



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 SEPTEMBER 27, 1990
AMENDMENT TO THE HUDSON COUNTY
DISTRICT SOLID WASTE MANAGEMENT PLAN

BY ORDER OF THE COMMISSIONER:

A. Introduction

The New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) established a comprehensive system for the management of solid waste in New Jersey. The Act designated all twenty-one (21) of the state's counties, and the Hackensack Meadowlands District, as Solid Waste Management Districts, and mandated that the Boards of Chosen Freeholders and the Hackensack Meadowlands Development Commission develop comprehensive plans for waste management in their respective districts. On January 27, 1982, the Department 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. In response to this review and pursuant to the terms of the Settlement Agreement of June 14, 1990 between the DEP, BPU, HMDC, and the Hudson County Improvement Authority, entered into as a result of Hudson County's Notice of Appeal of February 13, 1990 to the DEP and BPU Order for Termination of Landfill Operations dated December 22, 1989, the Hudson County Board of Chosen Freeholders adopted an amendment to its approved district solid waste management plan on September 27, 1990. Specifically, the Settlement Agreement requires, among other things, that Hudson County adopt a plan amendment no later than October 1, 1990 that identifies a short-term disposal strategy.

As adopted, the amendment presents a short-term disposal strategy, a long-term solid waste management strategy, and revisions to Sections 2, 3, 4, 5, 6, 7, 8 and 9 of the Hudson County Two-year Update, which was adopted by the Hudson County Board of Chosen Freeholders on August 10, 1989 and certified with modifications by the Department of Environmental Protection on January 26, 1990. A brief summary of each section of the proposed amendment is outlined below:

Section 2, Solid Waste Generation, remains unchanged except to update the first year to 1990.

Section 3, Solid Waste Projections, provides updated projections for total waste generation and incorporates data supplied to the Emergency Solid Waste Assessment Task Force regarding total acceptable, total processible and total recyclable solid waste for the period 1990-1999.

Section 4, Inventory and Appraisal of Solid Waste Facilities, remains consistent with the two-year update with the following exceptions: inclusion of the Hackensack Meadowlands Development Commission (HMDC) Baler/Balefill facility as a transfer station; identification of Jersey City as a potential site for a Waste Distribution Center/Materials Recovery Facility; inclusion of a resolution to designate Reclaim, Inc. of Kearny and Recycling Specialists, Inc. of Jersey City into the recycling plan; inclusion of Tempesta/Arrow Recycling of Jersey City as a Special Solid Waste Facility; and inclusion of the Empire and Willowbrook Landfills in Taylor, Pennsylvania and Atwater, Ohio, respectively, to receive a portion of Hudson County's waste from the designated HMDC Baler/Balefill transfer station including ID waste types 10, 13, 23, 25, 27 and ash from the resource recovery facility for up to 10 years.

Section 5, Analysis of Collection and Transportation System, was revised to designate primary and secondary routes from the HMDC Baler/Balefill to out-of-state disposal facilities.

Section 6, Site Plan, incorporates lot and block designations for the HMDC Baler/Balefill transfer station and designation of the primary and secondary out-of-state disposal facilities.

Section 7, Statement of Disposal Strategy, presents numerous revisions and additions to the August, 1989 two-year update. These include: a proposal to incorporate a 60% recycling goal within five years pursuant to the Governor's Emergency Solid Waste Assessment Task Force Final Report; a statement that supports establishment of a number of facilities, either on a county-wide or regional level, including a central recycling facility, a waste distribution center/materials recovery facility (WDC/MRF), a construction and demolition processing facility, a compost facility for portions of ID waste types 10, 23, and 25, and a bypass and residue landfill for resource recovery facility ash, WDC/MRF residue and bypass from any other facility. Section 7 further proposes that Hudson County will submit a plan amendment within 90 days of the adoption of this current plan amendment that will identify a schedule for the development of the approved resource recovery and landfill facilities. Finally, Section 7 reaffirms the intent of Hudson County to complete permitting and construction of the resource recovery facility, and provides an outline for Hudson's short term disposal strategy including landfill designation, the need for an interdistrict agreement between the HMDC and the HCIA, and a proposed tipping fee structure.

Section 8, Management of the System, incorporates a provision that the Hudson County Improvement Authority will designate its management policy so as to subject elements of their solid waste system to the "McEnroe" procurement process.

Section 9, Financing Plan, incorporates the financing associated with retrofits of the HMDC Baler and the procurement of capacity at Empire or Willowbrook Landfills.

A draft of the amendment was received by the Department of Environmental Protection on September 24, 1990. Copies were distributed to various state level agencies for review and comment prior to Freeholder adoption. Because of the critical nature of the proposed amendment, the Department circulated the draft with the provision that should the amendment be revised during final adoption, it would be recirculated for review. However, since the amendment was adopted as originally proposed, this subsequent action was not necessary. The final adoption occurred on September 27, 1990 and the plan amendment was deemed administratively complete on October 3, 1990. Further, the Department has reviewed this amendment, and has determined that the amendment adopted by the Hudson County Board of Chosen Freeholders on September 27, 1990, 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 September 27, 1990, 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 sixteen 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 Hackensack Meadowlands Development Commission, 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 Parks and Forestry, the State Departments of Agriculture and Community Affairs, the Green Acres Program, the New Jersey Turnpike Authority, and the Hackensack Meadowlands Development Commission. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Divisions of Water Resources and Coastal Resources, the State Departments of Health and the Public Advocate and the U.S. Environmental Protection Agency. The Board of Public Utilities, the New Jersey Advisory Council on Solid Waste Management, the Department of Transportation and the N.J.D.E.P. Divisions of Environmental Quality, Fish, Game and Wildlife and Solid Waste Management submitted substantive comments which are further addressed below.

The Board of Public Utilities (BPU) commented that the proposed amendment indicates that the county supports the achievement of the 60% recycling goal proposed by the Governor's Emergency Solid Waste Assessment Task Force and that an implementation plan will be provided in subsequent plans. Furthermore, the BPU suggests that the Department require that such a plan be filed as soon as practicable and that it be specific with respect to timetable and implementation so that the county can aggressively pursue their objective of maximizing recycling and source reduction. Additional BPU comments indicate that the BPU is prepared to provide support for the expeditious, cost-effective acceleration of recycling and source reduction activities through its ratemaking authority over the Hudson County Improvement Authority. BPU also stated that ratepayer support for these efforts can be more than offset by the environmental and economic benefits which these efforts will bring, including reduced disposal costs, the extended life of an in-state landfill, reduced dependence on out-of-state disposal capacity and more efficient use of resources.

In addition, the BPU commented that the cost of the activities related to the use of the HMDC facility for transfer station purposes for out-of-state disposal, including cost of transportation, disposal, and administration, as well as the procurement processes utilized to obtain solid waste services, are currently the subject of BPU review in the context of a rate petition filed by the HCIA on October 4, 1990 and, as a result, it is not appropriate to comment on these components at this time. Additionally, the BPU offers that with respect to the proposed long term contract for landfill capacity at the Empire Landfill, DEP should consider first, whether the contract indeed does provide long term availability of capacity at the Empire Landfill in the event that any Pennsylvania Executive Orders or federal legislative action affects such availability and second the extent to which the Chambers Corporation, the owner of the Empire Landfill, will provide alternative capacity, without economic harm, to the county in the event the availability of Empire is disrupted. Both of these factors have a bearing on the overall

acceptability of the proposed plan. Finally, the BPU notes that Section 7.4 indicates that the "Hudson County Resource Recovery Facility has been acknowledged (in the DEP/BPU sponsored analysis of three-county regionalization) to be among the most efficient and cost effective in the State." It should be recognized that the referenced analysis is not a comparative analysis of all disposal options in the State and that, therefore, a conclusion regarding the relative efficiency of the proposed Hudson resource recovery facility cannot be made at this time. The economics of the proposed resource recovery facility will be reviewed in the context of the BPU/DEP/DCA review of the resource recovery service agreement. The Department responds by concurring with the Board of Public Utilities and further responds that a review of the Hudson County out-of-state disposal contract between the Hudson County Improvement Authority, U.S. Systems Corp. and Empire Sanitary Landfill, Inc. reveals contingency measures that provide for other disposal facilities should the facilities primarily identified cease being able to accept Hudson County waste. Specifically, Section 7.1 of the contract provides for the disposal of acceptable waste at additional landfill sites as a result of a Governor's executive order and Section 7.2 provides for the disposal of acceptable waste at additional landfill sites as a result of uncontrollable circumstances.

The New Jersey Advisory Council on Solid Waste Management commented that in order for Hudson County to recycle 60% of their solid waste, they must first have adequate markets. In addition, the Council commented that it is a long distance to Taylor, Pennsylvania or Atwater, Ohio for disposal of the remaining non-recyclable materials and that efforts should be made to locate a disposal facility closer to Hudson County. The Department responds by concurring that in order to achieve a 60% recycling rate there must be adequate markets for the materials and that both landfills are, indeed, a considerable distance from Hudson County. However, the Department finds these landfills suitable and acceptable as a short term disposal option provided that they currently meet and continue to meet all environmental regulations of their respective states. It continues to be the Department's position, however, that long-term planning requires the identification and use of in-state facilities as noted by the Council.

The Division of Fish, Game and Wildlife (DFGW) noted that part of the proposed Hudson amendment provided for the extension of operations at the HMDC 1-E landfill "junkyards" and that this area is immediately adjacent to the Sawmill Creek Wildlife Management Area. As a result, the DFGW expressed its concern for the use of best technological containment methodologies at the landfill. Also, DFWG requested that they be allowed to review any proposed closure/post-closure plan in order to provide an opportunity for the incorporation of habitat enhancement measures to benefit wildlife and endangered/threatened species in the area. The Department responds by indicating that the HMDC 1-E landfill and vicinity has been used for solid waste disposal for over 20 years and that the specific "Junkyard" area is anticipated to close within a relatively short period of time (1-2 years). Therefore, any use of containment methodologies at the landfill and vicinity will be as part of the facility's closure plan. This plan will be forwarded to the DFGW when submitted.

The New Jersey Department of Transportation commented that if the HMDC Baler is to be used as the Hudson County Transfer Station and if this facility requires ingress or egress to a State Highway, the applicant must file for an Access Application. The Department of Transportation further commented that a Drainage Application may also be required. The Department responds by concurring with the Department of Transportation and by way of this plan amendment certification, notifies Hudson County of the above mentioned requirements.

The Division of Environmental Quality (DEQ) commented that landfills and transfer stations are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution". This regulation prohibits odors and other air contaminants which interfere with the enjoyment of life or property. Also, the DEQ commented that transfer stations 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. Such vents may require devices to control odors and other air contaminants.

Finally, 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. The Department responds by concurring with the DEQ and by way of this plan amendment certification, notifies Hudson County of the above mentioned requirements.

The Division of Solid Waste Management (DSWM) commented that Section 3 did not appear to combine total waste with total recyclable quantities to reflect total generation in the County. In response, Section C. modifies the Solid Waste Projections to reflect that Total Generation is the sum of the Total Waste column (Section 3.2c) and the Total Recyclables (Section 3.3).

DSWM also commented that Recycling Specialists, Inc., proposed for plan inclusion within section 4.5.b., currently operates a paper recycling operation, and until recently, were operating a construction and demolition recycling facility that did not have full Departmental approval. The DSWM further comments that this approval must be obtained before Recycling Specialists can resume operations. The Department concurs with the comments of the DSWM and in response approves the inclusion of Recycling Specialists into the Hudson County plan with the provision that all necessary permits be obtained prior to initiating commercial operation.

The DSWM further commented that a statement within Section 7.4 entitled Resource Recovery Incineration Facility states "...The facility is very near completion for the DEP permit review process. The solid waste permits are being drafted for Public Hearing..." This statement represents an inaccurate assessment of the permitting process associated with this facility. The Department is currently awaiting the submission

of Comment Response Document IV which is required to address the commentary raised in the Division's Notice of Deficiency issued to Odgen-Martin Systems of Hudson County, Inc. on February 23, 1990. In response, the Department comments that it will not be able to draft a Solid Waste Facility Permit until all outstanding issues have been resolved.

As previously outlined in Section A., the plan amendment proposes inclusion of various facilities within the Hudson County District Solid Waste Management Plan. Specifically, the DSWM commented that the Hudson County Improvement Authority has adopted a Resolution to include Edward Tempesta Inc./Arrow Recycling, Inc. and in this regard, refers to NJDEP regulations that require a "Special Solid Waste Facility" designation for this operation. The Department notes that no such requirement or designation exists as part of current regulations administered by the Department and, therefore, the amendment is modified to include the facility in the plan as a recycling facility.

The DSWM also commented that the designated primary and alternate truck routes identified within Section 5 both propose utilizing interstate highways, specifically Interstate Routes 80, 95, and 280. The Division notes that Hudson County shall either designate non-interstate routes or require haulers to meet the federal weight restrictions. The Department concurs with the Division's truck route comments, and by way of this plan amendment certification, notifies Hudson County of the above mentioned requirements.

With respect to Section 7.6, 1.d, the DSWM comments that the proposal stating that the Hudson County Improvement Authority will determine, based on environmental, economic and enforcement considerations, and subject to BPU review, which waste types will be transferred and disposed of out-of-county and which waste types will be disposed of at the HMDC 1-E landfill is not consistent with what is presented at Section 7.9. Section 7.9 reflects a short-term disposal strategy which proposes the landfilling of type 10 at the HMDC 1-E landfill and out-of-state disposal for types 13 and 27. As a result, the DSWM recommends that this waste flow strategy be modified to resolve this inconsistency. In response, the Department concurs with the DSWM and modifies Hudson County's waste flow strategy in Section C.2.f of this plan certification.

Finally, as further discussed in Section C. of this document, Hudson County has proposed a long-term solid waste disposal strategy that reflects the recommendations embodied within the Emergency Solid Waste Assessment Task Force Final Report accepted by the Governor. However, specific details including site locations, waste flow designations, regional interdistrict agreements, etc. must be the subject of further plan amendments to the Hudson County District Solid Waste Management Plan.

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 September 27, 1990 amendment to the approved Hudson County District Solid Waste Management Plan and certify to the Hudson County Board of Chosen Freeholders that the September 27, 1990 amendment is approved in part and modified in part as further specified below.

The Hudson County Amendment of September 27, 1990 follows the same format as that established by Hudson County in their District Solid Waste Management Plan Two-year Update which was adopted by the Hudson County Board of Chosen Freeholders on August 10, 1989 and certified by the Department on January 26, 1990. As a result, all the sections of this plan amendment that were previously approved and incorporated into the Hudson County District Solid Waste Management Plan during the two year update remain approved as reaffirmed and unchanged during this proposed amendment adopted by the Hudson County Board of Chosen Freeholders on September 27, 1990. However, Hudson County is hereby notified of the following approvals, modifications and conditions.

1. Sections 2 and 3: Solid Waste Generation, and Solid Waste Projections are approved with modification. The Hudson County plan amendment identifies total waste generated as total unacceptable waste plus total processible waste. Traditionally, the Department has viewed total waste generated to include all waste including the recycling component. As a result, the Department modifies Table 3.2c, so that total waste generation includes the recyclable data provided within Section 3.

Total Waste Generation

1990	975,607 tons	1995	1,019,790 tons
1991	984,444 tons	1996	1,028,626 tons
1992	993,280 tons	1997	1,037,463 tons
1993	1,002,120 tons	1998	1,046,299 tons
1994	1,010,953 tons	1999	1,055,136 tons

2. Sections 4, 6 and 7: Inventory and Appraisal of Solid Waste Facilities, Site Plan and Statement of Disposal Strategy:
 - a) Inclusion of the continued use of the HMDC Baler and 1-E Landfill is approved for disposal of solid waste types 10, 13, 23, 25 and 27 generated within Hudson County. By including use of these facilities as a landfill and transfer station to accommodate out-of-state disposal, Hudson County has addressed the requirement of the Settlement Agreement of June 14, 1990. Specifically, this Settlement Agreement requires, among other things, that Hudson County identify a short-term disposal strategy for disposing of its solid waste for the time period between when the HMDC 1-E landfill facility closes and the completion of long-term in-state disposal capacity. In this regard, Hudson County must enter into an interdistrict agreement with the Hackensack Meadowlands Development Commission for the use of HMDC facilities. Further, the Hudson County Plan must be amended to incorporate the negotiated interdistrict agreement.

- b) Amendments to the Recycling Plan designating Reclaim, Inc. of Kearny and Recycling Specialists, Inc. of Jersey City as recycling facilities are approved.
- c) Edward Tempesta, Inc./Arrow Recycling, Inc., pursuant to the discussion under Section B. of this certification, is incorporated into the Hudson County District Solid Waste Management Plan as a recycling facility.
- d) Potential designation of a site in Jersey City for a waste distribution center/materials recovery facility is approved. However, upon selection of a specific site, its lot and block designation must be formally adopted within the Hudson County District Solid Waste Management Plan.
- e) The Empire Sanitary Landfill in Taylor, Pennsylvania and the Willowbrook Landfill in Atwater, Ohio are identified by Hudson County as primary and alternate landfills, respectively, for acceptance of Hudson County waste for a period of up to 10 years. The Department approves the use of these facilities for the acceptance of Hudson County waste ID types 10, 13, 23, 25, 27 and resource recovery residue provided such use is consistent with applicable laws and regulations within the receiving states. However, said approval is granted only as a short-term disposal option. This short-term strategy is intended to provide disposal capacity only for a period sufficient for the county to bring long-term in-county disposal facilities into operation or negotiate necessary interdistrict agreements with other New Jersey districts.
- f) Section 7 of the proposed amendment addressed the provision of waste flow within two separate sections. Section 7.6.1.d proposes the HCIA will determine which types of solid waste will be transferred out-of-state or disposed of at the HMDC 1-E facility based upon economic, environmental and enforcement considerations. Section 7.9 reflects a short-term disposal strategy which proposes the landfilling of type 10 (municipal waste) at the HMDC 1-E landfill and transfer for out-of-state disposal waste types 13 (bulky) and 27 (dry industrial). Solid waste types 23 and 25 were not addressed. These sections are inconsistent as presented within the proposed plan amendment. The Department approves with modifications the waste flow strategy as follows. All solid waste types 10, 13, 23, 25 and 27 generated within all 13 Hudson County municipalities shall continue to be delivered to the HMDC Baler. Following processing, all waste type 10 shall be disposed of at the HMDC 1-E landfill, facility #0907W located in the Town of North Arlington. All waste types 13 (bulky), 23 (vegetative), 25 (animal and food processing) and 27 (dry industrial) shall be transferred for out-of-state disposal pursuant to Section C.2.e of this certification. Hudson County may, in the future, amend this initial waste flow on a waste type basis.

- g) The proposed Hudson County plan amendment identifies the following long-term solid waste disposal strategy aimed at achieving a 60% recycling goal and the establishment of the following facilities on either a county-wide or a regional level:
1. Central recycling facility (CRF) for processing and marketing commingled recyclables collected at the curbside by municipalities or their haulers;
 2. Waste distribution center/materials recovery facility for all of type 10 waste not recycled via the curbside programs;
 3. Construction and demolition processing facility for all type 13 waste;
 4. Compost facility for portions of the type 10, 23 and 25 waste suitable for such processing;
 5. Bypass and residue landfill for resource recovery incinerator facility ash, residue from the waste distribution center/materials recovery facility operation and waste bypassed from any of the above facilities;
 6. Resource recovery incinerator facility for the processing of permitted waste types including the processible portions of waste ID types 10 and 27.

Moreover, in order to implement the Hudson County long-term system, Hudson County proposes to submit a further plan amendment identifying a schedule for the timely development of the approved resource recovery and landfill facilities within 90 days of the adoption of this plan amendment.

Hudson County's long-term solid waste strategy as set forth above is approved insofar as the long-term proposal is consistent with the provisions set forth in the Emergency Solid Waste Assessment Task Force Final Report as accepted by Governor Florio. The landfill and incinerator facilities noted above under C.2.(f)5 and 6 were previously approved by the Department within the December 11, 1985 certification document. The continuation of approved status of these facility designations within the Hudson County Plan is subject to compliance with the Task Force Final Report provisions. Further, specific details including facility site locations, waste flow designations, regional interdistrict agreements, etc. must be the subject of further amendments to the Hudson County District Solid Waste Management Plan. In this regard, Hudson County shall submit a detailed schedule outlining facility siting, project development and regionalization timeframes and submit same in the form of an adopted plan amendment within 90 days of the date of this certification. Hudson County is further required within this same 90 day plan amendment submission period to demonstrate in detail how it shall achieve the 60% recycling rate by 1995 and, also, how it will address source reduction in light of the programmatic options set forth in the Emergency Solid Waste Assessment Task Force Final Report of August 6, 1990.

3. Section 5: Analysis of Collection and Transportation System, which identified routes for the transport of waste from the HMDC to either the Empire Landfill or Willowbrook Landfill are approved. However, these routes identify interstate highways and 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)). Therefore, Hudson County is directed to either develop a plan amendment which includes acceptable alternate routes for those collection vehicles which are not capable of complying with federal highway weight limits or demonstrate that the vehicles utilizing the interstate route will meet the weight restrictions as set forth by the Federal Bridge Formula.
4. Section 8: Management of the Systems provisions, that subject Hudson County solid waste system elements to the McEnroe process, are approved insofar as the Department recognizes this procurement alternative provided by New Jersey statute as a potential option. However, facility specific authorizations for use of the McEnroe process will be necessary, as well as review and/or approval where applicable by the Board of Public Utilities, Department of Community Affairs, the Department of the Public Advocate and the Department of Environmental Protection.
5. Section 9: Financing Plan provisions associated with the retrofits of the HMDC Baler, or the procurement of capacity at the Empire and Willowbrook landfill are approved insofar as these provisions are consistent with current laws and regulations.

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 Plan

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 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 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 in Part and Modification in Part of the Amendment by the Commissioner of the Department of Environmental Protection

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve 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 27, 1990.

1/24/91
DATE



JUDITH A. YASKIN
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION