



State of New Jersey

Christine Todd Whitman
Governor

Department of Environmental Protection
Office of the Commissioner
CN 402
Trenton, NJ 08625-0402
Tel. # 609-292-2885
Fax. # 609-292-7695

Robert C. Shinn, Jr.
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 JULY 11, 1996
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 develop comprehensive plans for waste management in their respective districts. On January 27, 1982, the Department of Environmental Protection (DEP or Department) 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 County Plan at any time and, if found inadequate, a new County Plan must be adopted. The Hudson County Board of Chosen Freeholders (County Freeholders) completed such a review and on July 11, 1996, adopted an amendment to its approved County Plan.

The amendment includes a materials recovery facility operation at the existing P&N/SJG Recycling Specialists, Inc. Class A and Class B recycling center located in North Bergen Township, Hudson County without an increase in the operating capacity of 353 tons per day (TPD).

The amendment was received by the Department on August 21, 1996, 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 July 11, 1996 is approved 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 July 11, 1996 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 with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders and the applicant are notified of the issues of concern relative to the July 11, 1996 amendment which are included in Section B.2. below.

In conjunction with the review of the amendment, the Department circulated copies to sixteen State and Federal 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. All agencies contacted are as follows:

- Division of Water Quality, DEP
- Division of Parks and Forestry, DEP
- Division of Fish, Game and Wildlife, DEP
- Division of Enforcement, DEP
- Division of Solid and Hazardous Waste, DEP
- Green Acres Program, DEP
- Land Use Regulation Element, DEP
- Office of Air Quality Management, DEP
- 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

U.S. Environmental Protection Agency
Hackensack Meadowlands Development Commission

1. Agency Participation in the Review of the July 11, 1996 Amendment

The following agencies did not object to the proposed amendment:

Division of Parks and Forestry, DEP
Division of Fish, Game and Wildlife, DEP
Department of Agriculture
Department of Community Affairs
Department of Transportation
New Jersey Turnpike Authority
Hackensack Meadowlands Development Commission

The following agencies did not respond to our requests for comment:

Green Acres Program, DEP
Division of Enforcement, DEP
Land Use Regulation Element, DEP
Office of Air Quality Management, DEP
New Jersey Advisory Council on Solid Waste Management
Department of Health
U.S. Environmental Protection Agency

The following agencies provided substantive comments as shown in Section B. of the certification document:

Division of Solid and Hazardous Waste, DEP
Division of Water Quality, DEP

2. Issues of Concern Regarding the July 11, 1996 Amendment

Issue: Regulatory Requirements

If any recycling/materials recovery operation will discharge pollutants as defined in N.J.A.C. 7:14-1.9, said operation must secure a New Jersey Pollutant Discharge Elimination System Permit and/or a Treatment Works Approval for pollutant discharges.

Recycling/materials recovery operations are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits the release of odors and other air contaminants which interfere with the enjoyment of life and property. Also, recycling operations are subject to the regulations set forth at N.J.A.C. 7:26A-1 et seq., which include but are not limited to operational standards and general rules for recycling centers which receive, store, process or transfer Class A and Class B recyclable materials. Further, materials recovery operations are subject to N.J.A.C. 7:27-8.2(a)16 which requires air pollution control permits for any equipment which vents a solid

waste facility directly or indirectly into the atmosphere.

P&N/SJG Recycling Specialists, Inc. is currently an approved (permitted) recycling center for Class B materials. As part of that approval, the facility is allowed to accept Class A recyclables. The July 11, 1996 amendment authorizes P&N/SJG Recycling Specialists, Inc. to operate a materials recovery facility at the site of the Class A and Class B recycling center. Unlike a Class B recycling center, a materials recovery facility is considered a solid waste facility and, as such, must be permitted as a solid waste facility. Upon receipt of such permit, the existing Class A and Class B recycling center approval will be incorporated within the solid waste facility permit issued for the materials recovery facility.

Issue: Historical Background

P&N/SJG Recycling Specialists, Inc. was initially included within the County Plan by an amendment of January 9, 1992 as a recycling center to process up to 75 TPD of cardboard, metals, paper, glass, concrete, rock, and wood pallets. This amendment was certified by the Department on June 20, 1992. The County's December 10, 1992 amendment provided for a capacity expansion and revision of acceptable waste types. Specifically, the facility may process up to 353 TPD of cardboard, metals, paper, glass, wood (including pallets, other nontreated wood, trees, tree parts, and brush), concrete, brick, block, stone, plaster, ceramic tile, clean fill, asphalt, and shingles/roofing products. This latter amendment was certified on July 16, 1993. The July 11, 1996 amendment maintains the capacity at 353 TPD but adds a materials recovery operation to the existing recycling center. The capacity of all operations and materials accepted is as follows:

<u>Operation</u>	<u>Materials</u>	<u>Capacity</u>
Materials recovery	Waste types 13 and 13C	95 TPD
Materials recovery	Waste type 23	5 TPD
Class A recycling	Metal, glass, paper, plastic, cardboard	28 TPD
Class B recycling	Concrete, asphalt, brick, stone, rock, block, wood (untreated and unpainted), uncontaminated soil, asphalt, roofing materials	225 TPD
	Total Capacity	353 TPD

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 July 11, 1996 amendment to the approved County Plan and certify to the County Freeholders that the July 11, 1996 amendment is approved as further specified below.

The County Plan inclusion of a materials recovery facility operation at the existing P&N/SJG Recycling Specialists, Inc. Class A and Class B recycling center located on Block 91, Lots 1 and 6, 4509-4705 Dell Avenue in North Bergen Township, Hudson County without an increase in the existing capacity of 353 TPD is approved. The specific capacities of each of the operations and materials accepted are identified in Section B. above.

As noted within Section B., the applicant must apply to the Department for a solid waste facility permit to operate a materials recovery facility. The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals pursuant to N.J.S.A. 13:1E-1 et seq., and all other applicable laws. The issuance of operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the DEP and the Attorney General of the State of New Jersey to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126. This certification shall not be construed as an expression of the DEP's intent to issue a solid waste facility permit.

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.

Any residue generated as a result of the operation of this facility shall be disposed of pursuant to the County Plan and the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-1 et seq.).

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 waste, sewage sludge, septage, and hazardous waste. All nonhazardous materials separated at the point of generation for sale or reuse and all construction and demolition waste classified as Type 13C 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 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, 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 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 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 July 11, 1996.

Date

12/9/96



Robert C. Shinn, Jr., Commissioner
Department of Environmental Protection