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Scott A. Weiner  
Commissioner

IN THE MATTER OF CERTAIN AMENDMENTS  
TO THE ADOPTED AND APPROVED SOLID  
WASTE MANAGEMENT PLAN OF THE  
HUDSON COUNTY SOLID WASTE  
MANAGEMENT DISTRICT

CERTIFICATION  
OF THE JANUARY 9, 1992  
AMENDMENT TO THE HUDSON 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 (HMDC) develop comprehensive plans for waste management in their respective districts. On January 27, 1982, the Department of Environmental Protection approved, with modifications, the Hudson County District Solid Waste Management Plan (County 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 a 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 a 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 Hudson County Board of Chosen Freeholders (County Freeholders) completed such a review and on January 9, 1992, adopted an amendment to its approved County Plan. Specifically, this plan amendment includes the addition of recycling facilities into the Hudson County Plan. These include AGA Wood Recycling in North Bergen, Bay City Recycling in Bayonne, Bayonne Durable Construction in Bayonne, Bedrock Stone, Inc. in Kearny (Class A and B), P&N/SJG Recycling Specialists in North Bergen, Sanzari-Grano/North Bergen Recycling in North Bergen and Usdin Industries in Kearny. The amendment also included conditions for specific recycling centers. These conditions addressed the materials and capacity to be recycled, the generation and disposal of residue and reporting and inspection requirements.

The amendment was received by the Department of Environmental Protection and Energy (Department or DEPE) on January 23, 1992 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this amendment and has determined that the amendment adopted by the County Freeholders on January 9, 1992 is approved in part and modified in part as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the January 9, 1992 amendment to the County 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 in part and inconsistent in part with the Statewide Solid Waste Management Plan.

In conjunction with the review of the amendment, the Department circulated copies to seventeen administrative review agencies and solicited their review and comment. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various bureaus, divisions, and agencies within the Department. These agencies are the following:

Division of Environmental Quality, DEPE  
Division of Coastal Resources, DEPE  
Division of Parks and Forestry, DEPE  
Division of Fish, Game and Wildlife, DEPE  
Division of Solid Waste Management, DEPE  
Green Acres Program, DEPE  
Groundwater Quality Management Element, DEPE  
Wastewater Facilities Regulation Element, DEPE  
New Jersey Turnpike Authority  
New Jersey Advisory Council on Solid Waste Management

Department of Agriculture  
Department of Health  
Department of Transportation  
Department of Community Affairs  
Department of the Public Advocate  
U.S. Environmental Protection Agency  
Office of Permit Information and Assistance, DEPE

1. Agency Participation in the Review of the January 9, 1992 Amendment

The following agencies did not object to the proposed plan amendment:

Division of Parks and Forestry, DEPE  
New Jersey Turnpike Authority  
Department of Agriculture  
Department of Health  
Department of Community Affairs  
U.S. Environmental Protection Agency

The following agencies did not respond to the Department's requests for comments:

Division of Environmental Quality, DEPE  
Division of Coastal Resources, DEPE  
Division of Fish, Game and Wildlife, DEPE  
Green Acres Program, DEPE  
Groundwater Quality Management Element, DEPE  
Wastewater Facilities Regulation Element, DEPE  
New Jersey Advisory Council on Solid Waste Management  
Department of the Public Advocate

The following agencies submitted substantive comments which are further addressed below:

Office of Permit Information and Assistance, DEPE  
Department of Transportation  
Division of Solid Waste Management, DEPE

2. Issues of Concern Regarding the January 9, 1992 Amendment

**Issue: Permit Requirements**

The seven aforementioned recycling facilities must adhere to the state and local permitting programs, specifically, stream encroachment, waterfront development and freshwater wetlands. Further, if any of the aforementioned facilities require ingress or egress to a State Highway, the applicant must file for an Access Permit and possibly a Drainage Application.

**Issue: Residue Waste Policy**

The legal authority for recycling center approval is granted to the Department, as per N.J.S.A. 13:1E-99.34, and is implemented by regulations at N.J.A.C. 7:26A-1 et seq. which together empower the Department to exercise final authority regarding approval for the operation of all recycling facilities in the solid waste management plan. This authority extends to conditions that may be placed on the facility such as maximum residue percentages, and residue waste flows. Therefore, policies specified within the proposed amendment relative to maximum residue percentages and residue waste flows should be modified to reflect Departmental regulations. Specifically, all residues generated at the recycling facilities should be disposed of at the designated disposal facility for Hudson County's solid waste and not on a proportionate basis at out-of-district facilities. Because recycling centers may not receive, store, process, or transfer solid waste (N.J.A.C. 7:26A-4.1(a)3), but source separated or source separated and commingled recyclables for processing and marketing, residue requiring disposal is actually generated as a result of processing at the recycling center. Therefore, disposal of residue must be consistent with the waste flow rules (N.J.A.C. 7:26-6) for the county in which the recycling center is located. Accordingly, all residue generated at recycling centers in Hudson County shall be disposed of in accordance with all current Hudson County waste flow rules and emergency redirection orders. Also, as noted in Section C. the percent of allowable residues generated at the facility, is determined by the Department pursuant to N.J.S.A. 13:1E-99.34 and pursuant to N.J.A.C. 7:26A-3.5(e)3ii, and not the County. This will be accomplished during Departmental review on a facility by facility basis. The Department notifies the County and Recycling Centers of this requirement and modifies the amendment accordingly in Section C. of the certification.

**Issue: Solid Waste Facility Designation**

Appendix Q of the January 9, 1992 amendment designates certain proposed facilities as Recycling Centers and Special Solid Waste Facilities for inclusion in the district plan. As previously indicated in the Department's January 24, 1991 Certification of Hudson County's September 27, 1990 amendment, no designation exists as part of the current regulations administered by the Department for "Special Solid Waste Facilities." Therefore, this amendment is modified in Section C. to include all of the facilities referenced in the amendment as recycling centers.

**C. Certification of the Hudson County District Solid Waste Management Plan Amendment**

In accordance with N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-21, which establishes specific requirements regarding the contents of the district solid waste management plans, I have reviewed the January 9, 1992 amendment to the approved County Plan and certify to the County Freeholders that the January 9, 1992 amendment is approved in part and modified in part as further specified below.

### 1. Recycling Centers

The inclusion in the County Plan of the following recycling facilities is approved as follows:

1. AGA Wood Recycling Corp., located at Lot 22; M1.1, Block 451.c in North Bergen is approved to accept 50 tons per day of wood pallets and industrial wood scrap. Because this recycling center will be handling Class B recyclable materials, as defined at N.J.A.C. 7:26A-1.3, it must obtain a recycling center approval from the Department pursuant to N.J.A.C. 7:26A-3 prior to operation. Also, pursuant to N.J.A.C. 7:26A-4.1(a)1.iii Class A recyclable materials may be commingled only with other Class A recyclable materials. Class B recyclable materials may be commingled only with other Class B recyclable materials and only to the extent authorized in the general approval.
2. Bay City Recycling Center, Inc. located at Lot 1.01, Block 451 in Bayonne is approved to accept 12 tons per day of aluminum and aluminum cans. Because this recycling center will be handling only Class A recyclable material, as defined at N.J.A.C. 7:26A-1.3, no approval from the Department is necessary prior to operation. However, the recycling center must operate in accordance with the regulations at N.J.A.C. 7:26A-4.
3. Bayonne Durable Construction Co. located at Lots 1 and 2, and Block 412 in Bayonne is approved to accept 1,320 tons per day of clean stone, concrete, wood, and other construction and demolition debris. Because this recycling center will be handling Class B recyclable materials, as defined at N.J.A.C. 7:26A-1.3, it must obtain a recycling center approval from the Department pursuant to N.J.A.C. 7:26A-3 prior to operation. Also, pursuant to N.J.A.C. 7:26A-4.1(a)1.iii Class A recyclable materials may be commingled only with other Class A recyclable materials. Class B recyclable materials may be commingled only with other Class B recyclable materials and only to the extent authorized in the general approval.
- 4a. Bedrock Stone, Inc. (Class A) located at Lots 26, 27 and 28, Block 242 in Kearny is approved to accept 500 tons per day of glass, aluminum, metals, plastics, paper, newspaper and corrugated cardboard. Because this recycling center will be handling only Class A recyclable material, as defined at N.J.A.C. 7:26A-1.3, no approval from the Department is necessary prior to operation. However, the recycling center must operate in accordance with the regulations at N.J.A.C. 7:26A-4.
- 4b. Bedrock Stone, Inc. (Class B) located at Lots 26, 27 and 28, Block 242 in Kearny is approved to accept 900 tons per day of wood, concrete, stone, rock, dirt, and mixed construction and demolition debris. Because this recycling center will be handling Class B recyclable materials, as defined at N.J.A.C. 7:26A-1.3, it must obtain a recycling center approval from the Department pursuant to N.J.A.C. 7:26A-3 prior to operation. Also, pursuant to N.J.A.C. 7:26A-4.1(a)1.iii Class A recyclable materials may be commingled only with other Class A recyclable materials. Class B recyclable materials may be commingled only with other Class B recyclable materials and only to the extent authorized in the general approval.

5. P&N Recycling Corp., (SJG Recycling Specialists, Inc.) located at Lot L1, Block 91 in North Bergen is approved to accept 75 tons per day of cardboard, metals, fine paper, glass, concrete, rock and wood pallets. Because this recycling center will be handling Class B recyclable materials, as defined at N.J.A.C. 7:26A-1.3, it must obtain a recycling center approval from the Department pursuant to N.J.A.C. 7:26A-3 prior to operation. Also, pursuant to N.J.A.C. 7:26A-4.1(a)1.iii Class A recyclable materials may be commingled only with other Class A recyclable materials. Class B recyclable materials may be commingled only with other Class B recyclable materials and only to the extent authorized in the general approval.
  
6. Sanzari-Grano (North Bergen Recycling, Inc.) located at Lots L32, Block 465 and Lot L4, Block 480, respectively, in North Bergen is approved to accept 300 tons per day of asphalt, concrete, reinforcing steel rods and reinforcing wire mesh. Because this recycling center will be handling Class B recyclable materials, as defined at N.J.A.C. 7:26A-1.3, it must obtain a recycling center approval from the Department pursuant to N.J.A.C. 7:26A-3 prior to operation. Also, pursuant to N.J.A.C. 7:26A-4.1(a)1.iii Class A recyclable materials may be commingled only with other Class A recyclable materials. Class B recyclable materials may be commingled only with other Class B recyclable materials and only to the extent authorized in the general approval.
  
7. Usdin Industries, Inc. located at Lots 5, 6, and 7, Block 288 in Kearny is approved to accept 300 tons per day of ferrous and non-ferrous metals, tires, wood, concrete, glass, paper and plastics. Because this recycling center will be handling Class B recyclable materials, as defined at N.J.A.C. 7:26A-1.3, it must obtain a recycling center approval from the Department pursuant to N.J.A.C. 7:26A-3 prior to operation. Also, pursuant to N.J.A.C. 7:26A-4.1(a)1.iii Class A recyclable materials may be commingled only with other Class A recyclable materials. Class B recyclable materials may be commingled only with other Class B recyclable materials and only to the extent authorized in the general approval.

The operation of all recycling centers which receive, store, process or transfer Class A recyclable materials, as defined at N.J.A.C. 7:26A-1.3, shall be in conformance with N.J.A.C. 7:26A-4 et seq. The construction and operation of all recycling centers which receive, store, process or transfer Class B recyclable materials, as defined at N.J.A.C. 7:26A-1.3, shall be preceded by the acquisition of the necessary approval as per N.J.A.C. 7:26A-3 et seq., and shall be in conformance with Department regulations and guidelines, including N.J.A.C. 7:26A-4 et seq.

This certification shall not be construed as an expression of the Department's intent to issue a recycling center approval to any recycling center for Class B recyclable materials. A recycling center approval shall only be granted where the applicant has submitted an administratively complete application, as per N.J.A.C. 7:26A-3.5, where all substantive criteria for approval set forth in N.J.A.C. 7:26A-3.2, 3.3

and 3.4 are satisfied, where a fee has been paid in accordance with N.J.A.C. 7:26A-2, and where none of the criteria for denial of a recycling center approval are met, as per N.J.A.C. 7:26A-11 and 12.

## 2. Conditions for Recycling Centers

The conditions included in the amendment for specified recycling facilities identified above which address materials and capacity to be recycled and reporting and inspection requirements are approved. However, those conditions which address residue are modified as further specified below.

As noted in Section B., the legal authority for recycling center approval is granted to the Department pursuant to N.J.S.A. 13:1E-99:34 and is implemented by regulations at N.J.A.C. 7:26A-1 et seq. This authority extends to conditions which may be placed on recycling facilities such as residue waste flows and maximum residue percentages. Accordingly, the Department is modifying two County policies specified within the amendment regulating the operations of the recycling centers. These modifications are final and will not require subsequent action by the Hudson County Board of Chosen Freeholders.

Hudson County has adopted a policy that, since residuals from the recycling centers will be directed to Hudson County's designated disposal facility, the County will require that a portion of the residuals be disposed of at the solid waste facility designated by the waste flow rules to receive waste from each specific out-of-district source. Furthermore, the residuals to be disposed of out-of-district shall be proportional to the waste received at the recycling center from out-of-district sources. This policy is modified to conform with Departmental regulations. Specifically, since these facilities are recycling centers and may only accept source separated or source separated and commingled recyclables for processing and marketing, the residue generated from the operations is considered to originate in Hudson County and is subject to the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.S.A. 7:26-6) for Hudson County pursuant to N.J.A.C. 7:26A-4.1(a)3. Therefore, residue disposal shall be consistent with the Emergency Redirection of Solid Waste Flow Order dated February 1, 1991 which embodies the waste flow directives for Hudson County.

Hudson County has also established the policy that in no case shall residues exceed 6% of the incoming recyclable material flow. This policy is modified to conform with New Jersey law. Specifically, pursuant to N.J.S.A. 13:1E-99.34, and N.J.A.C. 7:26A-3.5(e)3i. the Department is authorized to establish a specific allowable maximum residue percentage generated by the operations of a recycling facility. Therefore, the Department and not Hudson County shall determine the allowable maximum residue percentage from the operations of the recycling centers. This will be accomplished on a case by case basis during the Departmental review of each facility's plans and reflected in each facility permit.

3. Solid Waste Facility Designation

As noted in Section B., Appendix Q of the January 9, 1992 amendment designates certain proposed facilities as Recycling Centers and Special Solid Waste Facilities for inclusion in the district plan. As previously indicated in the Department's January 24, 1991 Certification of Hudson County's September 27, 1990 amendment, no designation exists as part of the current regulations administered by the Department for "Special Solid Waste Facilities." Therefore, the amendment is modified to include all of the facilities referenced in the amendment as recycling centers.

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 this amendment to the County 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 and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the County 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, and for good cause shown, obtain an extension of time to complete such renegotiation.

2. Compliance

All solid waste facility operators and transporters registered with the Department and operating within the County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the County Plan. Any facility operator or transporter 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 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 Plan

The provisions of the County 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. All nonhazardous 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 set forth at N.J.A.C. 7:26-6, but are subject to regulation in accordance with N.J.A.C. 7:26A-1 et seq.



4. Certification to Proceed with the Implementation of the Plan Amendment

This document shall serve as the certification of the Commissioner of the Department to the County Freeholders and pursuant to N.J.S.A. 13:1E-24c and f, the County shall proceed with the implementation of the approved amendment certified 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 -99.12, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of the Amendment

The amendment to the County Plan contained herein shall take effect immediately.

7. Reservation of Authority

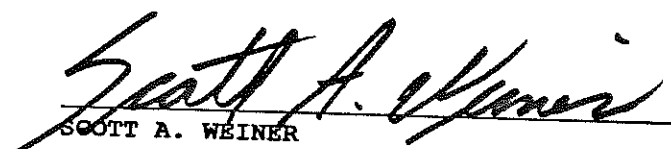
Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan. The Department has published a Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, 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 in Part and Modification in Part of the Amendment by the Commissioner of the Department of Environmental Protection and Energy

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve in part and modify in part the amendment, as outlined in Section C. of this certification, to the Hudson County District Solid Waste Management Plan which was adopted by the Hudson County Board of Chosen Freeholders on January 9, 1992.

DATE

6/20/92

  
SCOTT A. WEINER

COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
AND ENERGY