

Let's protect our earth



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
RICHARD T. DEWLING, Ph.D., P.E., COMMISSIONER  
CN 402  
TRENTON, N.J. 08625  
609 - 292 - 2885

(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 MAY 19, 1987  
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 inter-district 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. Under the New Jersey Solid Waste Management Act, counties are given the primary role in solid waste management planning. Counties are required to develop comprehensive plans which, among other things, describe a strategy for handling waste generated in the counties, which designate the sites for sufficient facilities to implement the strategy, and which describe the financial and

institutional arrangements for implementation of the required facilities and activities.

It is the policy of the Department of Environmental Protection to affirm the primacy of the counties in this process. The Department has provided advice and support for the required decisions, but until January, 1986, had not found it necessary to directly intervene in the basic decisions regarding strategy and siting, except as required to ensure that counties activities conform to the requirements of the Act. However, the Act does provide that the Commissioner may propose and adopt amendments to solid waste management plans to remedy any deficiencies.

On January 17, 1986, the Department proposed an amendment to the Union County District Solid Waste Management Plan. Primarily, the amendment proposed the incorporation of a short-term disposal strategy to provide for the development of a transfer station(s) to prepare the county's waste for transport to out-of-district disposal facilities.

The Department approved the January 17, 1986 proposed amendment on May 14, 1986. On May 23, 1986, the Department issued a Request for Proposals (RFP) to private entities for siting, design, construction, and operation of an in-county transfer station(s) for the purpose of out-of-district waste disposal. On October 6, 1986, three (3) proposals were received by the Department. The three proposals included three transfer station sites, one new, and two previously approved for inclusion into the Union County District Solid Waste Management Plan. The newly proposed transfer station site is the Automated Modular Systems (AMS), Inc. transfer station site, located in the City of Linden. The previously approved transfer station sites are the EGRC, Inc. and Ellesor, Inc. transfer station sites located in the City of Elizabeth.

The three (3) proposals received by the Department were reviewed by the Union County Transfer Station Project Evaluation Committee. All three proposals were determined to be responsive and responsible in accordance with the requirements of the RFP.

The Department's Transfer Station RFP also allowed existing transfer stations to continue operating and to send their waste out-of-state. The Summit Transfer Station is currently an operating permitted facility whose site is included in the Union County Plan. The City of Summit has submitted a letter of commitment from an out-of-district disposal facility and will transport their waste to out-of-district disposal facilities.

On May 19, 1987, the Department proposed an amendment to the Union County District Solid Waste Management Plan to select the three proposals (including the proposal which designated a new transfer station site in the City of Linden) and associated operational plans and waste flow directives to the three transfer station sites. In order to receive public comment, the Department followed the public notice procedures outlined in the Solid Waste Management Act, specifically N.J.S.A. 13:1E-23d. In doing so, each Mayor in Union County, the Chairperson of the Union County Board of Chosen Freeholders, the County Manager, the county solid waste coordinator, and the county solid waste advisory council chairperson were sent copies of the

proposed amendment along with the public hearing notification, via certified mail on or about May 22, 1987. The proposed amendment, along with the same public hearing notification, was also distributed via standard mail to other elected officials in Union County and all solid waste facility operators and collector/haulers in Union County during the period of May 22, 1987 to May 26, 1987. Publication of the hearing notice appeared in the Newark Star Ledger and the Elizabeth Daily Journal on May 20, 1987 and again on May 27, 1987. The proposed amendment was also available for public inspection during this period at the municipal offices of each municipality in Union County, at the county offices and at the Division of Solid Waste Management offices, 401 East State Street, Trenton, New Jersey. The public hearing to receive testimony on the proposed amendment was held at the Elizabeth Municipal Building on June 11, 1987. Copies of the proposed amendment were also distributed to various state level agencies for review and comment as required by law.

The Department reviewed all testimony received at the public hearing and during the comment period and has prepared a Public Hearing Response Document. The Department will make copies of this response document available to the public in the near future. Based on this testimony, as well as those comments generated by the state level review process, the Department has determined that the amendment proposed by the Department of Environmental Protection on May 19, 1987 as modified below, is approved as outlined in Section C. of this document.

B. Findings and Conclusions with Respect to the Department's Proposed Amendment to the Union County District Solid Waste Management Plan

1. Context of current Disposal Crisis

The Department of Environmental Protection has determined that the solid waste management situation in Union County has reached a critical stage, and that contingency measures are necessary to provide interim disposal in the absence of any short or long-term strategies or operational facilities.

Since the original Union County Plan was adopted, the county has primarily relied upon disposal capacity in Middlesex County (with the exception of Union and Springfield Townships which utilize the Hackensack Meadowlands Development Commission (HMDC) facilities). However, Union County has no inter-district waste flow agreement with Middlesex County or the HMDC providing for use of Middlesex County or HMDC facilities. This disposal trend has been further exacerbated by the inability of the county to implement its approved plan until recently, and by the closure of several major landfill facilities within Middlesex County. Currently, nearly all the solid waste generated within Somerset, Morris, Union, and Middlesex Counties is disposed of at one facility (the Edgeboro Landfill in East Brunswick Township, Middlesex County). Further, more than 1000 truck loads of solid waste are being disposed of at the Edgeboro Landfill per day aggravating traffic congestion in the East Brunswick area. According to the Department's analysis, permitted capacity at the Edgeboro Landfill has already been exhausted. In order to avoid a solid waste

disposal crisis in all four counties, the Department, along with the Board of Public Utilities, issued an order for termination of landfill operations. This order, among other things, provides for continued use of the Edgeboro Landfill by all four affected counties until January 1, 1988, at the latest. New designs have been required to be submitted by Edgeboro Landfill, Inc. to document the existence of sufficient capacity to accommodate this continued use.

Also, the Union County municipalities of Springfield and Union Townships are required by the approved HMDC Solid Waste Management Plan to cease disposal at HMDC facilities along with all Essex County municipalities, on July 31, 1987. This Certification addresses the interim disposal problem facing Springfield and Union for the period August 1, 1987 to January 1, 1988 by directing these waste flows to the Automated Modular Systems, Inc. and Ellesor, Inc. transfer stations as noted in Section C.3. below.

In pursuit of a long-term disposal strategy, the Department filed suit against Union County (and six other counties) in an attempt to compel implementation of the approved district solid waste management plan in November, 1984. On November 12, 1985, a partial summary judgment was entered by the Superior Court in favor of the Department requiring Union County to implement its adopted and approved mass-burning resource recovery facility, and to dispose of all processable waste generated in Union County at the proposed resource recovery facility in the City of Rahway in accordance with a schedule which was acceptable to the Department. Currently, while Union County has begun to implement its resource recovery facility, the district still does not have an interim disposal plan or contingency strategy to address interim disposal prior to resource recovery facility development.

The purpose of this document is to address historical findings and conclusions regarding the lack of available disposal capacity and certify proposed amendments to the Union Plan which are necessary to correct certain deficiencies. These deficiencies, if not corrected, will result in a true emergency in which no solid waste disposal options will be available to the county. These proposed amendments do not minimize the need for the development of long term, in-county landfill and resource recovery facilities, nor are they intended to be inconsistent with or in contravention of such efforts.

## 2. State Level Review Process

The Division of Solid Waste Management circulated the proposed Union County plan amendment to eighteen review agencies and solicited their review 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 Office of Recycling, 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 Solid Waste Management, Parks and Forestry, Coastal Resources, and Fish, Game and Wildlife; the Board of Public Utilities; the New Jersey Advisory Council on Solid Waste Management; and, the State Departments of Agriculture, Community Affairs, and Transportation. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Division of Environmental Quality, the Pinelands Commission; the New Jersey Turnpike Authority; the State Departments of Health and the Public Advocate; and the U.S. Environmental Protection Agency. The Green Acres Program, the Office of Recycling and the NJDEP Division of Water Resources made substantive comments which are further addressed below.

Comments from the Green Acres Program indicated that the Ellesor, Inc. and EGRC, Inc. sites in the City of Elizabeth do not appear to have any impact on Green Acres Programs. However, Green Acres indicated concern about noise, odor, and traffic impacts at the Automated Modular Systems, Inc. site due to its proximity to Memorial Park, a major Green Acres Program funded project. The Department responds that Memorial Park is located approximately 4000 feet northeast of the proposed AMS, Inc. transfer station site and away from the primary access routes into the facility. Nevertheless, odor control and noise abatement measures and procedures will be incorporated into the Solid Waste Facility Permit and specific traffic routes will be contained in both the permit conditions and this certified plan amendment. Compliance with the permit conditions and plan amendment will mitigate adverse impacts on Memorial Park.

The Office of Recycling provided comments indicating that the plan amendment did not address recycling operations and requested that operating permits for these facilities should address recycling. The Department responds that under regulations to be promulgated by the Office of Recycling, the transfer station operators will be required to incorporate, as part of the Operations and Maintenance (O&M) Manual, an incoming waste inspection plan. This plan will identify the incidence of designated recyclable materials mandated to be source separated as per the Union County District Solid Waste Management Plan, as well as each municipal ordinance. There will also be included in the O&M manual a notification plan to transmit the inspection plan findings to the designated municipal recycling coordinators pursuant to each municipal source-separation ordinance. Under the Operations Record, volume and tonnage records of recyclables recovered shall be kept for each separate material recovered. In addition, information regarding the municipality of origin and sector (residential, commercial, or institutional) for recovered materials shall be maintained. No later than fifteen days after the end of each calendar quarter, information regarding the tonnage for each separate material recovered during the previous calendar quarter shall be transmitted to the county recycling coordinator as well as each municipal recycling coordinator for those municipalities identified as the origin of any materials recovered. Furthermore, Waste Origin and Disposal (O&D) forms for trucks carrying waste from which materials have been recovered for recycling shall be made available, upon request, to the Union County recycling coordinator

and each municipal recycling coordinator, to assist in the recycling enforcement strategy.

The NJDEP Division of Water Resources, Bureau of Groundwater Quality Management, commented that each transfer station shall submit a complete application to the bureau which will include a New Jersey Pollutant Discharge Elimination System/Discharge to Groundwater (NJPDES/DGW) standard application. This includes forms CP #1, WQM001, WQM002, and WOM003. In response, by way of this document, the applicants are advised that they must comply with the above application requirement.

### 3. Summary of the Public Hearing Process

As noted above, in accordance with the requirements of N.J.S.A. 13:1E-23, a public hearing on the proposed amendment was conducted by the Department on June 11, 1987 at the Elizabeth Municipal Building. At that time 21 individuals gave testimony. In addition, individuals also submitted written comments during the official comment period which remained open until June 26, 1987. The questions raised during those proceedings have been specifically addressed in a Response to Public Hearing Document which will be issued through a subsequent mailing by the Department in the near future.

### C. Certification of the 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, and the Department's powers regarding approval, rejection or modification of district plans, hereby declare that the portion of the Union County Solid Waste Management Plan which pertains to interim disposal arrangements (hereinafter referred to as "interim plan") is deficient. The county's current "interim plan" relies upon continued utilization of the Edgeboro Landfill in Middlesex County and HMDC disposal sites in the absence of inter-district agreements. As noted in the Department's proposed amendment, this strategy is no longer feasible and is amended herein to provide for contingency measures that are necessary since landfilling privileges at the HMDC facility for Union and Springfield Townships shall terminate on July 31, 1987 and at the Edgeboro Landfill for the remainder of Union County Municipalities on December 31, 1987, while operation of the proposed Union County resource recovery facility is not anticipated until 1990.

Therefore, I approve the selection of specific proposals which identify private vendors to design, construct and operate transfer facilities at specific locations in Union County and provide transport and disposal of solid wastes generated within Union as outlined below. Further, I approve the amendment to the district plan to include the designated transfer station site, and to incorporate operational plans, and waste flows to the transfer stations in a manner which is consistent with the county plan for controlling the flow of solid waste generated within the county through its

proposed franchise and consistent with established waste flow control as determined by the BPU and the Department, as well as the proposed uniform rate averaging system which is described in Section C.4. below.

Based upon the foregoing, I hereby adopt the following plan amendment based upon the May 19, 1987 proposed amendment to the Union County District Solid Waste Management Plan and certify that the May 19, 1987 amendment is approved as further specified below.

1. Inclusion of the Automated Modular Systems, Inc. Transfer Station Site into District Plan

The proposed Automated Modular Systems, Inc. transfer station site located on Lower Road on Block 580, Lot 53 in the City of Linden is approved for inclusion into the Union County Solid Waste Management Plan.

The remaining sites for the transfer station program have previously been incorporated into the Union County District Solid Waste Management Plan and are as follows:

The EGRC, Inc. transfer station site located at 901 East Grand Street in the City of Elizabeth was originally proposed in a plan amendment by the Union County Board of Chosen Freeholders on November 29, 1984 and was included as an approved part of the Union County Solid Waste Management Plan on May 7, 1985.

The Ellesor, Inc. transfer station site located at the site of the existing White Brothers Transfer Station at 864 Olive Street, in the City of Elizabeth was included in the original Union County Solid Waste Management Plan in accordance with provisions of the Solid Waste Management Act.

Also, the City of Summit has indicated that the existing and permitted Summit Transfer Station will continue to operate. Waste processed through this facility will be transported out-of-state for disposal under a contract to be approved by the Department.

The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals under N.J.S.A. 13:1E-1 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 under the provisions of N.J.S.A 13:1E-126 et seq.

2. Operating Plan

The Department is aware that Union County has designated the Union County Utilities Authority ("Authority") as its implementing agent for purposes of its solid waste management plan. The Authority has commenced activities relating to the procurement, financing and construction of a resource recovery facility which is expected to be

operational by late 1990. The Department recognizes that an essential aspect of the county's ability to successfully implement the resource recovery facility is the ability to exercise control over the solid waste generated within the geographic boundaries of the county subject to normal state oversight as per the Solid Waste Management Act. Such control will assure the flow of solid waste to the facility in the amounts and at the times which are required to enable the county to satisfy its obligations under the terms of its agreement with the vendor who will design, construct and operate such facility. The incorporation of the transfer stations described herein into the county's solid waste management plan is intended to provide an interim solution to the county's solid waste disposal needs until the county's resource recovery facility is ready to commence operations; provided, however, that notwithstanding anything herein to the contrary, as described in greater detail in Section C.3. below, the Department recognizes the need and hereby reserves to the county, the right and the power to propose plan amendments to redirect solid waste from the transfer stations to locations determined by the county or the Authority, including, without limitation, any redirection to the resource recovery facility or for disposal into a secure sanitary landfill which is located within the county and sited and constructed in accordance with the terms of the plan. The Department recognizes that use of the transfer stations described herein may be required subsequent to the commencement of operations at the resource recovery facility. However, such involvement, if required, may be incorporated into the county's solid waste management plan by virtue of a future amendment thereto and is subject to cost recovery provisions to the transfer stations on the basis of a three (3) year program to begin January 1, 1988 noted herein.

In the event that the utilization of one or more of the transfer stations described herein ceases prior to the date that such initial development and construction costs have been recovered by the owner of such transfer station (as a result of the commencement of operations at the Authority's resource recovery facility resulting in less than three years of operation of the transfer station), the county, or the Authority, as the case may be, will compensate such owners in a manner and in an amount which will enable recovery of these costs which would have been recovered had the transfer station remained in operation for a full three (3) year period, as well as any reasonable rate of return thereto as provided for in the tariff for the subject facility. The manner and amount of such compensation may be the subject of review and approval by the Board of Public Utilities. The transfer station program will undoubtedly sharply increase the disposal costs to Union County, but will result in rates which are consistent with recent trends in disposal costs where no in-state facilities are available to an individual district and no contracts with out-of-district disposal facilities are utilized.

The solid waste transfer program incorporated herein, proposes to provide for interim disposal of all of Union County's solid waste at out-of-state facilities through the operation of three regional transfer stations which submitted proposals under the Department's RFP



and one smaller existing transfer station which did not submit a proposal in response to the RFP, but indicated its intention to dispose of all solid waste processed at its facility at an approved out-of-district facility. These four transfer stations will process all of the waste generated in Union County prior to disposal out-of-state.

Based on 1986 facility monthly reports submitted to the Department, it is estimated that Union County generates an average of 1800 tons of solid waste per day. Specific maximum capacities for the transfer stations will be determined during a detailed review of the permit applications and Environmental and Health Impact Statements (EHIS) and incorporated into each facility's solid waste facility permit that will be issued by the Department. It is the intent of this plan amendment to direct an average of approximately 720 tons per day of Union County's solid waste to the EGRC, Inc. transfer station, an average of approximately 500 tons per day to the AMS, Inc. transfer station, and an average of approximately 450 tons per day to the Ellesor, Inc. transfer station. The existing Summit Transfer Station is currently processing and will continue to process an average of approximately 130 tons per day. The waste flows to these facilities are subject to change based on the detailed environmental and engineering review by the Department through the technical review phase of the Department's permit process.

Solid waste will be collected in the Union County municipalities and delivered to the appropriate transfer stations as identified in the proposed redirection of waste flow listed below. This waste will be delivered directly to one of three selected regional transfer stations, (EGRC, Inc., Ellesor, Inc., or AMS, Inc.) and the Summit Transfer Station and transported out-of-state, or processed through one of the other existing transfer stations (Plainfield, Peter Usa, or BFI) and then transported to one of the selected regional transfer stations for subsequent disposal out-of-state. All collector/haulers and transfer stations that receive waste from Union County will be required to transport it to the appropriate transfer station based on the origin of the waste in accordance with the district waste flow rules.

The proposed transfer of solid waste shall be accomplished in the following manner to the four transfer stations noted below. At the EGRC, Inc. transfer station, collection vehicle to transfer trailer loading will be accomplished through the use of compactor/balers. Transfer trailers loaded at the EGRC, Inc. facility will be transported to Waste Management of Pennsylvania, Inc. out-of-state disposal facilities or other out-of-district disposal facilities as approved by the Department. The transfer of solid waste from collection vehicle to transfer trailer loading will be accomplished through the use of compaction equipment at the Summit Transfer Station. Transfer trailers loaded at this facility will be transported to SWIN Resources, Inc. facilities in Pennsylvania or other out-of-district disposal facilities as approved by the Department. The proposed transfer of solid waste from collection vehicles to transfer trailers loaded at the Ellesor, Inc. transfer station will be transported to Waste Management of Pennsylvania, Inc. out-of-state disposal facilities or other

out-of-district disposal facilities as approved by the Department. The proposed transfer of solid waste from collection vehicles to transfer trailers will be accomplished through the use of compaction equipment and top loaded trailers at the AMS, Inc. transfer station. Transfer trailers loaded at the AMS, Inc. facility will be transported to the Arden Landfill in Chartiers Township, Washington County, Pennsylvania or other out-of-district disposal facilities approved by the Department.

3. Designation of Waste Flow to Existing and Proposed Transfer Station Sites

Currently, the majority of solid waste types 10, 13, 23, 25, and 27 generated from within Union County are being disposed of at the Edgeboro Landfill in Middlesex County and at the Hackensack Meadowlands Development Commission disposal facilities. An exception to this waste flow is the waste generated in the City of Linden that is collected by municipal vehicles and waste generated by Exxon Corporation; these wastes are currently disposed of at the Linden City Sanitary Landfill.

The EGRC, Inc., Ellesor, Inc., Automated Modular Systems, Inc., and City of Summit Transfer Stations will provide a viable short-term solid waste disposal method for the residents of Union County until the development of long-term in-county resource recovery and/or landfill facilities. Notwithstanding the involvement of the transfer stations described herein, the county, through the Authority, has expressed to the Department their intention to formalize their right to exercise control over the flow of solid waste generated within the geographic boundaries of the county by obtaining a solid waste franchise from the New Jersey Board of Public Utilities. In order to accommodate solid waste disposal services, there must be, among other things, a redirection by or on behalf of the county or the Authority, as the case may be, of solid waste generated within Union County's twenty-one (21) municipalities for delivery to the above-designated transfer stations. It is the intent of the following January 1, 1988 waste flow redirection to designate an average of approximately 720 tons per day to the EGRC, Inc. transfer station, approximately 450 tons per day to the Ellesor, Inc. transfer station, approximately 500 tons per day to the Automated Modular Systems, Inc. transfer station and approximately 130 tons per day to the Summit Transfer Station.

The following waste flow directives may be modified in the future based on the Department's or the county's determination that the designated waste flow (and respective municipal generation rates) does not fulfill the above intent, the detailed engineering and environmental evaluation, and/or the ability of the transfer station to obtain and maintain an out-of-state disposal contract, approved by the Department. Also, in the event that one or more of the transfer stations are not operating by January 1, 1988, waste will be redirected to those facilities that are operating and that have the capacity to handle additional waste.

The Department herein proposes the inclusion of a redirection of waste flow from the Edgeboro Landfill and the Hackensack Meadowlands Development Commission disposal facilities to the existing and proposed transfer stations as noted below:

a. Union County Waste Flow Effective August 1, 1987

Based on communications with the facility owner/operator, it is expected that a permit will be issued to Automated Modular Systems, Inc. by August 1, 1987. At that time, all solid waste types #10, 13, 23, 25 and 27 generated from within the Union County municipality of Springfield are hereby directed to the Automated Modular Systems, Inc. Transfer Station (Maddaluna Disposal Transfer Station), located at 1520 Lower Road, in the City of Linden, Union County, New Jersey, for the processing and transport of the solid waste to out-of-state disposal facilities.

All solid waste types #10, 13, 23, 25 and 27 generated from within the Union County municipality of Union are hereby directed to the Ellesor, Inc. Transfer Station (White Brothers Transfer Station), located at 864 Olive Street, Elizabeth City, Union County, New Jersey, for the processing and transport of the solid waste to out-of-state landfill(s).

b. Union County waste flow effective January 1, 1988

All waste types 10, 13, 23, 25, and 27 generated from within the Union County municipalities of Berkeley Heights, Cranford, Garwood, Hillside, Kenilworth, Mountainside, Springfield, Union, and Westfield shall be directed to the EGRC, Inc. transfer station located in the City of Elizabeth, Union County, New Jersey, for transportation to out-of-district disposal facilities.

All waste types 10, 13, 23, 25, and 27 generated from within the Union County municipalities of Elizabeth, Roselle, and Roselle Park, shall be directed to the Ellesor, Inc. transfer station located in the City of Elizabeth, Union County, New Jersey, for transportation to out-of-district disposal facilities.

All waste types #10, 13, 23, 25 and 27 generated from within the Union County municipalities of Clark, Fanwood, Plainfield, Rahway, Scotch Plains, and Winfield and all types 25, and 27 generated from within the City of Linden, Union County, as well as all waste types #10, 13, and 23 generated from within the City of Linden, Union County and collected in private collection vehicles, shall be directed to the Automated Modular Systems, Inc. transfer station located in the City of Linden, Union County for transportation to out-of-district disposal facilities.

All waste types #10, 13, 23, 25, and 27 generated from within the Union County municipalities of Summit and New Providence shall be directed to the Summit Transfer Station located in the City of

Summit, Union County for transportation to out-of-district disposal facilities.

All waste types #10, 13, and 23 currently generated in the City of Linden, Union County and collected in municipal vehicles and waste generated by Exxon Corporation and disposed of at the Linden City Sanitary Landfill (Facility No. 2009A) will continue to be disposed of in the Linden City Sanitary Landfill until that facility ceases operation. At such time, said waste will be directed to the Automated Modular Systems, Inc. transfer station located in the City of Linden for transportation to out-of-district disposal facilities.

Other transfer stations in Union County that obtain and maintain solid waste facility permits and conform to applicable regulations may continue to receive waste from the following operations and at the following rates: BFI Transfer Station from their own collection business (not to exceed their current limit of 89 tons per day, unless and until their pending permit application is approved and their limit is increased), Plainfield Transfer Station from its service area (not to exceed 64 tons per day), and Peter Usa Transfer Station from their own collection business (not to exceed 41 tons per day). However, all Union County waste processed at other transfer stations must be transported to the appropriate selected regional transfer station based on waste origin for transport to an out-of-district disposal facility.

4. Rate Averaging System

Based on testimony of the Union County Utilities Authority, the Department approves the concept of rate averaging. The county, through the Authority, has proposed to the Department the establishment of a system of uniform, averaged rates for the transportation and disposal of solid waste, regardless of its point of generation or its destination for disposal. Among other things, such tipping fee system will incorporate the charges established by the Board of Public Utilities for the respective transfer stations and such charges will be averaged to arrive at the uniform rate described above. Under such proposed system, the per ton cost of transportation and disposal of solid waste will be the same for all municipalities within the county. The county, or Authority, will compensate such transfer station operators for the provision of solid waste services on the basis of the "posted tariff" established by the Board of Public Utilities for the respective transfer station.

5. The Department has reviewed the entire Union County District Solid Waste Management Plan, including this amendment, to determine whether the plan fulfills the requirements set forth in N.J.S.A. 13:1E-21. The result of that review is as follows:

- a. N.J.S.A. 13:1E-21a(1) requires an inventory of the sources, composition and quantity of solid waste generated within the solid waste management district.

The proposed plan amendment deals with waste types 10, 13, 23, 25, and 27 as defined in the Non-Hazardous Waste Regulations N.J.A.C. 7:26-1 et seq. The Department identified sources for the waste flow as embodied in C.3. above. The original solid waste generation data base was developed by a consultant for the Department and was included in Section 2.6.2c of the Department's Request for Proposals (RFP). This original data base was updated in early 1987 by the Department based on 1986 facility monthly reports that were submitted to the Department by disposal facilities. According to this revised data base, approximately 550,000 tons of solid waste are generated from within Union County per year.

- b. N.J.S.A. 13:1E-21a(2) requires projections of the amounts and composition of solid waste to be generated within the district in each of the 10 years following the year in which the report is prepared.

Projections of amounts of municipal waste and industrial and commercial waste are contained in the Union County District Solid Waste Management Plan.

- c. N.J.S.A. 13:1E-21a(3) requires an inventory and appraisal, including the identity, location, and life expectancy, of all solid waste facilities within the district . . . and the identity of every person engaging in solid waste collection or disposal within the district.

All permitted solid waste facilities that have been registered within Union County are included in the facility directory of the Solid Waste Management Registration and Permits Administration, Division of Solid Waste Management, Department of Environmental Protection. Similarly, the identity of every person engaging in solid waste collection or disposal within Union County is contained in the hauler list maintained by Solid Waste Management Registration and Permits Administration, Division of Solid Waste Management, Department of Environmental Protection.

- d. N.J.S.A. 13:1E-21a(4) requires an analysis of existing solid waste collection systems and transportation routes within the district.

An analysis of existing waste collection systems and transportation routes for the Department's transfer stations program are not contained in the Union County District Solid Waste Management Plan. However, the Department has addressed transportation routes, as described in Section C.4.h., with respect to the transfer station program.

- e. N.J.S.A. 13:1E-21b(1) requires the designation of a Department, unit, or committee of county government . . . to supervise the implementation of the county's solid waste management plan.

The Union County Freeholder Board has designated the Union County Utilities Authority as the district's implementation agency. This designation is pending certification by the Department. However, for purposes of the transfer station project, the Department of Environmental Protection has assumed the responsibility for implementation and oversight of the siting, design, construction and operation of the project, and has herein included the Automated Modular Systems, Inc. site into the plan along with the EGRC, Inc. and Ellesor, Inc. sites that are already part of the plan to implement the project. However, the Department encourages the participation of the Authority in the transfer station program, provided such involvement does not delay implementation of the program.

Except as otherwise provided by the provisions of any legislation enacted subsequent to the adoption of this amendment to the county's solid waste management plan, the Board of Public Utilities shall be responsible for establishing the fees to be paid to each individual transfer station operator. Under the terms of the proposed uniform or averaged rate system, if implemented, the county or Authority, will assume responsibility for establishing system-wide rates and for payment of the charges established by the Board of Public Utilities to the transfer station operators.

- f. N.J.S.A. 13:1E-21b(2) requires a statement of the solid waste disposal strategy to be applied . . . which strategy shall include the maximum practicable use of resource recovery procedures and a plan for using terminated landfill disposal sites . . . in the Solid Waste Management District.

The Department acknowledges the steps Union County has made in the development and implementation of a long term solid waste disposal strategy. This strategy includes municipal plans for a mandatory recycling program and county plans for resource recovery and landfill facilities. Implementation of this strategy will provide disposal capacity for Union County waste over the long-term. However, because implementation of this strategy will not provide disposal capacity in the near future, the plan remains deficient for the short-term. This deficiency was noted in the May 14, 1986 certification of the Union County District Solid Waste Management Plan Amendment with which the county remains in non-compliance. In response to the county's failure to implement its long-term strategy in a more timely manner, and to offer a short-term alternative, on May 14, 1986, the Department formally amended the Union County Plan to provide for development of an in-county transfer station program to be used in conjunction with out-of-district disposal facilities.

- g. N.J.S.A. 13:1E-21b(3) requires a site plan which shall include all existing solid waste disposal facilities located within the Solid Waste Management District . . . and sufficient additional available suitable sites to provide solid waste facilities to treat and dispose of the actual and projected amounts of solid waste contained in the report accompanying the plan.

On April 5, 1984, Union County amended its plan to designate a specific site in the City of Rahway for development of the county's regional resource recovery facility. The county also amended its plan on September 11, 1986 to designate a specific site in the City of Elizabeth for development of a second landfill. As noted in the September 11, 1986 amendment, some ambiguity now exists as to the county's intentions with respect to also using the Linden Landfill for residuals disposal purposes; this ambiguity must be addressed by Union County in the future. However, due to the county's failure to implement its resource recovery and landfill facilities in a timely manner, and because the existing Edgeboro and HMDC facilities currently accepting waste from Union County are under orders to cease acceptance of Union County solid waste before the Union County resource recovery facility is operational, the Department has amended the county plan to provide for development of an in-county transfer station program to be used in conjunction with out-of-district disposal facilities.

A listing of all permitted solid waste facilities in Union County is available from the Division of Solid Waste Management. Due to the lack of additional, suitable sites to dispose of projected amounts of solid waste generated within Union County, the Department seeks to amend the Union County Solid Waste Management Plan to include the specific transfer station program contained in this amendment.

- h. N.J.S.A. 13:E-21b(4) requires a survey of proposed collection districts and transportation routes with projected transportation costs from collection district to existing or available suitable sites for solid waste disposal facilities.

The traffic routes described below will be analyzed during the Department's review of the permit application and Environmental and Health Impact Statement (EHIS) submitted for each facility. These routes may be revised based on the results of these reviews. The Union County Board of Chosen Freeholders is hereby directed to modify the Union County District Solid Waste Management Plan to reflect any deviations to the traffic routes developed as a result of the technical review phase of the Department's permit process.

1. EGRC, Inc. Transfer Station, City of Elizabeth

Collection vehicles will enter the area of the transfer station on North Avenue. They will then proceed southeast on Dowd Avenue, then west on Trumbull Street to East Grand

Street and into the facility or, after entering the area on North Avenue, they will proceed south on Division Street, then west on East Grand Street and into the facility. They will reverse these maneuvers and routes when exiting. Potential traffic impacts were previously addressed by the applicant as part of the final permit process and the applicant will be required to adhere to any special conditions contained in the permit. Waste will be transported from the facility using either rail transportation or transfer trailers (trucks). If transfer trailers are used, they will utilize the same haul routes as the collection vehicles in the area of the transfer station. The EGRC, Inc. transfer station proposal contained an estimated tipping fee of \$85.00 per ton for a three (3) year program. All proposed rates for the transfer, transportation and disposal of solid waste delivered to EGRC, Inc. are subject to the rate setting procedures of the Board of Public Utilities.

2. Ellesor, Inc. Transfer Station, City of Elizabeth

Collection Vehicles and transfer trailers will enter the area of the transfer station on North Avenue. They will proceed south on Division Street and then northwest on Julia Street into the facility. These maneuvers and routes will simply be reversed when exiting the facility. The Ellesor, Inc. transfer station proposal contained estimated tipping fees of \$87.06 per ton and \$84.40 per ton for three and five year programs, respectively. All proposed rates for the transfer, transportation and disposal of solid waste delivered to Ellesor, Inc. are subject to the rate setting procedures of the Board of Public Utilities.

3. Automated Modular Systems, Inc. Transfer Station, City of Linden

Collection vehicles and transfer trailers will enter the area of the transfer station on U.S. Route 1. They will then turn southeast onto Avenue C and into the facility. Both collection vehicles and transfer trailers will also exit the facility on this same route. Transfer trailers exiting the facility will then proceed south on U.S. Route 1, and onto Interstate 287. The Automated Modular Systems, Inc. proposal contained an estimated tipping fee of \$90.63 per ton for a three (3) year program with utilization of the Southern Alleghenies Landfill in Conemaugh Township, Somerset County, Pennsylvania. All proposed rates for the transfer, transportation and disposal of solid waste delivered to AMS, Inc. are subject to the rate setting procedures of the Board of Public Utilities.



4. Summit Transfer Station, City of Summit

Collection vehicles and transfer trailers will enter the area of the transfer station on Mount Vernon Avenue. They will then turn southwest onto New Providence Avenue and into the facility. Both collection vehicles and transfer trailers will also exit the facility on this same route. The City of Summit has submitted a letter of intent from SWIN Resources, Inc. in Bloomsburg, Pennsylvania to provide out-of-district disposal capacity for waste from the Summit Transfer Station. The letter contained an estimated tipping fee of \$54.25 per ton for a three (3) year program. All proposed rates for the transfer, transportation, and solid waste delivered to the Summit Transfer Station are subject to rate setting procedures of the Board of Public Utilities.

- i. N.J.S.A. 13:1E-21b(5) requires procedures for coordinating all activities related to the collection and disposal . . . within the Solid Waste Management District, which procedures shall include the agreements entered into as provided herein between the Board of Chosen Freeholders . . . and every such person, and the procedures for furnishing the solid waste facilities contained in the Solid Waste Management Plan.

The transfer station program as contained in this proposed amendment does not require the execution of interdistrict agreements. However, EGRC Inc., Ellesor, Inc., Automated Modular Systems, Inc. and the City of Summit must enter into contracts for out-of-state disposal of solid wastes generated within Union County. These contracts must be reviewed by the Authority, as the county's implementing agent and are subject to approval by the Department.

- j. N.J.S.A. 13:1E-21b(6) requires a method of financing solid waste management in the Solid Waste Management District pursuant to the Solid Waste Management Plan.

The initial costs to finance development and construction of the transfer station program will be financed by private investment. The rates for transfer, transportation and disposal will be established by the Board of Public Utilities.

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 N.J.A.C. 7:26-2.13.

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 With Modifications 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 modified and outlined in Section C. of this certification, to the Union County District Solid Waste Management Plan which was proposed by the Department on May 19, 1987.

7/21/87  
DATE

*for* Michael J. Catania, Deputy Commissioner  
RICHARD T. DEWLING  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION