

Let's protect our earth



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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(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 AUGUST 10, 1989
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 7, 1982, the Department approved, with modifications, the Hudson 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 Hudson County Board of Chosen Freeholders completed such a review and on August 10, 1989, adopted an amendment to its approved district solid waste management plan.

As adopted, the amendment included a two year update to the Hudson County Solid Waste Management Plan. Components of the update were: reaffirmation of the Hudson County Improvement Authority as the solid waste management implementing agency; solid waste generation rates and projections; inventory and appraisal of all solid waste facilities; an analysis of collection and transportation routes; a site plan and disposal strategy status; and management and financing of the solid waste disposal system. The amendment was received by the Department of Environmental Protection on September 1, 1989, 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 Hudson County District Solid Waste Management Plan, and has determined that the amendment adopted by the Hudson County Board of Chosen Freeholders on August 10, 1989, is approved with modification 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, Judith A. Yaskin, Commissioner of the Department of Environmental Protection have studied and reviewed the August 10, 1989 amendment to the Hudson 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, as modified, is consistent with the Statewide Solid Waste Management Plan.

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

The Division of Environmental Quality commented that composting facilities, transfer stations, incinerators, landfills and recycling centers are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of

Air Pollution" regulation which prohibits odors and emissions of air contaminants which interfere with the enjoyment of life or property. Additionally, air pollution control permits are required for equipment used to vent a solid waste facility to the ambient atmosphere (N.J.A.C. 7:27-8.2(a)16). Stationary conveying equipment which causes fugitive emissions of air contaminants requires air pollution control permits pursuant to the provisions of 7:27-8.2(a)11. Transfer stations are also 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 outdoor atmosphere. Such vents may require devices to control odors and other air contaminants. Incinerators are also regulated under N.J.A.C. 7:27-11, "Incinerators." This subchapter defines the construction, operation, and emission standards for all incinerators. Additionally, incinerators are subject to the provisions of N.J.A.C. 7:27-8.2(a)14, which requires permits and certificates for any incinerator. New modified equipment which emits air contaminants must incorporate advances in the art of air pollution control. For incineration, this usually includes scrubbing for hydrochloric acid control, a baghouse for particulate control, and burners in a secondary combustion zone for hydrocarbon control.

Currently, any permit application for waste incineration should include:

1. Air quality modeling and an evaluation of downwash, which demonstrates sufficient stack height.
2. Cancer risk assessment for metals and dioxin, demonstrating low cancer risk on and off site.
3. Continuous emission monitoring and recording for carbon monoxide, oxygen, and secondary chamber temperature.
4. Extensive stack testing after construction.
5. Compliance with the Department's "Air Pollution Control Guidelines for Resource Recovery Facilities and Incinerators" March 1983, Amended November 1, 1984, Amended April 1987, if over 800 pounds per hour.

The Division of Environmental Quality further commented that new and closed landfills should be equipped with positive ventilation systems, which direct landfill gases to air pollution control devices. These vents and devices require air pollution control permits pursuant to N.J.A.C. 7:27-8.2(a)1 and 16. These regulations require permits for all stationary equipment used to ventilate a solid waste facility directly or indirectly to the ambient atmosphere. Finally, recycling centers are considered solid waste facilities, which are subject to N.J.A.C. 7:27-8.2(a)16 which require air pollution control permits for any equipment which vents the facility directly or indirectly into the outdoor atmosphere. The Department responds by concurring with the Division of Environmental Quality and by way of this plan amendment certification, notifies Hudson County of the above mentioned requirements.

The Division of Water Resources commented that Hudson County's proposed solid waste facilities may require New Jersey Pollution Discharge Elimination System Permits which, in turn, may require amendments to the Northeast Water Quality Management Plans. The Department responds by concurring with the Division of Water Resources and by way of this plan amendment certification, notifies Hudson County of the aforementioned requirements.

The Division of Solid Waste Management commented that Section 6.4 of the update, entitled "Out-of-County Sites" references a Hudson County policy concerning Waste Distribution Centers. According to N.J.A.C. 7:26-1.4 (Definitions) a Materials Recovery Facility is considered by the DSWM to be synonymous with a Waste Distribution Center Facility. In this regard, the Hudson County policy which provides that vendors of said Waste Distribution Centers (Material Recovery Facilities) may dispose of waste which is unacceptable for resource recovery processing at locations out-of-state, is inconsistent with the state's policy of self-sufficiency by December 31, 1992 and should be prohibited as the primary long-term disposal option. The Koppers Koke landfill is designated as the primary disposal option. Therefore, out-of-state disposal past December 31, 1992 should only be approved as a component of the county's contingency strategy.

In addition, the Division of Solid Waste Management commented that since the proposed use of the Waste Distribution Centers (Materials Recovery Facilities) will impact the Division's review of the Hudson County Resource Recovery Facility, Hudson County should provide the Department with a schedule for identifying the facilities by lot and block and for their subsequent inclusion into the Hudson County District Solid Waste Management Plan, as well as a schedule for procurement and selection of facility vendors.

The Division of Solid Waste Management further notes that Hudson County, in their list of transfer stations to be included within the August 10, 1989 plan amendment, includes only those facilities within the County which are currently registered (permitted). Should Hudson County decide in the future that there is a need for additional transfer station capacity in the county, other transfer stations may be added to the Hudson Plan through the plan amendment process.

The Division of Solid Waste Management also commented on the county's recycling plan. The Hudson County Recycling Plan remains deficient with respect to the contents of their April 24, 1989 report which was mandated by the Department pursuant to the certification of their November 22, 1988 amendment. Specifically, Hudson County was directed to submit a report containing an executed contract by the county to provide for leaf composting services where municipalities have failed to do so; to make a determination regarding the Jersey City Incinerator Authority's compost facility permit status; and to provide a contingency plan for municipalities lacking access to permitted compost sites in the event that they can not be directed to the Jersey City Incinerator Authority's composting facility. Moreover, the DSWM notes that Section 7.4 of the

August 10, 1989 amendment omits the Jersey City Incinerator Authority's composting facility from its previous inclusion in the Certification of the November 22, 1988 plan amendment but includes the compost facility in Section 4.3. Subsequently, this inconsistency was brought to the attention of the Hudson County Improvement Authority who indicated that it was Hudson County's intention that the Jersey City Incinerator Authority's composting facility would remain an approved part of the Hudson County plan. Finally, with respect to Appendix K of the November 11, 1988 amendment to the district recycling plan, the plan states that future major or minor modifications referred to in point 5 of Appendix K will reflect market conditions and site requirements. Inasmuch as this section may be utilized by Hudson County to establish a procedure for future plan modifications, the DSWM comments that this procedure must comply with the Solid Waste Management Act and this section can not be intended to provide for inclusion of a solid waste facility or recycling center without proper public notice and Freeholder Board approval, followed by Departmental certification of an adopted plan amendment.

Lastly, the DSWM commented that the solid waste generation rates and recycling recovery targets included in the amendment do not correspond to solid waste generation rates and recycling recovery targets previously submitted to the Department as part of the Certification of the November 22, 1988 amendment to the Hudson County Plan.

In response to the comments of the Division of Solid Waste Management, the Department concurs and notifies Hudson County of these requirements and inconsistencies which need to be addressed by the district as provided in Section C. below.

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

I, Judith A. Yaskin, 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 August 10, 1989 amendment to the approved Hudson County District Solid Waste Management Plan and certify to the Hudson County Board of Chosen Freeholders that the amendment is approved with modification as further specified below.

The incorporation into the district plan of the two year update is approved with modification as follows:

1. Section 1: Implementation Agency

Designation of the Hudson County Improvement Authority as the solid waste management implementation agency responsible for the planning, acquisition, construction, maintenance and operation of facilities for the processing and disposal of solid waste originating within the

county is approved. Also, the Authority is approved to manage the solid waste system in accordance with the Solid Waste Management Act and through its membership, solid waste advisory council, solid waste management plan process, and its contracts with private companies, as included in Section 8 of the two year update.

2. Sections 2 and 3 (including Appendix A): Solid Waste Generation Rates

The solid waste generation rates provided in Appendix A are approved. However, since the generation rates and recycling recovery targets in the amendment do not correspond to previous solid waste generation rates and recycling recovery targets included in the Certification of the November 22, 1988 amendment to the Hudson County Solid Waste Management Plan, or other correspondence from Hudson County to the Division of Solid Waste Management, Hudson County is directed, within 45 days, to provide, in letter form, detailed clarification of the discrepancies.

3. Section 4: Inventory and Appraisal of Solid Waste Facilities

- a. The transfer stations listed in Section 4.1 (Appendix B) are approved. However, the Department notes that any other proposed or permit-pending transfer station sites in Hudson County will be required to be included in the Hudson County Solid Waste Management Plan prior to permitting, construction or operation of these facilities. Also, in this regard, the construction and 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 and regulations. 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 licensing under the provisions of N.J.S.A. 13:1E-126 et seq.
- b. The solid waste incinerator facilities included in Section 4 (Appendix D) are approved. Also, the policy of the Hudson County Improvement Authority in Section 4.2 regarding the construction and operation of all non-HCIA incineration facilities to process residential, commercial, industrial and hospital waste generated within the county is approved. This policy states that all existing incinerators in possession of a construction and/or operating permit as of August 16, 1988 are included within the Hudson County District Solid Waste Management Plan. Also, approval for their continued operation remains subject to Departmental review, without further county review, until such time as such construction and/or operating permits are, by their terms, renewed, modified or terminated. At such time, the authority may review each renewal application

to ensure plan compatibility. Further, with the exception of hospital waste and housing authority incinerators, inclusion in the plan for facilities not in possession of Departmental permits as of August 16, 1988 may be withheld by the county pending a determination of plan compatibility. Also, all ash and residuals generated by these incinerators shall be directed to a facility designated by the Hudson County Improvement Authority and approved by the DEP and BPU pursuant to the then current waste flow rules.

- c. The list of compost facilities contained in Section 4.3 (Appendix E) is approved. In this regard, the construction and 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 and regulations. 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 licensing under the provisions of N.J.S.A. 13:1E-126 et seq.
- d. The Koppers Koke site for the resource recovery facility and backup landfill remains an approved part of the plan.
- e. The "concept" of the Waste Distribution Center (Materials Recovery Facility), which provides for a facility to collect, separate, and recover metals, glass, paper, and other materials for reuse; provides an acceptable, steady, processible waste stream to the resource recovery facility; and which is considered a component of the resource recovery system is approved. However, the site(s) for the Hudson County Waste Distribution Centers (Materials Recovery Facilities) cannot be approved until Hudson County submits actual site designations to the Department by block and lot in an adopted plan amendment. Similarly, Hudson County is directed to provide the Department, through a plan amendment, with a schedule for the selection of vendors, procurement, permitting and construction of the Materials Recovery Facilities, as well as a designation of specific waste flows to the solid waste facility(ies) so these waste flows can be incorporated into the waste flow rules. Finally, these Waste Distribution Centers (Material Recovery Facilities) will be required to obtain solid waste facility permits.
- f. The Central Recycling Facility located at the Koppers Koke site is approved. However, Hudson County is advised that recent engineering drawings submitted to the Department for the Hudson County Resource Recovery Facility show a detention basin and egress roadway in the area previously planned for the Recycling Center. This discrepancy must be addressed by Hudson County through revised engineering plans to be submitted to the Department as soon as possible.

- g. The Hudson County Improvement Authority's October 18, 1988 policy, included in Appendix G, regarding the lack of need for any additional transfer stations within Hudson County is approved. However, Hudson County may update its solid waste management plan at any time to include additional solid waste facility sites as necessary.

4. Section 5: Analysis of Collection and Transportation Systems

- a. The inventory of haulers operating in Hudson County and included in Appendix M is approved.
- b. The routes utilized by solid waste haulers to and from the HMDC Baler/Balefill facilities are approved. These routes are also designated as the routes which will be used by the haulers for transportation of all solid waste directly to the Hudson County Resource Recovery Incineration Facility or Landfill, should the proposed Waste Distribution Centers (Materials Recovery Facilities) not be operational prior to the start-up and operation of either facility. However, should the routes to be used by the haulers for transportation of waste from the Waste Distribution Centers (Materials Recovery Facilities) to the resource recovery facility deviate from the aforementioned routes designated by Hudson County, they must be included in a subsequent amendment to the Hudson County plan. In addition, the designated route from Guttenberg includes the use of Interstate 495. Special attention is given to transporters that are required to utilize Interstate 495, since their collection vehicles must be able to comply with federal highway weight limits and, in particular, the Federal Bridge Formula (pursuant to N.J.S.A. 39:3-84(b)). In this regard, Hudson County is directed to develop a plan amendment which includes an acceptable alternate route for those collection vehicles which are not capable of complying with federal highway weight limits when full, when partially loaded, and which are empty on return from the designated disposal facility; or demonstrate that the vehicles utilizing the interstate route will meet the weight restrictions as set forth by the Federal Bridge Formula.

5. Section 6: Site Plan

- a. The following sites designated in this section for use in the Hudson County Solid Waste Management System are approved. They include Block 287, Lots 5, 5A, 21A, 26, 32, 50A, 53, 54, 55, 56, 60, 61, 61A, 61B, 61C, 62, 62R, 63, 66A, 67, 67A, 70, 70R, 71, 71R, 73 and 80 in Kearny as the site for the Hudson County Resource Recovery, Landfill, and Recycling Facilities (some of these lots were

previously included in the Certification of the November 18, 1985 Amendment to the Hudson County Solid Waste Management Plan). Additionally, Block 27, Lot 45 in North Bergen Township as the site of the Cardella Trucking solid waste facility and Block 231.5, Lots B and C in the City of Bayonne for the site of proposed recycling or solid waste facilities are also approved.

- b. Hudson County's policy that certain types of waste will not be suitable for direct handling at the resource recovery incineration facility, landfill or central recycling facility is modified. The policy states that agreements between the authority and the vendors of the Waste Distribution Centers (Materials Recovery Facilities) may incorporate provisions which require that the vendor of such facilities will be responsible for the environmentally safe disposal of such material at locations/sites licensed to receive and/or dispose of this waste. Moreover, these licensed disposal facilities are expected to be outside of Hudson County. Hudson County is responsible for providing disposal capacity for all non-hazardous solid waste types according to the Solid Waste Management Act. In this regard, all non-processible solid waste should be directed to a Hudson County site, unless the disposal facility is within another solid waste management district. In this latter instance, an interdistrict agreement would be required between the respective districts. Out-of-state disposal is not an acceptable primary disposal option after December 31, 1992, and is approved only as a contingency option. Therefore, consistent with the Hudson County plan amendment of November 18, 1985, which was certified by the Department on December 11, 1985, and the current two year update to the Hudson County plan, the Koppers Koke landfill site is designated as the primary disposal facility for ash, bypass, and non-processible wastes generated within Hudson County, unless Hudson County selects an alternate in-county site or enters into an interdistrict agreement with another solid waste district to utilize a disposal facility in that district for its ash, bypass and non-processible wastes.

6. Section 7: State of Disposal Strategy

- a. Although Section 7.4 omits the Jersey City Incinerator Authority's composting facility from its former inclusion in the Certification of the November 22, 1988 Hudson County plan amendment, Section 4.3 (Appendix E) includes the previously approved site. Consultation with the Hudson County Solid Waste Coordinator on November 20, 1989 to resolve this discrepancy disclosed that the compost facility was intended to remain included in the plan. Therefore, the Jersey City Incinerator Authority's composting facility site remains an approved part of the Hudson County Solid Waste Management Plan.

- b. The utilization of existing site(s) operated by the Hackensack Meadowlands Development Commission as licensed sanitary landfills for the disposal of Hudson's waste until the Hudson County Resource Recovery, Waste Distribution Centers (Material Recovery Facilities) and Landfill facilities are operational is approved subject to the conditions of the joint Department/Board of Public Utilities "Order for Termination of Landfill Operations" for the HMDC 1-E Landfill, dated December 22, 1989. In particular, condition number 26 of the order requires that the HMDC shall cease the acceptance of waste at the HMDC 1-E Landfill upon reaching the 150 foot elevation in the contingency area, provided the Department approves the slope stability analysis, or on December 31, 1990, whichever occurs first. If the Department does not approve the slope stability analysis, the HMDC must cease acceptance of waste at the HMDC 1-E Landfill upon reaching the 100 foot elevation, or on December 31, 1990, whichever occurs first.

7. Section 9: Financing Plan

The Financing plan for the Hudson County Resource Recovery Facility, Waste Distribution Centers (Material Recovery Facilities), Landfill and Central Recycling Facilities is approved as included in Section 9 of the two year update.

Finally, the Department has reviewed the entire Hudson 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:

1. 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.

Hudson County originally projected the resource recovery facility and landfill to be operational by 1985. Since it is now evident that the proposed facility will not be completed until 1992 at the earliest, and it is projected that the current disposal facility used by Hudson County within the HMDC District will reach capacity prior to the county's resource recovery operation, Hudson County must identify an interim disposal strategy for its solid waste. In this regard, the Department recently promulgated a proposed amendment to the Hudson County and HMDC District plans in response to the Dispute Resolution transferred to the Department by the Appellate Court Division.

Pursuant to this proposed amendment, the Department sought to provide a short term disposal strategy for the county for a period of time sufficient for the county to bring long-term, in-state facilities into operation. Therefore, until this interim strategy is implemented, the Hudson County Solid Waste Management Plan remains deficient with respect to the requirements of N.J.S.A. 13:1E-21b(3).

2. N.J.S.A. 13:1E-21b(4) requires a survey of proposed collection districts and transportation routes with projected transportation costs from collection districts to existing or available suitable sites for solid waste disposal facilities.

The Hudson County Plan does contain a current survey of proposed collection districts and transportation routes. However, projected transportation costs from the collection districts to existing or future available suitable sites for solid waste disposal facilities is not provided. Therefore, the Hudson County Solid Waste Management Plan is deficient with respect to the requirements of N.J.S.A. 13:1E-21b(4).

3. District Recycling Plan

The Hudson County Plan remains deficient with respect to the contents of the county's April 24, 1989 report which was mandated by the Department pursuant to the certification of their November 22, 1988 amendment. Through this certification, Hudson County was directed to submit a report containing an executed contract by the county to provide for leaf composting services where municipalities had failed to do so; to make a determination regarding the Jersey City Incinerator Authority's composting facility permit status; and to provide a contingency plan for municipalities lacking access to permitted compost sites in the event that they can not be directed to the Jersey City Incinerator Authority's composting facility. To date, Hudson County has not submitted the required report and therefore, the Recycling Plan remains deficient with respect to this requirement.

Further, with respect to the county Recycling Plan, Appendix K, "Point 5" states that further major or minor modifications will reflect market conditions and require the county to establish a procedure for future plan modifications. The Department finds that the Solid Waste Management Act already provides a procedure for plan inclusion of a solid waste facility or recycling center. Therefore, this section of the update is modified to include a provision that the procedure adopted by the county shall comply with the plan amendment process outlined in the Solid Waste Management Act including public notice and Freeholder Board approval, followed by Departmental 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 Hudson 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 Hudson 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 Hudson County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Hudson 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, and 12 and all other applicable laws.

3. Types of Solid Wastes Covered by the District Solid Waste Management Plans

The provisions of the Hudson 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 the Plan Amendment

This document shall serve as the certification of the Commissioner of the Department of Environmental Protection to the Hudson 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 portion of the 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 amendment to the Hudson County District Solid Waste Management Plan contained herein shall take effect immediately.

7. Reservation of Authority

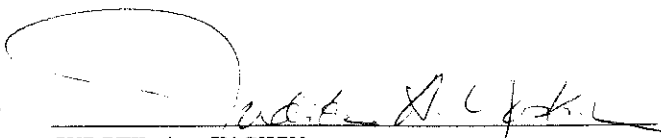
Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Hudson County District Solid Waste Management Plan, including any amendment made thereto, shall conform with the Statewide Solid 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 with Modification 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 with modification 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 August 10, 1989. I further direct the Hudson County Freeholders to remedy the deficiencies outlined in Section C. of this certification as soon as possible.

DATE:

January 26, 1990


JUDITH A. YASKIN
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION