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Department of Environmental Protection and Energy**

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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 SEPTEMBER 26, 1991
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 7, 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 September 26, 1991, adopted an amendment to its approved County Plan.

The proposed plan amendment consists of nine sections and an appendix. Sections 1, 3 through 6, and 8 reaffirm areas of the Hudson County District Solid Waste Management Plan previously approved by the Department. Specifically, these sections include: (1) Designation of the Hudson County Improvement Authority (HCIA) as the County's solid waste management implementing agency; (3) Solid Waste Projections; (4) Inventory and Appraisal of Solid Waste Facilities; (5) Analysis of Collection and Transportation System; (6) Site Plan; and (8) Management of the "System".

Section 2, Solid Waste Generation, proposes a modification to the County Plan in response to the Department's January 24, 1991 Certification of the County's September 27, 1990 plan amendment whereby the County was requested to define solid waste generation in terms of solid waste disposal plus solid waste recycled. Section 7, Statement of Disposal Strategy, and the Appendix provide additional details to the Hudson County plan amendment of September 27, 1990 whereby a strategy to recycle 60% of the waste stream pursuant to the Governor's Emergency Solid Waste Assessment Task Force Final Report (Task Force Report) was initially presented. Finally, Section 9, entitled Financing Plan, presents uses and disbursement schedules for Hudson County's Resource Recovery Investment Tax (RRIT) moneys whereby 6.9 million dollars is allocated towards those facilities described in Section 7.

Specifically, with respect to the Task Force Report, Section 7 and the Appendix proposes inclusion in the County Plan of the concept to develop a waste distribution center system, municipal waste recycling/compost facility, centralized materials recovery facility (MRF), construction and demolition recycling facility, and household hazardous waste collection sites as components of the County's long-term disposal strategy. Also proposed are additional recycling activities such as curbside collection of recyclables, recycling drop-off sites and recycling and source reduction awareness programs. Moreover, Hudson County proposes regional participation with another county in the Hudson County incinerator or for Hudson County to join with another county for shared use of their disposal system as long-term waste management strategies.

The amendment was received by the Department of Environmental Protection and Energy (Department or DEPE) on October 18, 1991, and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this amendment, as well as the entire County Plan, and has determined that the amendment adopted by the County Freeholders on September 26, 1991 is approved in part and modified in part as provided in N.J.S.A. 13:1E-24. While the immediate plan amendment has been approved with modification, deficiencies in the County Plan with respect to the Task Force Report have been identified within Section C. of this certification.

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 September 26, 1991 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 the approved part of this plan amendment is consistent 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
Hackensack Meadowlands Development Commission

1. Agency Participation in the Review of the September 26, 1991 Amendment

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

Division of Parks and Forestry, DEPE
Division of Fish, Game and Wildlife, DEPE
Green Acres Program, DEPE
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Community Affairs
U.S. Environmental Protection Agency

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

Division of Coastal Resources, DEPE
Groundwater Quality Management Element, DEPE
Wastewater Facilities Regulation Element, DEPE

New Jersey Turnpike Authority
Department of Health
Department of the Public Advocate

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

Division of Environmental Quality, DEPE
Division of Solid Waste Management, DEPE
Department of Transportation
Hackensack Meadowlands Development Commission

2. Issues of Concern Regarding the September 26, 1991 Amendment

Issue: Regulatory Requirements

Recycling centers and compost facilities are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution," which prohibits odors and other air contaminants which interfere with the enjoyment of life or property. Furthermore, recycling centers 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 outdoor atmosphere. Also, stationary conveying equipment which causes fugitive emissions of air contaminants are subject to the provisions of N.J.A.C. 7:27-8.2(a)11. Further, if access from any of the referenced proposed facilities onto a State Highway is required, an Access Application and possibly a Drainage Application must be filed. Finally, recycling centers for Class B recyclable material, as defined at N.J.A.C. 7:26A-1.3, must obtain approval from the Department prior to operation pursuant to N.J.A.C. 7:26A-3, and must also comply with the regulations at N.J.A.C. 7:26A-4. Recycling centers for Class A recyclable materials, as defined at N.J.A.C. 7:26A-1.3, require county plan inclusion, but do not require Department approval prior to operation, but must comply with the regulations at N.J.A.C. 7:26A-4. The County and the applicants are notified of these requirements relating to facility permitting.

Issue: Resource Recovery Investment Tax (RRIT)

The previous certifications of the County's plan amendments dated October 15, 1987 and June 24, 1988 approved both the uses and disbursement schedule for the County's RRIT fund. All funds were dedicated to the development of the County's proposed incinerator. The County received and spent its fiscal year (FY) 1986, 1987 and 1988 RRIT fund allocations.

This plan amendment proposes a revision to the uses of RRIT funds from the development of the County's incinerator to the development of a materials recovery facility (MRF) and a compost facility. Also included as a revised use are recycling activities such as the purchase of curbside collection vehicles, development of regional collection sites, and implementation of a household hazardous waste collection and recycling and

source reduction awareness programs. All of these uses are eligible and approved. The disbursement schedule which contains a budget for each of the general line items and a schedule for the expenditure of funds is also approved. Approval of the disbursement schedule is limited to the County's FY 1989 and FY 1990 fund balance of \$6.9 million. Expenditures of the County's FY 1991 and later RRIT collections must be the subject of a future RRIT plan amendment.

Since the projected RRIT fund disbursement schedule shows expenditures occurring as early as October 1991 through January 1992 and expenditures can not occur until plan approval is given, the disbursement schedule is modified accordingly within Section C. of this document.

Issue: Long-term Disposal Strategy

Appendix B of the amendment indicates that the Hudson County incinerator facility will be economically viable only if another county can deliver approximately 500 tons per day (TPD) of waste to the facility. However, the proposed incinerator has a design capacity of 1500 TPD. Since it has been documented within this plan amendment that Hudson County can provide 775 TPD after achieving the mandated 60% recycling rate, a regional partner or partners would be necessary to make up the difference of approximately 725 TPD, not 500 TPD as stated. Further, the exact quantity of waste required will be dependent upon the higher heating value of the waste from the regional partner(s) and the guaranteed tonnage identified within the service agreement negotiated between the HCIA and Ogden Martin Systems of Hudson County, Inc. The County and applicant are notified of this discrepancy which will be further analyzed during the technical phase of the permitting process.

Issue: Solid Waste Assessment Task Force Requirements

The proposed amendment provides further details to the County plan amendment of September 27, 1990 whereby a strategy to recycle 60% of the waste stream pursuant to the Task Force Final Report recommendations was presented. Specifically, the January 24, 1991 certification of that plan amendment required Hudson County to submit a subsequent amendment which provided a detailed schedule outlining facility siting, project development, and regionalization timeframes. In this regard, delineated below are comments on Hudson County's follow up submission on long-term strategies designed to further address the Task Force Final Report recommendations.

a. Source Reduction:

The proposed plan amendment identifies source reduction strategies that include household hazardous waste collection, in-house waste reduction, special education programs in schools, public relations, industrial educational seminars and workshops, and operation of a local waste exchange. However, with the exception of household hazardous waste, no schedule has been provided for development and implementation of the aforementioned programs. Therefore, the plan should be modified to

provide these schedules. Moreover, Hudson County should establish a per capita waste generation cap and take into consideration and investigate other source reduction alternatives such as waste audits, per container systems, yard waste management strategies and financial incentives. Specifically, with regard to waste audits, Hudson County should develop a plan and schedule for performing waste audits of county and municipal buildings. Further, the County should adopt a program for waste audits and waste reduction plans from industries with more than 500 employees by the end of 1992, from industries with more than 250 employees by 1993 and from industries with more than 100 employees by 1994. Finally, regarding Hudson's proposed household hazardous waste collection program, the HMDC has commented that they are interested in working with Hudson County on such an initiative.

b. Procurement:

The amendment does not address the procurement of recycled products by the county and local governments. As such, Hudson County should develop a proposed procurement guideline for the county and local governments to require the purchase of recycled products such as paper, tires, oil, plastics, etc., by percentage and type of material. The procurement guidelines should embody a requirement for county and local governments to adhere to current and future state procurement goals.

c. Designated Recyclables and Identification of Material Specific Tonnage Targets:

In the Department's February 27, 1989 certification of the amendment of November 22, 1988 for Hudson County's recycling plan, the County was found to be deficient with regard to designating recyclables. Specifically, N.J.S.A. 13:1E-99.13 requires that each district recycling plan must designate the source separated recyclable materials to be diverted from the municipal solid waste stream within the residential, commercial, and institutional sectors of each municipality. Accordingly, the County's Plan was modified to include, at a minimum, the residential source separation of newspaper, glass, food and beverage containers, and aluminum cans within each municipality and corrugated cardboard and high grade office paper within the commercial and institutional sectors.

The currently proposed amendment does not designate any additional recyclables nor does it identify specific annual recycling targets toward achieving an overall recycling goal of a minimum of 60% of the total solid waste stream and 50% of the municipal waste stream. As a result, Hudson County should increase the number of designated recyclables, identify specific tonnage targets and provide that all municipal recycling ordinances are consistent with, but not limited to, the provision of the adopted plan amendment. Consideration should be given to designating the following materials: grass, brush, mixed paper, PET and HDPE plastic containers, white goods, used motor oil, batteries, wood waste and other construction and demolition debris.

d. Materials Recovery Facility Development:

The County has proposed that a MRF be constructed as a mechanism that will contribute toward achieving the 60% recycling rate. This facility will require plan inclusion once a specific site has been identified, as well as a solid waste facility permit from the Department. Moreover, Hudson County has preliminarily indicated that a facility processing capacity of between 200 and 300 TPD will be necessary. With regard to this project development, the County should also estimate specific tonnages and types of material to be processed, coincident with the identification of additional recyclable materials as identified in c. above, and identify markets for processed materials. In addition, the County should not limit itself to the development of one facility and should consider the use of existing facilities and, develop a procurement strategy that maximizes competition in the procurement of these services.

e. Compost Facility:

The County has conceptually proposed a 600 to 800 TPD compost facility to process solid waste types 10, 23, and 25. Moreover, the proposed facility would provide for significant expansion capabilities in order that it could be utilized under a regional agreement with another district. Hudson County should recognize that any such facility will have an impact on the amount of waste and the character of waste available for the County's proposed resource recovery incinerator. Further, once a specific technology and site have been identified, this facility will require plan inclusion subsequent to DEPE permitting. Lastly, an interdistrict agreement will be necessary prior to the shared use of the facility with another district.

f. Construction and Demolition Processing Facility:

The amendment proposes a construction and demolition processing facility in order to achieve the 60% recycling rate. Once a specific site has been identified, this facility will require plan inclusion as well as a permit from the Department as appropriate for a facility which accepts Class B recyclable materials as defined at N.J.A.C. 7:26-1.3. Prior to sizing this facility, the County should estimate specific tonnages of construction and demolition waste available for processing, inventory existing facilities located within the County which may already be providing processing services, and identify markets for processed materials. In addition, as discussed within the proposed plan amendment, the County should continue to evaluate opportunities for regionalizing the construction and demolition waste processing facility to accept material from outside of the County pursuant to an interdistrict agreement. In this regard, the HMDC has indicated that they would like to enter into discussions with the County to determine if the HMDC's proposed regional construction and demolition recycling facility is compatible with the County's proposal. In addition, the County should not limit itself to the development of one facility and should consider the use of existing facilities and, develop a procurement strategy that maximizes competition in the procurement of these services.

g. Waste Distribution Center:

The Department's January 24, 1991 certification of the County's September 27, 1990 plan amendment approved the waste distribution center concept for all solid waste type 10 not recycled via curbside programs and required that Hudson County submit actual site designations to the Department by block and lot in an adopted plan amendment. The September 26, 1991 amendment further identifies a waste distribution center as a component of every solid waste facility either procured by the HCIA or included within the County Plan. The primary function of the waste distribution center, as identified within the plan amendment, is to enforce waste flow both into and out of the County system. Specifically, the waste distribution center concept requires any load of solid waste or recyclable materials to pass through an HCIA authorized scale house before it can be accepted at any point in the County's solid waste management system. As such, loads would be subject to either cursory or complete inspection at each such point in the County's system. Further, implementation of the concept requires that privately operated recycling centers be included in the plan as waste distribution centers or the waste be initially routed through an HCIA waste distribution center prior to receipt by a privately operated recycling center.

The waste distribution center is not a designation provided for in the Department's Division of Solid Waste Management Regulations found at N.J.A.C. 7:26-1 et seq. Additionally, the waste distribution concept, whereby the County can direct waste from one point in its system to another more appropriate destination that is a component of the county's solid waste system, may conceivably allow Hudson County discretion to exclude certain facilities from operating within the County. Furthermore, the waste distribution concept may cause confusion in the Department's attempts to enforce the waste flow rules. In this regard, the indeterminate nature of such a system may preclude waste flow identification and, therefore, prevent adequate enforcement of the waste flow rules. Additionally, it may provide an unfair operating advantage to certain facilities. As a result, Hudson County should identify the specific facilities and sites that will comprise its waste distribution system and specify requisite wasteflow strategies and criteria that facilities must meet in order to be a component of the Hudson County system in a subsequent plan amendment as noted in Section C.

h. General Comments:

In addition to the above comments regarding specific sections of the County's amendment, additional areas of source reduction and recycling planning have been identified which should be given further consideration by the County. These areas are as follows:

- i. Amending the plan to incorporate an explicit ban on the acceptance of designated recyclable materials at transfer stations, landfills and incinerators within Hudson County;

- ii. Expanding the existing service station used oil collection network and development of County or municipally sponsored collection sites. The feasibility of incorporating used oil collection into curbside collection programs of recyclable materials should also be considered;
- iii. Blanket plan inclusion policies for recycling centers, recycling markets and compost facilities which will establish procedures by which needed facilities and markets can gain expedited County plan inclusion;
- iv. Strategies for recycling in multi-family dwellings, including identification of responsibility for providing services;
- v. Incentive systems for community groups and the private sector toward achievement of source reduction and recycling goals pending their establishment;
- vi. Establishment of a protocol to work with the Hackensack Meadowlands Development Commission to develop a regional construction and demolition recycling operation and household hazardous waste collection program as discussed in f. above.

As noted in Section C. of this certification, portions of the September 26, 1991 amendment are approved. Also, the above mentioned areas of source reduction and recycling need to be further refined by the County as outlined within Section C. in a subsequent plan amendment to be submitted within 180 days of this certification. Further, staff at the DSWM will be available to discuss the preceding comments and to work with Hudson County to develop the required plan amendment. The County and the HCIA are hereby notified of these requirements.

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 September 26, 1991 amendment to the approved County Plan and certify to the County Freeholders that the September 26, 1991 amendment is approved in part and modified in part, as further specified below.

1. Solid Waste Projections

The inclusion of a modification to the County Plan, as noted in Section 3 of the plan amendment, to indicate that total solid waste generation is the sum of total waste disposal and total recyclables is approved. This modification is in response to the Department's January 24, 1991 certification of the County's September 27, 1990 plan amendment.

2. Statement of Disposal Strategy

The inclusion in the County Plan of the "concept" to develop a waste distribution center system, a centralized materials recovery facility, a solid waste compost facility, a construction and demolition material recycling facility, and a schedule of plan implementation is approved as noted in Section B and further specified below:

a. Waste Distribution Centers:

As proposed, the waste distribution center is not a separate facility but rather a component of every solid waste facility comprising the Hudson County solid waste management system. Prior to implementing the waste distribution center system, the specific facilities and sites comprising this system will require plan inclusion, DEPE permits, as appropriate for the type of operation, and requisite waste flow designation. Further, Hudson County must, in a subsequent plan amendment, identify specific facility criteria that facilities must meet in order to become a component of the Hudson County system as well as address the concern identified herein above.

b. Municipal Waste Recycling and Compost Facility:

This proposed facility, for processing waste types 10, 23 and 25 with a capacity of 300 to 400 tons per eight hour shift to separate recyclable materials and process the nonrecyclable portion into usable compost and aggregate is approved. The proposed facility procurement would be based upon a two-shift operation in order to provide future capacity subject to regional agreements. Although this facility concept is approved, specific site designation and an evaluation of regional opportunities for shared use of this facility, particularly with the HMDC which is planning to develop a regional composting facility, are required within a subsequent plan amendment. Also, DEPE permitting is required as appropriate for the type of operation proposed. The impact of this facility on the proposed incinerator should also be reviewed.

c. Centralized Materials Recovery Facility:

This proposed facility, with a capacity of 225 tons per eight hour shift, to accept source separated and/or commingled material for final separation and recycling is conceptually approved. However, once a final site is selected this facility site will require subsequent plan inclusion and, further, will require DEPE permitting as appropriate for this type of operation. In addition, the County should not limit itself to the development of one facility and should consider the use of existing facilities and, develop a procurement strategy that maximizes competition in the procurement of these services.

d. Construction and Demolition Processing Facility:

This "concept" of a proposed 300 ton per day facility with a capacity to accommodate regional construction and demolition materials recycling and which may be provided by incorporating existing or planned private processing capacity or through potential procurement of the capacity by the HCIA is approved. However, this facility will require subsequent plan inclusion once a final site is selected and, further, will require DEPE permitting as appropriate for a facility which accepts Class B recyclable materials as defined at N.J.A.C. 7:26A-1.3. In this regard, Hudson County must thoroughly evaluate regional opportunities, including the HMDC's proposal for a regional facility, prior to the DEPE's willingness to approve a site specific proposal. In addition, the County should not limit itself to the development of one facility and should consider the use of existing facilities and, develop a procurement strategy that maximizes competition in the procurement of these services.

e. Household Hazardous Waste Collection Facilities:

The proposed concept to establish countywide household hazardous waste collection sites in several areas of the County is approved. As indicated, these facilities are intended to be permanent locations that would provide for the proper collection, identification, storage and disposal of household generated hazardous materials. These facilities will require subsequent plan inclusion once final sites are selected and, further, will require DEPE permitting as appropriate. In this regard, Hudson County must thoroughly evaluate regional opportunities, including the HMDC's proposal for a regional facility, prior to the DEPE's willingness to approve a Hudson County site specific facility.

f. Schedule of Plan Implementation:

The proposed schedule which provides for implementation of a broad strategy for the County to primarily address management of the recyclable portion of its waste stream, is approved. However, the County is directed to submit a letter to the Division of Solid Waste Management which details more specific timeframes for each of the tasks identified below, particularly the Phase II schedule which covers a three and one-half year period.

Phase I - May 1991 to May 1992

Task 1 - Procure from private industry, and initiate permitting of, a materials recovery facility and a municipal solid waste (MSW) composting facility to process municipal waste.

Task 2 - Survey potential sites for locating the MRF and MSW composting facilities.

- Task 3 - Study methods of increasing source reduction of waste quantities which would otherwise require disposal.
- Task 4 - Analyze commercial/industrial waste flow variations.
- Task 5 - Evaluate the level of participation of HMDC, other counties and private industry in implementing regional construction and demolition materials recycling facilities.
- Task 6 - Seek partners from private industry which utilize recycled materials to manufacture new products and consider the possibility of companies locating in Hudson County.
- Task 7 - Negotiate regional participation in the Hudson County incinerator, another county's incinerator, or another solid waste disposal facility.
- Task 8 - Negotiate interim recycling marketing agreements on behalf of municipalities to stabilize markets for current recyclables.
- Task 9 - Further define and refine the waste distribution center proposal.

Phase II - June 1992 to December 1995

- Task 1 - Procure sites for the MRF and MSW composting facilities.
- Task 2 - Construct and commence operations at the MRF and MSW composting facilities. Monitor performance and, as the need may arise, adjust operations.
- Task 3 - Procure from private industry and/or initiate permitting of regional construction and demolition materials recycling facilities.
- Task 4 - Complete assessment of waste quantities generated commercially which are not being directly recycled by those industries. If warranted, procure commercial recycling sorting facilities designed to handle the specific waste types being generated.
- Task 5 - Negotiate with potential partners for economic development of facilities utilizing recycled materials in new manufacturing processes in the County.

- g. **HMDC 1-E Landfill:** The continued use of the HMDC 1-E landfill for disposal of solid waste type 10 potentially through mid-1993, as identified within the plan amendment is approved insofar as there is remaining permitted disposal capacity available for use consistent with the rules and regulations of the Department.

3. **Financing Plan**

Inclusion in the County Plan of a renewal and replacement fund, as well as investment tax fund is approved as further specified below.

- a. **Renewal and Replacement Fund:** A renewal and replacement fund to be established as a permanent revolving financing mechanism within the HCIA budget process comprised of revenues derived from bond interest and facility tip fees and to be applied toward physical or infrastructure modifications is approved insofar as this component of the Hudson County Solid Waste Management Financing Plan is consistent with other County and State laws and regulations.
- b. **Resource Recovery Investment Tax:** The inclusion in the County Plan of the proposed uses and disbursement schedule for the County's \$6.9 million in Resource Recovery Investment Tax Fund are in conformance with the requirements of N.J.S.A. 13:1E-150b and are approved with modification. This modification is necessary in order to adjust the start date of the disbursement schedule coincident with the approval of this certification.

Specifically, \$4.5 million is approved for the materials recovery facility and MSW composting facility development costs for March 1992 through February 1994 with \$100,000 allocated for site evaluation, \$2 million for site procurement, \$1 million for site development, \$500,000 for facility procurement, and \$900,000 for facility permitting, unless any of these components can be awarded through an alternative procurement process discussed above.

Additionally, \$2.4 million is approved for recycling activities for March, 1992 through February, 1994 with \$1.2 million allocated for curbside collection vehicles, \$200,000 for recycling drop-off sites, \$600,000 for a household hazardous waste program, and \$400,000 for a recycling and source reduction public education program.

4. **Long Term Recycling Goal Strategies in Response to the Task Force Final Report**

The inclusion in the County Plan of a conceptual program consistent with the County's implementation schedule to achieve a 60% recycling rate is approved. However, as noted within the proposed amendment, full implementation of the 60% recycling plan will require additional programs, facilities, personnel and equipment. Also, the County Plan does not adequately address source reduction or regionalization. Therefore, Hudson County is required to submit a subsequent plan amendment within 180 days of this certification which addresses the following provisions of source reduction, recycling and regionalization.

a. **Source Reduction**

While the amendment generally addressed the need for public education and household hazardous waste collection programs, as discussed within Section B., it does not fully address source reduction strategies in their entirety. Therefore, the County shall determine what source reduction measures can be taken at the County level to eliminate the trend of increased per capita solid waste generation. Specifically, within a subsequent plan amendment, Hudson County must evaluate the establishment of a per capita waste generation cap and take into consideration and investigate waste audits, per container systems, yard waste management strategies, and financial incentives for reducing waste. Finally, Hudson County shall, pursuant to the discussion within Section B., develop a proposed recycled product procurement guideline that adheres to current and future state procurement goals for counties and local governments. Additionally, for each noted source reduction measure, the County shall develop an implementation schedule and further estimate its potential impact upon total waste generation within the district.

b. **Recycling**

Although the County's policy to recycle 60% of the solid waste stream by December 31, 1995 through development and utilization of a MRF, compost facility and construction and demolition waste recycling facility is approved, the County must still address what specific measures will be taken by the district to achieve at least a 50% recycling rate for the municipal waste stream and at a minimum a 60% recycling rate for the total waste stream by December 31, 1995. Specifically, in a subsequent plan amendment, the County shall identify annual goals for reaching the target rates including specific tonnage targets for individual recyclable materials. Further, the County shall evaluate which additional materials it will include as designated recyclables, specific collection and marketing strategies, data collection and reporting systems, private and public incentive strategies, blanket policies for facilitating plan inclusion of compost and recycling facilities and, county and municipal procurement policies for purchasing recyclable materials.

Also, for each component of the recycling strategy, the district shall outline estimates of the tonnages which can be reached through implementation of the aforementioned strategies in a mass balance format taking into consideration the total projected solid waste generation in the county. Further, based upon the minimum 50% and 60% recycling rates, the district must outline the amount of solid waste still requiring disposal.

c. **Regionalization**

The County has indicated the possible regionalization of household hazardous waste collection sites and a construction and demolition materials processing facility, the County shall also determine the extent to which it can undertake long-term regionalization of its

solid waste facilities and programs and develop an implementation schedule to reflect regionalization with other districts.

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 approved portions of this amendment to the County Plan and which was executed prior to the approved portions 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 approved portions of the amendment contained herein shall operate in compliance with the approved portions of the 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 portion of this 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 and N.J.A.C. 7:26-1.4 and -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of the Amendment

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

7. Reservation of Authority

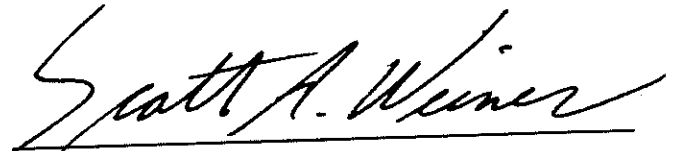
Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan. The Department has published a Statewide 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 and Notification of Deficiencies 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 September 26, 1991. I hereby also require, as noted in Section C., the Hudson County Board of Chosen Freeholders to address the noted deficiencies within 180 days of the date of this certification.

MAR 16 1992

DATE



SCOTT A. WEINER
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND ENERGY