

Let's protect our earth



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
SCOTT A. WEINER, COMMISSIONER  
CN 402  
TRENTON, N.J. 08625-0402  
(609) 292-2885  
Fax: (609) 984-3962

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 DECEMBER 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 (HMDC) develop comprehensive plans for waste management in their respective districts. On January 27, 1982, the Department of Environmental Protection (Department or DEP) 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 Department, the Board of Public Utilities (Board or BPU), the HMDC and the Hudson County Improvement Authority (HCIA), entered into as a result of Hudson County's Notice of Appeal of February 3, 1990 to the Department's and Board's 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 to provide a short-term disposal strategy. This amendment was certified by former DEP Commissioner Yaskin on January 24, 1991. Specifically, this short-term disposal strategy, as approved, requires all solid waste types 10, 13, 23, 25 and 27 generated within Hudson County to be delivered to the HMDC baler facility. Following processing, all waste type 10 (and waste type 27 asbestos) is to be disposed of at the HMDC 1-E landfill in North Arlington and all waste types 13, 23, 25 and 27 will be transferred for out-of-state disposal. In addition to this short-term strategy, which is intended to provide disposal capacity for a period sufficient for Hudson County to bring long-term in-county disposal facilities into operation or negotiate necessary interdistrict agreements with other New Jersey districts, Hudson County was required to enter into an interdistrict agreement with the HMDC for use of the aforementioned HMDC facilities. As adopted, the December 27, 1990 amendment incorporates in the Hudson Plan this interdistrict agreement between Hudson County, the HCIA and the HMDC which provides, among other things, for the short-term disposal strategy noted above.

The amendment was received by the Department on January 14, 1991 and copies were distributed to various state level agencies for review and comment, as required by law. The Department has reviewed this amendment, as well as the entire Hudson County District Solid Waste Management Plan, and has determined that the amendment adopted by the Hudson County Board of Chosen Freeholders on December 27, 1990 is approved as provided in N.J.S.A. 13:1E-24.

**B. Findings and Conclusions with Respect to the Hudson County District Solid Waste Management Plan Amendment**

Pursuant to N.J.S.A. 13:1E-24a(1), I, Scott A. Weiner, Commissioner of the Department have studied and reviewed the December 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 is consistent with the Statewide Solid Waste Management Plan.

In addition, the Department circulated the plan amendment to sixteen review agencies and solicited their review and comments. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies include:

Division of Water Resources, DEP  
Division of Parks and Forestry, DEP  
Division of Fish, Game and Wildlife, DEP

Green Acres Program, DEP  
Division of Coastal Resources, DEP  
Division of Environmental Quality, DEP  
Division of Solid Waste Management, DEP  
New Jersey Turnpike Authority  
Department of Agriculture  
Department of Transportation  
Department of Health  
Department of the Public Advocate  
Department of Community Affairs  
New Jersey Advisory Council on Solid Waste Management  
U.S. Environmental Protection Agency  
Board of Public Utilities

1. Agency Participation in the Review of the December 27, 1990 Amendment:

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

Division of Water Resources, DEP  
Division of Parks and Forestry, DEP  
Division of Fish, Game and Wildlife, DEP  
Green Acres Program, DEP  
New Jersey Turnpike Authority  
Department of Agriculture  
Department of Transportation

The following agencies did not respond to our request for comments:

Division of Coastal Resources, DEP  
Department of Health  
Department of the Public Advocate  
Department of Community Affairs  
New Jersey Advisory Council on Solid Waste Management  
U.S. Environmental Protection Agency

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

Board of Public Utilities  
Division of Environmental Quality, DEP  
Division of Solid Waste Management, DEP

2. Comments Received for the December 27, 1990 Amendment

**Comment:** The Board of Public Utilities commented that the plan amendment is consistent with the Board's decision of January 25, 1991 which established initial rates, on an interim basis, for Hudson County solid waste services. The Board further commented that they will review the costs, including those which result from the interdistrict agreement, of both the Hudson County Improvement Authority and Hackensack Meadowlands Development Commission for reasonableness during the current rate proceedings.

**Response:** By way of this plan amendment certification, Hudson County and the HMDC will be notified of the Board's comments.

**Comment:** The Division of Environmental Quality (DEQ) commented that 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, 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 contaminants. Additionally, these facilities must also comply with the Noise Control Code, N.J.A.C. 7:29-1. DEQ further commented that new and closed landfills should be equipped with positive ventilation systems, which direct landfill gases to air pollution control devices. These vents and devices require air pollution control permits pursuant to N.J.A.C. 7:27-8.2(a)11 and 16. These regulations require permits for all stationary equipment used to ventilate a solid waste facility directly or indirectly into the ambient atmosphere.

**Response:** I respond to the comments of the DEQ by noting that the Department's DSWM will be apprised of these comments and will circulate to the DEQ for further review and comment the technical submission package required for update of the HMDC baler facility permit so as to reflect recent operational changes. Additionally, with respect to positive ventilation systems for closed landfills, DSWM will further circulate to the DEQ the landfill closure plan relative to the HMDC baler/balefill complex.

**Comment:** The Division of Solid Waste Management (DSWM) commented that Hudson County should develop and implement an incoming waste inspection verification plan for any and all existing or proposed solid waste facilities. The expressed purpose of such a plan shall be to ensure that designated recyclable materials to be source separated as per the Hudson County District Recycling Plan shall not be disposed of as solid waste at any solid waste facility utilized by Hudson County. Moreover, in the event that Hudson County cannot successfully employ effective inspection procedures at the HMDC baler/landfill complex, Hudson County should submit a report that clearly outlines the methods and procedures Hudson County will utilize to ensure that designated recyclables originating from Hudson County will not be disposed of as solid waste.

**Response:** I respond to these comments of the DSWM by notifying Hudson County of their responsibility to prevent designated recyclables from being disposed of as solid waste. In this regard, Hudson County shall provide DSWM with a description of their waste inspection verification plan and/or method for preventing the disposal of designated recyclables. Details of this submission will be worked out with staff of the DSWM, Office of Recycling, and will not require subsequent action by the Hudson County Board of Chosen Freeholders.

**Comment:** The DSWM also commented that the HMDC baler facility operates under a Certificate of Approved Registration and Engineering Design Approval (CAREDA) issued on March 17, 1977. Moreover, the CAREDA issued to the HMDC will expire in 1992. Submittal of updated engineering plans will be required in order to update their current permit. Furthermore, submittal of a description of the internal solid waste handling and transfer operations for shipping waste out-of-state as well as a description of the traffic volume to and from the facility is currently required in order to determine whether or not a solid waste facility permit modification is warranted.

**Response:** I respond to the DSWM comments by concurring that additional information is required from Hudson County by DSWM regarding operational and traffic changes that have resulted from implementation of their short-term disposal strategy so that DSWM can adequately determine if modifications to the solid waste facility permit are necessary. In this regard, DSWM will be submitting to Hudson County and the HMDC a letter addressing their specific informational requirements.

**Comment:** The DSWM has reviewed the entire Hudson County District Solid Waste Management Plan with respect to the provisions of the New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-21), as well as the recommendations of the Emergency Solid Waste Assessment Task Force Final Report (Final Report) dated August 6, 1990. As a result, the DSWM noted that pursuant to the January 24, 1991 certification of Hudson County's September 27, 1990 plan amendment, the County was directed to submit a subsequent plan amendment by April 24, 1991 demonstrating how it will implement the Task Force recommendations concerning source reduction initiatives and achievement of the 60% recycling rate as well as the County's long-term disposal strategy component of the plan, including an analysis of alternate solid waste processing technologies. This submission has not been made.

**Response:** In response to a request from Hudson County officials, I have extended the plan amendment submission deadline to implement the Task Force recommendations to 180 days, as opposed to 90 days, consistent with the timeframe applied to other counties in the State. Hudson County shall have until August 1, 1991 to submit its plan toward implementation of source reduction initiatives and achievement of the 60% recycling rate. Further, I have extended Hudson County's deadline to submit its long-term disposal strategy plan amendment to December 31, 1991.

**Comment:** Finally, the DSWM commented that pursuant to the Hudson County plan amendment of September 27, 1990 in which the county identified primary and alternate transportation routes from the HMDC baler to out-of-state landfills, Hudson County was 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 interstate routes will meet the weight restrictions as set forth by the Federal Bridge Formula pursuant to N.J.S.A. 39:3-84(b).

Response: In this regard, Hudson County's plan amendment of December 27, 1990 indicated that facility operators will load transfer trailers in such a manner that each trailer is filled within the proper weight range (with tractor) and the weight will be distributed over the length of the trailer so as to prevent any violations of axle weight restrictions. Moreover, to ensure compliance, the plan amendment further specified that the vendor shall weigh all transfer trailers at specified hours during the day and representatives of the HCIA and the transporter shall have access to the scale facilities to observe the weighing procedures. Therefore, I determine that Hudson County has complied with the directive as presented in the certification of the September 27, 1990 amendment by identifying a procedure for ensuring that vehicles utilizing interstate routes will meet current weight restrictions.

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

I, Scott A. Weiner, Commissioner of the Department in accordance with N.J.S.A. 13:1E-1 et seq., more specifically, N.J.S.A. 13:1E-21, which established specific requirements regarding the contents of the district solid waste management plans, have reviewed the December 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 December 27, 1990 amendment is approved as further specified below.

**1. Interdistrict Agreement**

The December 27, 1990 amendment, to incorporate the interdistrict agreement of December 6, 1990 between Hudson County, the Hudson County Improvement Authority and the Hackensack Meadowlands Development Commission, which provides for the utilization and retrofit of the HMDC baler facilities for processing solid waste for subsequent disposal in the HMDC 1-E landfill and/or for shipment to permitted out-of-state disposal facilities, is approved.

**2. Hudson County Response to Solid Waste Task Force Final Report**

Hudson County was the first in the state to submit a plan amendment which addressed the recommendations of the Governor's Task Force Final Report. However, because this submission lacked specificity, pursuant to the January 24, 1991 certification of Hudson County's September 27, 1990 plan amendment, the county was directed to submit a subsequent plan amendment demonstrating in more detail how it shall achieve a 60% recycling rate by 1995 and address source reduction and facility regionalization. As described within Section B., the original deadline for this submittal was April 24, 1991. Consistent with the timeframe applied to other counties in the state and discussions with Hudson County, this original deadline was extended to 180 days. Hudson County, therefore, has until August 1, 1991 to submit its plan toward implementation of source reduction initiatives and achievement of the 60% recycling rate. Further, in order to allow the Freeholder Board sufficient time to complete its analysis of alternative solid waste processing technologies, the deadline for submission of the long-term disposal strategy component of the plan is hereby extended to December 31, 1991.

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 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 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 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 transporters 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 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 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 (N.J.A.C. 7:26-6).

4. Certification to Proceed with the Implementation of the Plan Amendment

This document shall serve as the certification of the Commissioner of the Department to the Hudson County Board of Chosen Freeholders and pursuant to N.J.S.A. 13:1E-24(c) and (f), the County of Hudson shall proceed with the implementation of the approved 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 N.J.A.C. 7:26-1.4 and -2.13.

**6. Effective Date of the 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 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, rules, regulations, orders of the Department, interdistrict and intradistrict waste flow rules, and also includes the compilation of individual district plans and amendments as they are approved.

**E. Certification of Approval of the Amendment by the Commissioner of the Department of Environmental Protection**

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve the amendment, as outlined in Section C. of this certification, to the Hudson County District Solid Waste Management Plan which was adopted by the Hudson County Board of Chosen Freeholders on December 27, 1990.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SCOTT A. WRINER  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Let's protect our earth



**State of New Jersey**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF SOLID WASTE MANAGEMENT  
CN 414, Trenton, N.J. 08625-0414  
Fax # (609) 530-8899

(609) 530-8203

July 15, 1991

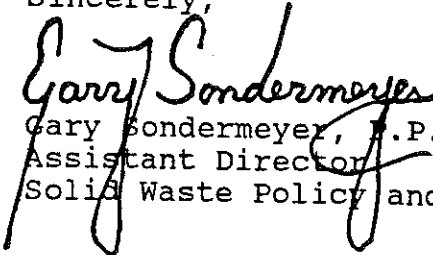
Mr. Al Fiore, Executive Director  
Hudson County Improvement Authority  
601 Pavonia Avenue  
Jersey City, NJ 07306

Dear Executive Director Fiore:

This letter is to formally advise you that the 150-day statutory timeframe for the review of Hudson County's December 27, 1991 plan amendment has expired. Therefore, the interdistrict agreement between Hudson County and the Hackensack Meadowlands Development Commission shall be considered an approved portion of the Hudson County District Solid Waste Management Plan.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

  
Gary Sondermeyer, J.P.  
Assistant Director  
Solid Waste Policy and Planning Element

GS:RJD:mff

