

8/17/80



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION

D. [REDACTED]

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(IN THE MATTER OF THE ADOPTED AND)
(MODIFIED SOLID WASTE MANAGEMENT)
(PLAN OF THE UNION COUNTY SOLID)
(WASTE MANAGEMENT DISTRICT)

CERTIFICATION OF APPROVAL
WITH MODIFICATION OF 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. 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 additional 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 issues, including, but not limited to, the number and siting of suitable

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

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 District in Northeastern New Jersey (N.J.A.C. 7:26-1.11) on December 31, 1979. The 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 adopted and promulgated modifications to the Union County District Solid Waste Management Plan. The March 20, 1980 modifications re-direct the flow of a major portion of Union County's 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 directed that a major portion of Union County's processable solid waste be re-directed from Middlesex County disposal facilities to Union County when the proposed Union County Resource Recovery Facility becomes operational. This 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.

On July 10, 1980, the Union County Board of Chosen Freeholders formally adopted modifications to the District's Plan. The modifications were received by the Department of Environmental Protection on July 14, 1980. The Department of Environmental Protection has studied and reviewed the Plan and its modifications in accordance with the Solid Waste Management Act. Based on the results of this review and evaluation, I have determined that the Union County District Solid Waste Management Plan be granted approval as amended by the modifications adopted herein and promulgated by me (see N.J.S.A. 13:1E-24) in conjunction with the Union County District Solid Waste Management Plan modifications previously adopted on March 20, 1980.

B. Solid Waste Management Plan Accomplishments

The Union County District Solid Waste Management Plan has been reviewed by the Department of Environmental Protection and other State-level agencies and, with the District's adopted modifications along with the replacement modifications herein set forth, provides for environmentally sound solid waste management in Union County. I am confident that with the implementation of this Plan, a comprehensive solid waste management program will be established in Union County.

The Plan proposes the development of a 1500 to 2000 ton per day resource recovery facility in the City of Linden. This facility will provide disposal capacity for a major portion of the county's processable* solid waste and is expected to be operational by 1984. Residues from the facility will be disposed of at the Linden Municipal Landfill. Other municipal and industrial solid wastes will be disposed of at designated facilities in Middlesex County throughout the planning period.

The Plan also encourages the development and expansion of source separation/recycling programs throughout the County, and provides assistance to municipalities through the Department of Engineering and Planning as well as the Environmental Resource Center. In addition, the County has been awarded a USEPA passthrough grant to undertake a source separation marketing investigation during the coming year.

Further, the Plan contains a comprehensive public education and participation program, a schedule for the collection of more accurate solid waste generation and composition data necessary to the development of the proposed resource recovery facility, and designates the Union County Department of Engineering and Planning as its present planning implementation agency responsible for plan reviews and updates.

C. Approved 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 approve the following key elements of the adopted Union County District Solid Waste Management Plan and Modifications adopted by the Union County Board of Chosen Freeholders on July 10, 1980:

1) Data Base

The basic data utilized in the Plan is approved. However, as further data, particularly in the area of solid waste generation and composition, becomes available as part of the District's resource recovery feasibility studies, such data will supplement existing data, and be made part of any Plan revision or update.

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

2) Schedule for Resource Recovery Implementation

The Plan's schedule and milestones for the implementation of resource recovery as required by the modifications adopted and promulgated by the Commissioner and made an approved part of the Union County District Solid Waste Management Plan on March 20, 1980 is approved. In addition to the directives issued to Union County in the March 20, 1980 modification order, the County's Department of Engineering and Planning shall also make quarterly status reports to the Department of Environmental Protection concerning the Districts progress in meeting the milestones of this implementation schedule. The first status report shall be submitted to the Department's Solid Waste Administration by January 1, 1981.

3) Recycling/Source Separation Program

The recycling/source separation program outlined in the Plan is approved.

4) Public Participation Program

The Plan's public education and participation program is approved.

5) Sludge and Septage

The Plan shall conform with any Rules and Regulations of the Department concerning sludge and septage.

D. 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 the modifications contained herein, as well as those adopted and promulgated by me on March 20, 1980 as revised by the modifications contained herein, are hereby made a final approved part of the Union County District Solid Waste Management Plan.

1) Waste Flow Modifications*

- a) All solid wastes, with the exception of those noted in Section 2.c. herein, generated from within the Union County municipalities of Berkeley Heights, Fanwood, Plainfield, Scotch Plains, Mountain-side, Westfield, Garwood, Cranford, and Clark shall be disposed of at the Industrial Land Reclaiming Inc. landfill (I.L.R.) facility number 1205C, located in Edison Township,

*The waste flow modifications which were adopted by the Commissioner on March 20, 1980 are included in the following modifications. The March 20, 1980 modifications are being revised as noted in sections b) & c) herein.

Middlesex County, New Jersey, until this facility is terminated in December 1981, when said solid wastes will be re-directed to designated solid waste facility(ies).

- b) All solid wastes, with the exception of those noted in Section 2.c. herein, generated from within the Union County municipalities of Hillside, Roselle Park and Winfield shall be disposed of at the Industrial Land Reclaiming Inc. landfill (I.L.R.), facility number 1205C, located in Edison Township, Middlesex County, New Jersey, until this facility is terminated in December 1981, when said wastes will be re-directed to designated solid waste facility(ies). (Note: The March 20, 1980 Modifications had directed these wastes to the Edison Disposal area landfill facility number 1205A).
- c) All residential solid wastes generated from within the Union County municipalities of Elizabeth, Roselle and Kenilworth shall be disposed of at the Industrial Land Reclaiming Inc. landfill (I.L.R.), facility number 1205C, located in Edison Township, Middlesex County, New Jersey, until the facility is terminated in December 1981, when said solid waste will be re-directed to designated solid waste facility(ies). All non-residential wastes generated from within the Union County municipalities of Kenilworth and Roselle shall be disposed of at the Edgeboro Disposal Inc., landfill, facility number 1204A, East Brunswick, Middlesex County, New Jersey. All non-residential wastes generated from within Elizabeth shall be disposed of at the Global Landfill Reclaiming Corp. landfill, facility number 1209A, Old Bridge Township, Middlesex County, New Jersey, until the facility is terminated in December 1983, when said solid wastes will be re-directed to designated solid waste facility(ies). (Note: The March 20, 1980 Modifications had directed residential waste from Kenilworth Boro to the Global Landfill, Inc. landfill, facility number 1209A.)
- d) All solid wastes, with the exception of those noted in Section 2.c. herein, generated from within Union County municipality of Rahway, shall be disposed of at the Edgeboro Disposal Inc. landfill, facility number 1204A, East Brunswick, Middlesex County, New Jersey.
- e) All solid wastes, with the exception of those noted in Section 2.c. herein, generated from within the Union County municipalities of New Providence and Summit shall be disposed of at the Combe landfill, facility number 1427A, Mount Olive Township, Morris County, New Jersey.
- f) All solid wastes, with the exception of those noted in Section 2.c herein, generated from within the Union County municipalities of Springfield and Union shall be disposed of at facilities designated by the Hackensack Meadowlands District for Essex County.

- g) All residential solid wastes, generated from within the Union County municipality of Linden, shall be disposed of at the Linden landfill, facility number 2009A, located in Linden City, Union County, New Jersey. All other wastes generated in Linden City shall be disposed of at the Edgeboro Disposal Inc. landfill, facility number 1204A, East Brunswick, Middlesex County, New Jersey.
- h) When the Union County resource recovery facility becomes operational in January 1984, all processable solid wastes generated from within the Union County municipalities of Hillside, Kenilworth, Roselle, Roselle Park, Cranford, Clark, Winfield, Rahway, Elizabeth and Linden shall be re-directed to the energy recovery facility. Residues from the resource recovery facility shall be disposed of at the Linden landfill, pending approval of the Linden landfill upgrading and expansion application by the Solid Waste Administration. Non-processable* solid wastes from said municipalities shall continue to be disposed of at designated solid waste facilities.
- i) The Department recognizes the long term potential problems as gas buildup, the re-surfacing of previously buried materials, and the instability of the landfill mass that may result in unpredictable settling that may impact the use of terminated landfill sites. Therefore, the Department recommends that terminated landfills be designated as "open space" and that any proposed use of terminated landfill sites be carefully investigated and the results incorporated into any application for a construction permit or site plan approval.

2) Other Provisions Effecting the Plan Modifications

a) 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

*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.

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 by the effective date of the Modifications (November 1, 1980); 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.

b) Compliance

All solid waste facility operators registered with the Department of Environmental Protection and operating within Union County 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 facility operator 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 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.

c) 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.

d) 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.

e) 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.

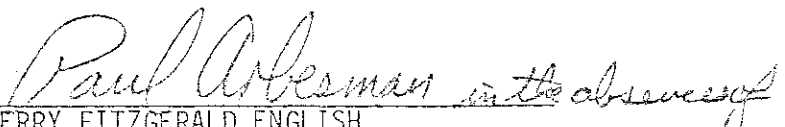
f) Effective Date of Modifications

The adopted and promulgated Modifications to the Union County District Solid Waste Management Plan contained herein shall take effect on November 1, 1980 with the exception of those Modifications which were adopted and promulgated on March 20, 1980 and are not being revised by Modifications adopted herein. The March 20, 1980 Modifications became effective on April 1, 1980.

- g) 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 shall conform with the Statewide Management Plan. The Statewide Solid Waste Management Plan includes the Department's Planning Guidelines and rules, regulations, and orders of the Department, and will include the compilation of individual District Plans and modifications as they are approved. The Statewide Solid Waste Management Plan for Group I and II Districts will be published this summer.*

E. Certification of Approval and 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 approve the Union County District Solid Waste Management Plan and its adopted modifications, subject to the modifications and replacements of March 20, 1980 and those contained and adopted herein.


JERRY FITZGERALD ENGLISH
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION

August 13, 1980

Date

*The Commissioner may adopt modifications to the approved District Plans in the Statewide Solid Waste Management Plan when it is promulgated.