfill (I.L.R.), facility number 1205C, located in Edison, Middlesex County, New Jersey.
2. All solid wastes, with the exception of those noted in Section C.3. herein, generated from within the Union County municipalities of Clark, Cranford, Elizabeth, Rahway, Kenilworth, Hillside, Winfield, Roselle Park and Roselle shall be disposed of at the solid waste disposal facilities identified in Table B-1. The City of Linden will continue to utilize its existing municipal landfill until it is terminated. Following termination of the Linden Municipal Landfill and prior to the implementation of a Union County resource recovery facility (including the proposed co-disposal facility identified in Section B.3.b. herein), wastes previously disposed there shall be directed to a disposal and/or resource recovery facility(ies) operated in, by, or under the authorization of Middlesex County and consistent with N.J.S.A. 13:1E-1 et seq.
3. The Union County Board of Chosen Freeholders has indicated that they are in the process of establishing a resource recovery facility within the Linden-Elizabeth area of Union County. Section B.4. herein, grants the Union County Board of Chosen Freeholders nine months to negotiate the necessary commitments and complete the necessary reports to ensure project implementation. The proposed resource recovery facility will service the solid wastes generated in the Union County municipalities identified in B.3.a. and B.3.b. below.
 - a. In accordance with Section B.4. herein, and upon the approval by the Department of Environmental Protection of an application for a resource recovery facility in Union County and the operation of this facility, all processable solid wastes* generated within the Union County municipalities of Clark, Cranford, Elizabeth, Rahway, Kenilworth, Hillside, Winfield, Roselle Park and Roselle shall be directed to this resource recovery facility.

*Processable solid waste is that part of the solid waste stream which can be processed through a resource recovery facility.

TABLE B-1

Designation of Specific Disposal Facilities to
be Used by Certain Union County Municipalities

<u>Disposal Facility/Location/ID#</u>	<u>Estimated Waste Loading*</u>	<u>Union County Municipalities to Utilize Facility**</u>
Industrial Land Reclaiming, Inc. landfill Edison Township, Middlesex County, New Jersey DEP Facility #1205C	535 T/D	Clark and Cranford (all wastes), Elizabeth and Roselle (residential only)
Global Landfill Reclaiming Corp. landfill Old Bridge, Middlesex County, New Jersey DEP Facility 1209A	348 T/D	Elizabeth (non-residential wastes only) and Kenilworth (residential only)
Edgeboro Disposal, Inc. landfill East Brunswick, Middlesex County, New Jersey DEP Facility #1204A	281 T/D	Rahway (all wastes), Kenilworth and Roselle (non-residential wastes only)
Edison Disposal Area landfill Edison, Middlesex County, New Jersey DEP Facility #1205A	171 T/D	Hillside, Winfield and Roselle Park (all wastes)

* Tons per day for 365 days per year. It should be noted that these tonnages are estimates and that designated disposal facilities are to accept all the solid wastes** generated from within the designated Union County municipalities.
Source: Union County Solid Waste Planning Program.

** Unless otherwise noted, all solid wastes, with the exceptions noted in Section C.3. herein, shall be disposed of at the facilities designated above.

- b. In accordance with Section B.4. herein and upon the approval of the Department of Environmental Protection of an application for a co-disposal (sewage sludge and other solid wastes) facility proposed by the Linden-Roselle Sewage Authority and the operation of this facility, all processable solid wastes* generated within the City of Linden shall be directed to this facility. Excess solid wastes which cannot be processed through this co-disposal facility shall be directed to the proposed Union County resource recovery facility.
 - c. All resource recovery residues, and other non-processable solid wastes** generated within the Union County municipalities of Clark, Cranford, Elizabeth, Rahway, Kenilworth, Hillside, Winfield, Roselle Park, Roselle and Linden, with the exception of those noted in Section C.3. herein, shall be disposed of at existing and/or proposed solid waste disposal facilities operated in, by or under the authorization of Middlesex County and consistent with N.J.S.A. 13:1E-1 et seq. Specific facilities shall be identified in subsequent modifications to the Middlesex County District Solid Waste Management Plan.
4. The Union County Board of Chosen Freeholders or their designated planning agency shall immediately proceed with the planning and development of a resource recovery facility capable of recovering materials and energy from the solid wastes generated within the Union County municipalities of Clark, Cranford, Elizabeth, Rahway, Kenilworth, Hillside, Winfield, Roselle Park, Roselle and Linden (see Section B.3.b. herein). Under this Plan, the Union County Board of Chosen Freeholders is granted nine months to negotiate the necessary commitments and complete the necessary reports to proceed with the development of its resource recovery facility. These commitments and reports are as follows:
- 1) a letter of intent, within three months of the effective date of this modification, between the Union County Board of Chosen Freeholders, a market(s) for energy and/or materials, and the project developer to proceed with project planning and design,
 - 2) a report, within six months of the effective date of this modification, analyzing siting requirements, assessment of technology, material and energy recovery potential, capital and operating costs, financing mechanisms, sizing of the facility, transportation, environmental impacts, and market demands, and

*Processable solid waste is that part of the solid waste stream which can be processed through a resource recovery facility.

**Non-processable solid waste includes that part of the waste stream which cannot be processed through a given resource recovery facility and solid wastes resulting from emergency back-up procedures.

- 3) the Union County Board of Chosen Freeholders or its designee shall, within nine months of the effective date of this modification, enter into a contract with a user market(s) for energy and/or material and a project developer authorizing the construction and operation of the resource recovery facility within Union County.

In accordance with the above schedule, copies of the letter of intent, reports and the contract shall be forwarded to the Commissioner of the Department of Environmental Protection, immediately upon their execution or completion.

If these scheduled commitments are not made within the time limits set forth above, the solid wastes generated within the above named municipalities shall be directed to existing or proposed resource recovery and/or disposal facilities operated in, by, or under the authorization of Middlesex County and pursuant to the approved Union and Middlesex County District Solid Waste Management Plans.

C. Other Provisions Effecting the Plan Modifications

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 upon the effective date of this Act (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 after the effective date of this act, unless such renewal or such new contract shall conform with the applicable provisions of the approved solid waste management plan, as set forth herein, 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 within modifications to the Union County 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 Union County District Solid Waste Management Plan if such renegotiation is not completed within ninety days of 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 collector/haulers registered with the Department of Environmental Protection and operating within the Union County municipalities identified and effected by the Modifications contained herein shall operate in compliance with these Modifications and all other approved provisions of the Union County District Solid Waste Management Plan. Any 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 collect solid waste 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 Union County District Solid Waste Management Plan Modifications

The Modifications contained herein shall apply to all "solid wastes" generated within the identified Union County 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 Plan Modifications

This Document shall serve as the Certification of the Commissioner of the Department of Environmental Protection to the Union County Board of Chosen Freeholders, as provided for by N.J.S.A. 13:1E-24f., to proceed with the implementation of the Modifications contained herein.

5. Compliance with Certification of Modification

Notwithstanding these provisions, the Union County Board of Chosen Freeholders shall comply with the requirements of the Certification of Modification issued by the Commissioner of the Department of Environmental Protection on November 5, 1979.

6. 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 and -2.5.27.

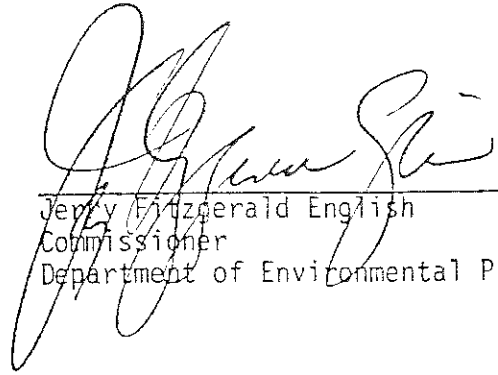
7. Effective Date of Modifications

The adopted and promulgated Modifications to the Union County District Solid Waste Management Plan contained herein shall take effect on April 1, 1980.

8. Nothing contained herein shall be construed to supersede or otherwise interfere with any other action taken by the Department of Environmental Protection pursuant to its authority under the law.

D. Adoption and Promulgation of Modifications 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 adopt and promulgate the Modifications contained herein to the Union County District Solid Waste Management Plan.



Jerry Fitzgerald English
Commissioner
Department of Environmental Protection

20 March 1980
Date