



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

OFFICE OF THE 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 DECEMBER 12, 1985
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, 1985 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 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 December 12, 1985 adopted an amendment to its approved district solid waste management plan. The amendment proposes the inclusion of two leaf transfer stations to be located in Scotch Plains Township into the district plan.

The amendment was originally submitted on January 29, 1986, but lacked site specific information. The complete amendment was later received by the Department of Environmental Protection on February 7, 1986 and copies were distributed to various state level agencies for review and comment, as required by law. The Department has reviewed this amendment, as well as the entire Union County District Solid Waste Management Plan, and has determined that the amendment adopted by the Union County Board of Chosen Freeholders on December 12, 1985 is approved as provided in N.J.S.A. 13:1E-24. With regard to the district plan, while the requirements of the Act concerning the report have been met, the district's plan remains deficient in some important ways.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I, Richard T. Dewling, Commissioner of the Department of Environmental Protection have studied and reviewed the December 12, 1985, amendment to the Union County District Solid Waste Management Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that this plan amendment is consistent with the Statewide Solid Waste Management Plan.

In addition, the Division of Waste Management circulated the plan amendment to sixteen 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 Water Resources, Fish, Game and Wildlife, Parks and Forestry, and Coastal Resources; the State Departments of Agriculture and Community Affairs, the Board of Public Utilities, the New Jersey Turnpike Authority and the New Jersey Advisory Council on Solid Waste Management. The following agencies failed to respond to our requests for comments: the State Departments of Transportation and the Public Advocate; the Green Acres Program, and the U.S. Environmental Protection Agency. The Department of Health, the Office of Recycling and the Division of Environmental Quality submitted substantive comments which are further addressed below:

The Department of Health commented that the facility should be fenced, used only for the authorized waste types, leachate should be collected in a drainage system, and that public health nuisances such as increased truck emissions should be controlled. The Department will address all these issues as part of the conditions in the registration and engineering design approval. The Office of Recycling expressed its concern over the final disposition of the leaves and suggested the following disposal options to landfilling: composting on an appropriate site in Scotch Plains; composting on an intermunicipal level; or composting on county owned land. The Department will convey this comment to Union County. The Division of Environmental Quality commented that odors from the facility shall not cause an unreasonable interference with the enjoyment of life or property as required by Prohibition of Air Pollution, N.J.S.A. 7:27-5. This issue of odor potential must be addressed by the applicant in the engineering report and supporting design and operation submission. In addition,

the Enforcement Element of the Division of Waste Management monitors transfer stations to ensure that odor as well as other standards included in the registration and engineering design approval are adhered to.

C. Certification of 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, have reviewed the December 12, 1985 amendment to the approved Union County District Solid Waste Management Plan and certify to the Union County Board of Chosen Freeholders that the December 12, 1985 amendment is approved as further specified below.

1. The inclusion into the district plan of two leaf transfer stations, one to be located on Martine Avenue, Lot 12801, Block 14, and the other to be located on Westfield and Plainfield Avenues, Lot 1, Block 3401, both in the township of Scotch Plains, is approved.

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 licensure under the provisions of N.J.S.A. 13:1E-126 et seq.

2. 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:

The certification of the July 11, 1985 Amendment to the Union County Plan which was issued by the Department on December 11, 1985 noted that the plan remained deficient with respect to numerous requirements of the Solid Waste Management Act concerning recycling, uses of terminated landfills, development of additional suitable and available solid waste disposal sites, interdistrict waste flow agreements, and the method of financing solid waste management. The December 11, 1985 certification also directed Union County to adopt an amendment to the district plan to remedy these deficiencies as soon as possible. In partial response to the certification, Union County entered into a consent agreement with the Department on March 4, 1986 to implement its resource recovery facility in accordance with an agreed schedule providing, among other things, operation of the facility by December 1990. However, since the December 12, 1985 amendment to the Union County Plan did not address any other of the Department's noted concerns, the plan still remains deficient with respect to the requirements of N.J.S.A. 13:1E-21B (2),(3),(5) and (6), and the county is ordered to correct same in accordance with Section E. of this certification.

In addition, the Department's May 14, 1986 certification of the January 17, 1986 proposed amendment to the Union County Solid Waste Management Plan required that within 90 days of the date of that certification, Union County adopt and submit a plan amendment identifying a landfill site. The

certification also required Union County to implement a mandatory recycling program in order to reduce the amount and volume of waste materials requiring disposal. These requirements are once again asserted as part of this certification.

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, 10, 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 -2.13.

6. Effective Date of Amendment

The approved 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 of the Amendment and Notification of Deficiencies 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 outlined in Section C. of this certification, to the Union County District Solid Waste Management Plan which was adopted by the Union County Board of Chosen Freeholders on December 12, 1985 and further direct the Union County Freeholders to remedy those deficiencies referenced in Section C. of this certification as soon as possible.

DATE

6/9/82



RICHARD T. DEWLING
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION