



STATE OF NEW JERSEY
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 OFFICE OF THE COMMISSIONER
 CN 402
 TRENTON, N.J. 08625
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(IN THE MATTER OF CERTAIN AMENDMENTS)
 (TO THE ADOPTED AND APPROVED SOLID)
 (WASTE MANAGEMENT PLAN OF THE)
 (UNION COUNTY SOLID WASTE)
 (MANAGEMENT DISTRICT)

CERTIFICATION OF APPROVAL
 OF THE NOVEMBER 29, 1984 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 modification, 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 interdistrict 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. The Union County Board of Chosen Freeholders completed such a review and on November 29, 1984, adopted an amendment to its approved District Solid Waste Management Plan. The amendment was received by the Department of Environmental Protection on December 10, 1984 and copies were distributed to various state level agencies for review and comment, as required by law.

designated in the Rules servicing the geographic area. If material is removed from the waste stream by the facility for the purpose of reintroducing that material into the secondary materials market, the unreclaimed residues shall be disposed of proportionately at the appropriate disposal facilities identified in the State solid waste management plan based upon the relative proportion of such incoming waste to the EGRC facility originating from each solid waste district or other source. (Note: This policy does not preclude the economic regulation of transfer stations by the BPU). Under no circumstances is a transfer station considered as the origin of the solid wastes leaving it. For purposes of determining where solid wastes shall be disposed of, the origin of the waste always remains the location where the waste was originally picked up before delivery to the transfer station.

As previously noted, the Department has reviewed the entire Union County District Solid Waste Management Plan, including the above 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:

- 1) N.J.A.C. 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.

Union County has complied with the requirements of N.J.S.A. 13:1E-21b(1) and the Union County Department of Engineering and Planning, acting under the direction of the Union County Board of Chosen Freeholders and County Management is the approved solid waste implementation agency in Union County to carry out implementation of the approved Union County Solid Waste Management Plan.

- 2) 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 Statewide Solid Waste Management Plan, which incorporates the State Recycling Plan, states that a goal of 25% recycling shall be achieved by 1986 for all districts. To date, Union County has not amended its plan to include this recycling goal or to propose methods of reaching this goal. Additionally, Union County has not amended its plan to include specific uses of terminated landfill disposal sites. While the plan contains a listing of various proposed uses for each land disposal facility, the plan does not include a specific and final use for all of the landfills located within Union County. Therefore, I find that Union County has not complied with N.J.S.A. 13:1E-21b(2) and this section of the Union County District Solid Waste Management Plan is deficient.

- 3) 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.

Union County does not presently have available existing solid waste disposal facilities within its borders to provide for the solid waste disposal needs of each of its municipalities now or in the near future. Further, despite continued reliance upon disposal facilities in Middlesex County, the Union District has not entered into an approved interdistrict agreement with Middlesex County to provide for its disposal needs prior to the development of a regional disposal facility within Union County. Therefore, I find that Union County has not complied with N.J.S.A. 13:1E-21b(5) and this section of the Union County District Solid Waste Management Plan is deficient.

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

While the Union County Plan indicates that the overall method of financing the County's resource recovery facility will be through private financial arrangements, it does not provide a detailed plan for financing solid waste management.

Therefore, I find that Union County has not complied with N.J.S.A. 13:1E-21b(6) and this section of the Union County District Solid Waste Management Plan is deficient.

C. 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

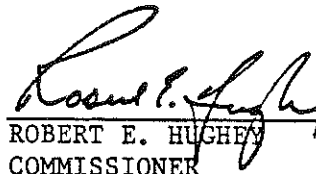
All solid waste facility operators and collector/haulers registered with the Department of Environmental Protection and operating within Union County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Union County District 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

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve the amendment, as outlined in Section B of this Certification, to the Union County District Solid Waste Management Plan which was adopted by the Union County Board of Chosen Freeholders on November 29, 1984, and further notify the Union County Freeholders of remaining deficiencies, as outlined in Section B of this Certification, within the Union County Plan.

In accordance with N.J.S.A. 13:1E-24, I am directing that a public hearing be conducted by the Union County Board of Chosen Freeholders within forty-five (45) days of the date of this Certification. The hearing shall be conducted pursuant to the procedures contained in N.J.S.A. 12:1E-23. The purpose of the hearing shall be to inform the public of the deficiencies identified in the Plan, and to identify the County's plans for addressing these deficiencies, and to solicit public comment on these matters. Further, Union County is directed to amend its Plan to address the deficiencies identified above. This amendment shall be adopted by the County and submitted to the Department of Environmental Protection within ninety (90) calendar days from the date of this Certification.

5/7/85

DATE



ROBERT E. HUGHES
COMMISSIONER

DEPARTMENT OF ENVIRONMENTAL PROTECTION