



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER
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(IN THE MATTER OF THE ADOPTED AND)
(MODIFIED SOLID WASTE MANAGEMENT)
(PLAN OF THE HUDSON COUNTY SOLID)
(WASTE MANAGEMENT DISTRICT)

CERTIFICATION OF APPROVAL
WITH MODIFICATION OF 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. as amended by C. 326, Laws of 1975) determines, among other things, "...that the management of solid waste in New Jersey consists largely of piecemeal, uncoordinated activities developed to meet the immediate needs of local government with little, if any, regard for regional planning and coordination..." and that "...the solid waste planning and management process is adversely affected by the absence of area-wide structures...." The Act addressed these and other findings by establishing "...a statutory framework within which all solid waste collection, disposal and utilization activity..." in New Jersey would be coordinated. This framework includes the designation of each of New Jersey's twenty-one counties and the Hackensack Meadowlands District as a Solid Waste Management District. Each District is authorized, either singly or jointly with one or more other Districts, to formulate and develop a comprehensive Solid Waste Management Plan. Following development, the resulting Plan is submitted by the District to the public for comment at an informational hearing. Thereafter, the District must adopt or reject, in whole or in part, the Solid Waste Management Plan.

After adoption of a Plan in whole or in part by a District, the Plan is then submitted to the Commissioner of the Department of Environmental Protection for review and final approval. The Commissioner has authority to modify, reject or approve such Plans and, in the final analysis, the Commissioner is authorized to adopt and promulgate any modification or replacement she deems necessary with respect to the Solid Waste Management Plan.

In order to establish a meaningful and responsible role for the State in the solution of solid waste problems, the Act grants broad powers to the Department of Environmental Protection. This includes the power "...to regulate and supervise all solid waste collection and disposal facilities and operations...", "...to register all persons engaged in the collection or disposal of solid waste...", "...to develop through a Statewide solid waste management plan objectives, criteria and procedures to assure the orderly preparation and evaluation of the [district] solid waste management plans...", "...to approve, modify or reject such solid waste management plans on the basis of their conformity with such objectives, criteria and procedures...", and "...to develop and implement such a plan where none is approved or forthcoming from any solid waste management district...."

Specifically, the solid waste planning process includes five stages. These include the promulgation of guidelines by the Department of Environmental Protection, Plan formulation by the Districts, public hearings on the Plans developed by the Districts, adoption of the Plan by the District, and approval, rejection or modification of the Plan by the Department of Environmental Protection.

At the beginning of the planning process, the Department of Environmental Protection set forth guidelines for the formulation and development of District Solid Waste Management Plans.* The guidelines contain planning objectives, planning schedules and specific tasks to be addressed in the planning process. The objectives identified in the guidelines include the protection and enhancement of environmental quality and the conservation of natural resources. Through these objectives, the Department encouraged District Plans which would provide for the termination of existing solid waste disposal operations which cannot be upgraded to meet environmental standards, the provision of alternative services and facilities capable of meeting environmental standards and conservation of natural resources by the implementation of waste reduction techniques and resource recovery systems.

In order to achieve these objectives, the Department of Environmental Protection has and continues to encourage the development of a comprehensive regional scheme to ensure recovery systems and environmentally sound disposal facilities. To this end, the Commissioner of the Department of Environmental Protection, after study and review, issued a Certification of Modification to the Adopted Solid Waste Management Plan of the Hudson County Solid Waste Management District on October 3, 1979. The Certification required the Hudson County Solid Waste Management District to, among other things, develop a schedule for resource recovery implementation and negotiate interdistrict agreements with other Solid Waste Management Districts for the use of disposal capacity.

On August 13, 1981, the Hudson County Board of Chosen Freeholders formally adopted modifications to the District's Plan. The modifications were received by the Department of Environmental Protection on September 10, 1981. The Department of Environmental Protection has studied and reviewed the Plan and its modifications in accordance with the Solid Waste Management Act. Based on the results of this review and evaluation, I have determined that the Hudson County District Solid Waste Management Plan be granted approval as amended by the modifications adopted herein and promulgated by me (see N.J.S.A. 13:1E-24).

B. Solid Waste Management Plan Accomplishments

The Hudson County Solid Waste Management Plan has been reviewed by the Department of Environmental Protection and other State level agencies and, with the District's adopted modifications along with the replacement modifications herein set forth, provides for environmentally sound solid waste management in Hudson County. I am confident that with the implementation of this Plan, a comprehensive solid waste management program will be established in Hudson County.

*"Guidelines for the Development and Formulation of District Solid Waste Management Plans," New Jersey Department of Environmental Protection, Solid Waste Administration (Trenton, August 1977).

The Plan, adopted on April 26, 1979, and the waste flows contained in the adopted modifications indicate that Hudson County proposes the development of an in-County resource recovery facility by 1985. Several obstacles had arisen which necessitated revisions to the original Plan. However, the District's strong desire to implement a resource recovery facility is evident by virtue of the ongoing studies which will be completed in the near future. These studies will assist the District with selecting a site, determining a suitable technology, and evaluating all the various financial alternatives. All of Hudson County's waste will be directed to this facility.

The Plan contains provisions for the District to continue to study and analyze alternatives for increasing the efficiency of current collection and transportation practices. Specifically, the District will evaluate the applicability of a COLMIS program, the consolidation of collection services, and the feasibility of implementing transfer stations.

The Plan also provides for the continuation of the County's comprehensive public involvement and participation program.

The Plan acknowledges the County's support of a rate averaging plan for facilities within Hudson County and the Hackensack Meadowlands District.

The Plan contains provisions for the development and expansion of source separation/recycling programs throughout the County.

C. Approved Hudson County District Solid Waste Management Plan

I, Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq., do hereby approve the following key elements of the adopted Hudson County District Solid Waste Management Plan and the Modifications adopted by the Hudson County Board of Chosen Freeholders on August 13, 1981.

1) Data Base

The basic data utilized in the Plan is approved. However, as further data, particularly in the area of solid waste generation and composition becomes available as part of the District's resource recovery feasibility studies, such data will supercede existing data, and be made part of any Plan revision or update.

2) Public Participation Program

The Plan's public participation program is approved.

3) Terminated Landfills

The procedure outlined in the Plan for the use of terminated landfill sites is approved.

4) Recycling/Source Separation Program

The recycling/source separation program outlined in the Plan is approved.

D. Modifications Adopted and Promulgated by the Commissioner Pursuant to N.J.S.A. 13:1E-1 et seq. and Made an Approved Part of the Hudson County District Solid Waste Management Plan

I, Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq., do hereby adopt and promulgate the following modifications to the Hudson County District Solid Waste Management Plan and certify to the Hudson County Board of Chosen Freeholders that the modifications contained herein are hereby made a final approved part of the Hudson County District Solid Waste Management Plan.

1) Modifications Adopted and Promulgated by the Commissioner

The following modifications are adopted and promulgated by me and shall take effect on January 8, 1982.

- a) All solid wastes, with the exception of those noted in Section 4.c. herein, generated from within all of Hudson County's municipalities, with the exception of Bayonne, shall be disposed of at the Hackensack Meadowlands Development Commission Baler, facility number 0239C, located in North Arlington, Bergen County, New Jersey. At such time as the Hudson County resource recovery facility becomes operational, it is scheduled for operation in 1985, these processable* solid wastes shall be directed to said facility. Residues and non-processable** solid wastes shall be disposed of at a landfill(s) designated in the first two year update of the Hackensack Meadowlands District Solid Waste Management Plan.
- b) On April 8, 1981, the Department of Environmental Protection issued an Administrative Order to the Bayonne Sanitary Landfill, facility number 0901A, located in the City of Bayonne, Hudson County, New Jersey. This order was based upon violations of the Department of Environmental Protection's rules and regulations and required closure of the facility by December 31, 1981. Upon closure of this facility, all solid waste as identified in Section 4.c. herein, generated from within the Hudson County municipality of Bayonne shall be disposed of at the Hackensack Meadowlands Development Commission Baler, facility number 0239C, located in North Arlington, Bergen County, New Jersey. At such time as the Hudson County resource recovery facility becomes operational, this waste shall be directed to said facility. Residues and non-processable solid wastes shall be disposed of at a landfill(s) designated in the first two-year update of the Hackensack Meadowlands District Solid Waste Management Plan.
- c) The Plan shall include a schedule (including specific milestones) for the completion of indepth studies necessary for resource recovery

*Processable solid waste is that part of the solid waste stream which can be processed through a resource recovery facility.

**Non-processable solid waste includes that part of the waste stream which cannot be processed through a given resource recovery facility and solid wastes resulting from emergency back-up procedures.

implementation. The studies shall include, as a minimum, those previously listed studies in your Certification of Modification dated October 3, 1979. The schedule shall be submitted to the Department by February 1, 1982. Also, the County shall make quarterly status reports to the Department of Environmental Protection concerning the County's progress in meeting the milestones of the implementation schedule. The first status report shall be submitted to the Department's Solid Waste Administration by March 1, 1982.

- d) The Hudson County Board of Chosen Freeholders shall designate a Plan implementation agency on or before June 1, 1982.
- e) The Plan shall conform with any Rules and Regulations of the Department concerning sludge and septage.
- f) Hudson County shall negotiate interdistrict agreements with other Solid Waste Management Districts or out-of-state governments and/or collector/haulers for coordinating and integrating collection, transportation, recovery, and disposal services in the area. These interdistrict agreements shall be adopted no later than February 15, 1982. Solid Waste Management Plan modifications including the interdistrict agreements shall be submitted to the Department, after public hearing, on or before April 1, 1982.
- g) A number of solid waste facilities in Hudson County which accept solid waste for intermediate processing and recovery are not presently registered as solid waste facilities pursuant to the Solid Waste Management Act.* These facilities were not specifically included in the Hudson County Solid Waste Management Plan. The Hudson County Board of Chosen Freeholders is hereby directed to consider intermediate processing facilities for inclusion in the County Plan provided that the following conditions are met:
 - 1) Any such facility shall have submitted a completed application and engineering design to the Department, for approval, within sixty (60) days of the date of issuance of this Certification. In addition, these facilities shall contact the Department within thirty (30) days of the date of the issuance of this Certification in order to negotiate an Administrative Consent Order which outlines the method by which the facility shall operate pending Departmental action on their application.
 - 2) All such facilities shall comply with all applicable Federal, State, and local statutes, rules, and regulations.

*These facilities include those which are operating under a judicial consent agreement allowing them to operate pending the approval of the Hudson County Solid Waste Management Plan, and those facilities which have submitted applications to the Department for registration and engineering design approval and are operating pending Departmental action on their application.

- 3) The amount of waste accepted at such facilities shall be limited to the amount accepted, as of the date of this Certification; provided, however, that additional waste materials may be processed at such facilities if such wastes originate within Hudson County. Any decrease in waste accepted at any facility may only be replaced by wastes originating in Hudson County.
- 4) Within sixty (60) days of the date of issuance of this Certification, each such facility shall submit a detailed report to the Hudson County Planning Board and to the Department, specifically identifying all sources and quantities of solid waste accepted at the facility.
- 5) Each such facility shall maintain detailed records of the tonnages of waste accepted, by source and type, for processing, recovery, or disposal; of the tonnages, by type of materials reclaimed and sold, stored, or removed from storage; and of the tonnages, by type and destination, of waste residues transported to other facilities for disposal. The facility shall provide a summary report of all such records quarterly, for the previous calendar quarter, to the Hudson County Planning Board and to the Department. The first report is to be submitted by January 1, 1982.

4) Other Provisions Effecting the Plan Modifications

a) Contracts

Nothing contained in these Modifications shall be construed as to interfere with, or in any way modify, the provisions of any contract for solid waste collection or solid waste disposal in force in any solid waste management district upon the effective date of this Act (July 29, 1977); provided, however, as set forth at N.J.S.A. 13:1E-29 no renewal of any such contract upon the expiration or termination of the original term thereof, and no new contract for solid waste collection or solid waste disposal, shall be entered into after the effective date of this act, unless such renewal or such new contract shall conform with the applicable provisions of the approved solid waste management plan, as set forth herein, of the relevant solid waste management district or unless such contract is approved by the Commissioner.

Any contract renewal or new contract for solid waste collection or solid waste disposal which was executed prior to the approval of the within modifications to the Hudson County District Solid Waste Management Plan 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 these Modifications and of the Hudson County District Solid Waste Management Plan if such renegotiation

is not completed by the effective date of these Modifications (January 8, 1982); 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.

b) Compliance

All solid waste facility operators registered with the Department of Environmental Protection and operating within Hudson County and effected by the Modifications contained herein shall operate in compliance with these Modifications and all other approved provisions of the Hudson County District Solid Waste Management Plan. Any facility operator 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 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.

c) Types of Solid Wastes Covered by the Hudson County District Solid Waste Management Plan Modifications

The Modifications contained herein shall apply to all "solid wastes" generated within the identified County municipalities, as defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-2.5.27 and with the exceptions of liquid wastes, sewage sludge, septage, hazardous wastes, oil spill clean-up waste, infectious waste and those wastes separated and recovered at the point of generation.

d) Certification to Proceed with the Implementation of Plan Modifications

This Document shall serve as the Certification of the Commissioner of the Department of Environmental Protection to the Hudson County Board of Chosen Freeholders, as provided for by N.J.S.A. 13:1E-24f., to proceed with the implementation of the Modifications contained herein.

e) Definitions

For the purpose of these Modifications 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 -2.5.27.*

*Note: In a municipal collection system where commercial and residential solid wastes are collected together, the wastes shall be considered, for the purposes of District solid waste planning, as residential solid waste.

f) Effective Date of Modifications


The adopted and promulgated Modifications to the Hudson County District Solid Waste Management Plan contained herein shall take effect on January 8, 1982, except section D.1)g) 1) through 5) which shall take effect immediately.

g) 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 shall conform with the Statewide Solid Waste Management Plan. The Statewide Solid Waste Management Plan includes the Department's Planning Guidelines and rules, regulations, and orders of the Department, and will include the compilation of individual District Plans and modifications as they are approved.**

E. Certification of Approval and Adoption and Promulgation of Modifications 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 Hudson County District Solid Waste Management Plan and its adopted modifications, subject to the modifications and replacements contained and adopted herein.

7 January 1982
DATE


JERRY FITZGERALD ENGLISH
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION

**The Commissioner may adopt modifications to the approved District Plans in the Statewide Solid Waste Management Plan when it is promulgated.

PROPOSED

HUDSON COUNTY SOLID WASTE
MANAGEMENT PLAN AMENDMENTS

INTRODUCTION

SECTION I - SITE DESIGNATION

SECTION II - PLANT SIZE OR CAPACITY

SECTION III - IMPLEMENTING AGENCY

INTRODUCTION

On April 26, 1979, the County of Hudson adopted the Hudson County Solid Waste Management Plan as developed and formulated by Stevens Institute of Technology. The Plan, at that time, recommended the construction of a long-term Resource Recovery Facility at the Greenville Yards in Jersey City. Doing the project at that site was later deemed to be politically, economically and institutionally unfeasible.

On August 13, 1981, the County Board of Chosen Freeholders adopted modifications to the original Solid Waste Management Plan which designated two (2) alternative sites for the Resource Recovery project. These sites were the Koppers Koke site in South Kearny, New Jersey, and the Jersey City Incinerator Plant on Route 440, Jersey City, New Jersey. The Jersey City site was deemed to be unfeasible, politically and institutionally. The County of Hudson is currently engaged in the procurement and partial financing of its Resource Recovery project. It intends to consummate a partial escrow financing by the end of this year to forestall the adverse tax impact of an anticipated change in the tax laws, which relate to financing private resource recovery projects. To this end, certain tasks must be performed in short order, including the negotiation of a vendor contract, the preparation and submission of a preliminary environmental and health impact statement, the designation of an implementing agency to finance the project, etc. The County of Hudson is committed to meeting all of these tasks.

SECTION 1 - SITE DESIGNATION

On August 13, 1981, the Board of Chosen Freeholders adopted modifications to the County's Solid Waste Management Plan which designated the Koppers Koke property in Kearny, New Jersey, as one of the County's sites for its Resource Recovery project. The designation was the result of site investigations and evaluations carried out for the County by R.A.S. Associates in 1981, which applied a comprehensive list of site screening factors to various sites previously identified by the County. The Koppers Koke site scored the highest out of the eight (8) sites which were selected. Based upon those results, Hudson County selected and designated the Koppers Koke site in August of 1981, and is now redesignating the Koppers Koke site as its location for its Resource Recovery facility and landfill for residue and non-processables. The site is approximately 150 acres in area and is designated as Lots 60, 61, 62, 63, 70, 71, 73 and 80 of Block 287 on the Town of Kearny Tax Maps. The site is currently contaminated to an undetermined extent by hazardous materials, and is the subject of negotiations between N.J.D.E.P. and the Koppers Koke Corporation concerning the RI/FS (Remedial Investigation and Feasibility Study) which will be conducted by Koppers Koke and/or the New Jersey Department of Environmental Protection within six (6) months. Should the results of the RI/FS indicate that the Koppers site cannot be utilized as a location for the County's Resource Recovery project, the County is committed to proceed with the project anyway, and choose an alternate site.

SECTION II - PLANT SIZE OR CAPACITY

The original Solid Waste Management Plan adopted in April of 1979 contemplated the construction of a one thousand (1,000) ton per day Resource Recovery Facility. However, studies conducted for the County by William F. Cosulich Associates, P.C., indicate that approximately one thousand eight hundred sixty (1,860) tons per day of municipal solid waste is attributed to Hudson County by the records kept by the Hackensack Meadowlands Development Commission of the waste disposed at its baler and 1C landfill. Therefore, the County feels comfortable in procuring a fifteen hundred (1,500) ton per day facility, at which the County will guarantee to produce four hundred thirty six thousand (436,000) tons of municipal solid waste per year.

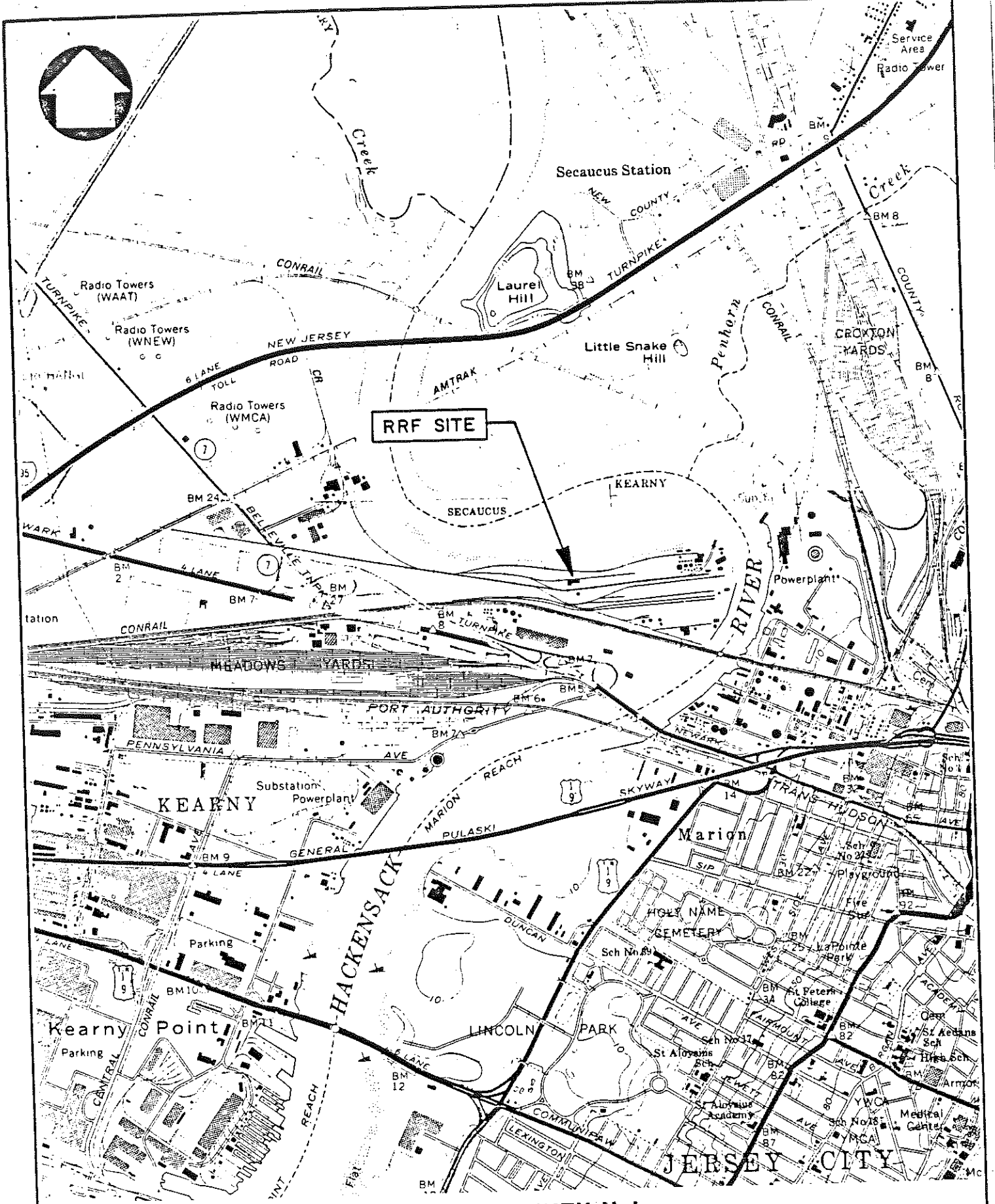
SECTION III - IMPLEMENTING AGENCY

On September 25, 1974, the Hudson County Board of Chosen Freeholders created the Hudson County Improvement Authority pursuant to N.J.S.A. 40:37A-44, et seq. Appointments to said Authority were made shortly thereafter. However, no project was ever undertaken by this Authority after its creation.

Although this Authority has been dormant for the last five (5) years, it is the intention and desire of the County to revitalize this statutory vehicle and use it as the implementing agency for the Hudson County Resource Recovery Project.

The County will utilize the Hudson County Improvement Authority to do the following with regard to this project: (1) negotiate and execute the Service Agreement with the winning vendor; (2) issue the IDB's to finance the project; and (3) obtain the franchise from the Board of Public Utilities; and (4) administer the Service Agreement with the winning vendor; and (5) procure the backup landfill, if necessary.

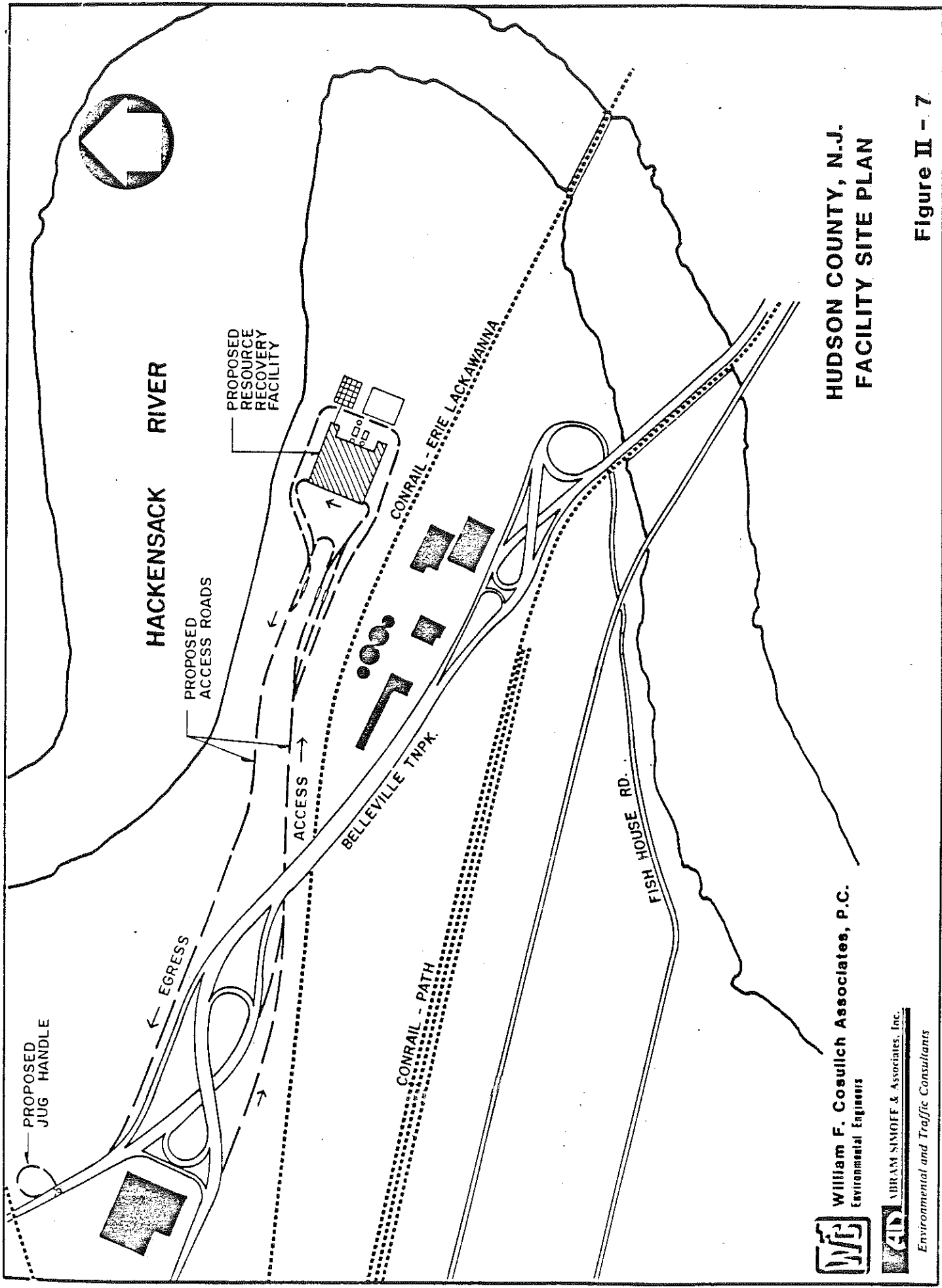
It is intended that the scope of the Hudson County Improvement Authority's activities be limited solely to the implementation of this project, and there be the highest degree of communication, cooperation and coordination between the County and the members of the Hudson County Improvement Authority to insure that this project goes forward on an expeditious basis.



**HUDSON COUNTY N.J.
RESOURCE RECOVERY FACILITY
SITE LOCATION**

Figure II - 5





**HUDSON COUNTY, N.J.
FACILITY SITE PLAN**

Figure II - 7

William F. Cosulich Associates, P.C.
Environmental Engineers



VBRAM SIMOFF & Associates, Inc.
Environmental and Traffic Consultants

