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

CERTIFICATION OF APPROVAL  
WITH MODIFICATION OF THE  
MERCER COUNTY DISTRICT  
SOLID WASTE MANAGEMENT PLAN

BY ORDER OF THE COMMISSIONER:

A. Introduction

The New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq. as amended by C. 326, Laws of 1975) determines, among other things, "...that the management of solid waste in New Jersey consists largely of piecemeal, uncoordinated activities developed to meet the immediate needs of local government with little, if any, regard for regional planning and coordination..." and that "...the solid waste planning and management process is adversely affected by the absence of area-wide structures...." The Act addressed these and other findings by establishing "...a statutory framework within which all solid waste collection, disposal and utilization activity..." in New Jersey would be coordinated. This framework includes the designation of each of New Jersey's twenty-one counties and the Hackensack Meadowlands District as a Solid Waste Management District. Each District is authorized, either singly or jointly with one or more other Districts, to formulate and develop a comprehensive Solid Waste Management Plan. Following development, the resulting Plan is submitted by the District to the public for comment at an informational hearing. Thereafter, the District must adopt or reject, in whole or in part, the Solid Waste Management Plan.

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

In order to establish a meaningful and responsible role for the State in the solution of solid waste problems, the Act grants broad powers to the Department of Environmental Protection. This includes the power "...to regulate and supervise all solid waste collection and disposal facilities and operations...", "...to register all persons engaged in the collection or disposal of solid waste...", "...to develop through a Statewide solid waste management plan objectives, criteria and procedures to assure the orderly preparation and evaluation of the [district] solid waste management plans...", "...to approve, modify or reject such solid waste management

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

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

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

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

#### B. Solid Waste Management Plan Accomplishments

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

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

after due notice and consideration of public comment, Adopted Rules Concerning Interdistrict Flow of Solid Waste Between and Among Solid Waste Management Planning Districts in Northeastern New Jersey (N.J.A.C. 7:26-1.11) on December 31, 1979. These Rules set forth required steps which must be taken by Solid Waste Management Districts to effect regional and statewide solutions to solid waste management problems. The Rules establish the basis upon which interdistrict solid waste management planning is to be developed among the Districts and are set forth as part of the statewide Solid Waste Plan required by the Solid Waste Management Act. The Rules required that the Mercer County Solid Waste Management District adopt certain specified modifications to its Solid Waste Management Plan and submit them to the Commissioner of the Department of Environmental Protection on or before July 1, 1980.

On June 24, 1980, the Mercer County Board of Chosen Freeholders formally adopted modifications to the District's Plan. The modifications were received by the Department of Environmental Protection on July 1, 1980. The Department of Environmental Protection has studied and reviewed the Plan and its modifications in accordance with the Solid Waste Management Act. Based on the results of this review and evaluation, I have determined that the Mercer County District Solid Waste Management Plan be granted approval as amended by the modifications adopted herein and promulgated by me (see N.J.S.A. 13:1E-24).

B. Solid Waste Management Plan Accomplishments

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

The Plan contains a resource recovery implementation schedule that projects a 1,125 T/D recovery plant to be operational by 1985.

The Plan also contains provisions for the development and expansion of source separation/recycling programs in the County. Initially, an Office Paper Recycling Project in all County offices will be implemented. Phase II expands the program to include State and municipal offices.

In addition, local voluntary recycling programs will be encouraged to continue and a source separation specialist will be employed to develop and implement more comprehensive recycling programs.

In addition, the Plan contains a procedure for the uniform distribution of resource recovery and disposal costs throughout the District.

The Plan designates the Mercer County Improvement Authority as the County's responsible implementation agency.

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

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

1) Modifications Adopted and Promulgated by the Commissioner

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

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

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

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

1) Modifications Adopted and Promulgated By The Commissioner

The following modifications are adopted and promulgated by me and shall take effect on November 1, 1980.

- a) All solid wastes, with the exception of those noted in Section 2.c. herein, generated from within Mercer County shall be disposed of at the Parklands Reclamation Project landfill, facility number 0304A, located in Bordentown Township, Burlington County, New Jersey.
- b) When the Mercer County resource recovery facility scheduled to be on line in, or prior to, 1985 becomes operational, processable\* solid wastes generated in all of Mercer County's municipalities shall be directed to the energy recovery facility. Residue and non-processable\*\* solid wastes shall be disposed of at a landfill(s) designated in the first two-year update of the District Plan.
- c) The Mercer County Solid Waste Management Plan notes that "... centralized landfilling (in Mercer County) is not a viable alternative because an area that is large enough cannot be found in the County that would be geologically suitable and not raise serious community opposition." The Department concludes that in the event of unanticipated landfill closings and other events which would reduce existing landfill capacity, it may become necessary for Mercer County to locate and develop additional landfill capacity. The above statement by Mercer County does not have conclusive evidence for its support since a landfill siting study has not been conducted in Mercer County as part of the C. 326 planning process. Therefore, Mercer County shall perform a landfill siting study to be completed by October 1, 1981. The following milestones shall be used as an outline for completing such a study.
  - On or before April 1, 1981, a detailed geologic and hydrologic mapping of all of Mercer County shall be completed. By this time a designated number of sites shall be selected for further study.
  - On or before September 1, 1981, more detailed research shall be completed, including permeability testing, soil logging and an overall environmental assessment.
  - On or before October 1, 1981, a site(s), or lack thereof, shall be rationally determined from the evidence compiled in the landfill siting study.

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

- d) The Plan's proposed procedure for the uniform distribution of resource recovery and disposal costs is modified to remove any reference to averaging transportation and haulage costs. For purposes of this subsection, the costs of operating transfer stations shall be considered as part of transportation and haulage costs.
- e) The Department recognizes the long term potential problems such as gas buildup, the re-surfacing of previously buried materials, and the instability of the landfill mass that may result in unpredictable settling that may impact the use of terminated landfill sites. Therefore, the Department recommends that terminated landfills be designated as "open space" and that any proposed use of terminated landfill sites be carefully investigated and the results incorporated into any application for a construction permit or site plan approval.

2) Other Provisions Effecting the Plan Modifications

a) Contracts

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

Any contract renewal or new contract for solid waste collection or solid waste disposal which was executed prior to the approval of the within modifications to the Mercer County District Solid Waste Management Plan and subsequent to the effective date of the Solid Waste Management Act (July 29, 1977), and which shall further be for a term in excess of one year, shall immediately be renegotiated in order to bring same into conformance with the terms and provisions herein set forth. Any solid waste collection operation or disposal facility registered by the Department of Environmental Protection and operating pursuant to a contract as herein described, shall be deemed to be in violation of these Modifications and of the Mercer County District Solid Waste Management Plan if such renegotiation is not completed by the effective date of these Modifications (November 1, 1980); provided, however, that any such registrant may, upon application to the Department of Environmental Protection and for good cause shown, obtain an extension of time to complete such renegotiation.

b) Compliance

All solid waste facility operators registered with the Department of Environmental Protection and operating within Mercer and Burlington Counties and effected by the Modifications contained herein shall operate in compliance with these Modifications and all other approved provisions of the Mercer County District Solid Waste Management Plan. Any facility operator who fails to comply with the provisions contained herein shall be deemed to be in violation of N.J.S.A. 13:1E-1 et seq., in violation of N.J.A.C. 7:26-1 et seq., and in violation of their registration to operate a solid waste facility issued thereunder by the Department of Environmental Protection and shall be subject to the provisions and penalties of N.J.S.A. 13:1E-9, 10 and 12 and all other applicable laws.

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

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

d) Certification to Proceed with the Implementation of Plan Modifications

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

e) Definitions

For the purpose of these Modifications and unless the context clearly requires a different meaning, the definitions of terms shall be the same as those found at N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-1.4 and -2.5.27.

f) Effective Date of Modifications

The adopted and promulgated Modifications to the Mercer County District Solid Waste Management Plan contained herein shall take effect on November 1, 1980.

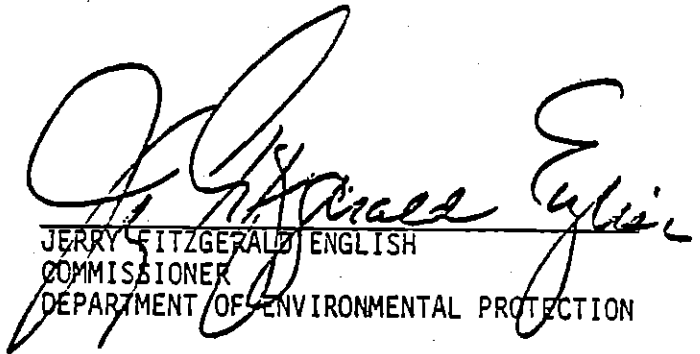
g) Nothing contained herein shall be construed as a bar to any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Mercer County District Solid Waste Management Plan shall conform with the Statewide Solid Waste Management Plan. The Statewide Solid Waste Management Plan includes the Department's Planning Guidelines and

rules, regulations, and orders of the Department, and will include the compilation of individual District Plans and modifications as they are approved. The Statewide Solid Waste Management Plan for Group I and II Districts will be published this summer.\*

E. Certification of Approval and Adoption and Promulgation of Modifications by the Commissioner of the Department of Environmental Protection

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve the Mercer County District Solid Waste Management Plan and its adopted modifications, subject to the modifications and replacements contained and adopted herein.

31 July 1980  
Date

  
JERRY FITZGERALD ENGLISH  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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



Additional Modifications  
Required by July 1, 1980

I. SOLID WASTE GENERATION

- The Plan shall include an inventory by source, type, composition, and quantity of solid waste (including sludge and septage) generated within the solid waste management District in the year in which the report is prepared and each of the ten years following the report. In addition, the Plan shall include a specific timetable for the conduct of a program to more accurately define waste generation rates and composition necessary for resource recovery implementation.

II. COLLECTION AND HAUL

- The Plan did not provide a specific analysis of industrial waste generation, transportation and disposal within the County. In addition, a strategy for the maximum recovery of industrial wastes should be developed. A specific timetable for undertaking this analysis and developing a strategy shall be included.
- The Plan shall also include a strategy for increasing the efficiency of collection and transportation within the County, specifically a study evaluating the maximum utilization of transfer stations and implementation of the COLMIS or similar collection improvement system.
- The discrepancies in Table 2-8 and Table 6-2 regarding present disposal sites shall be corrected.

III. SLUDGE AND SEPTAGE

- The Plan shall include an acceptable strategy for sludge and septage disposal. Most of the present sludge and septage disposal practices outlined in the Plan are unacceptable to the Department of Environmental Protection (e.g., land spreading, on-site lagooning, landfilling of liquid sludge) and will have to be phased out.
- The Plan shall indicate a strategy for sludge and septage disposal in nondesignated 201 areas.
- The Plan shall indicate a short term implementation strategy for septage disposal from present time until the the Ewing Lawrence Sewerage Authority (ELSA), Upper Millstone and Stoney Brook facilities are on line.
- The District should indicate its intent to adopt guidelines for the review of 201 sludge management plans which are no less stringent than those which have been adopted by the Department.

IV. RESOURCE RECOVERY

- The Plan shall analyze and identify that part of the waste stream which will be recovered by high and low technology resource recovery, in order to minimize costs, conserve energy and enhance environmental quality.

## V. PUBLIC PARTICIPATION

- The Mercer County District has not provided an acceptable public information and participation program throughout the development of its Solid Waste Management Plan. Specifically, the District failed to distribute information to the public concerning its activities, Solid Waste Advisory Council (SWAC) meetings were held at times and places inconvenient to residents most directly affected by the Plan and advertisements of the District's public hearing were not in compliance with State and Federal public hearing requirements. To correct this situation, the District shall immediately set forth an ongoing comprehensive public information and participation program to be utilized during Plan revision, and made part of its revised Plan. This program shall identify a process for keeping the public informed, for the receipt, evaluation and consideration of public comment, and for the integration of public participation into Plan development and implementation. The Plan shall include documentation of the procedures Mercer County used for public participation in the development of its original and revised Plan, including a listing of SWAC members, a discussion of the activities of the Mercer County SWAC, consultations with and input from other publics, and a discussion of the manner in which these comments were considered by the County. In addition, the District shall distribute information to the public concerning its activities, advertise all future public hearings in conformance to State and Federal requirements, and schedule its SWAC and any related meetings at a time and place convenient to the public, particularly those residents most affected by the Plan.

## VI. LANDFILLS

- The Plan shall contain a map showing the locations of all existing solid waste facilities, identified by their Department of Environmental Protection Registration Number.
- The Plan shall contain an analysis of the necessary environmental improvements to landfills located within the District.

## VII. PLAN REVIEW AND UPDATE

- The Solid Waste Management Act requires the District Plan to contain provisions for its review by the Board of Chosen Freeholders once every two years. While the Mercer County Plan acknowledges this requirement and indicates that the Plan will have to be updated, no specific provisions have been made in the Plan to accomplish this. The Plan shall include specific provisions for its update.

## VIII. MISCELLANEOUS

- The Plan shall include pages 4-11 and 4-12 which are presently missing.
- The map on page 6-16 (figure 6-2, proposed resource recovery site location) is not up to date. Any maps included in the revised Plan shall all existing development.

## Appendix II

### Recommended Modifications for Two-Year Update of the Mercer County Solid Waste Management Plan

#### I. DATA BASE

- The Plan should continue to include census data and population projections consistent with year 2000 policy projections from the New Jersey Department of Environmental Protection Draft New Jersey Water Quality Management Plan, March, 1979.
- Employment projections should be presented according to standard industrial classification to provide consistency with other District data. Methodologies and assumptions used in the formulation of estimates and projections should be included.
- The Plan should contain a section on existing major industrial and institutional developments and utilities. Proposed developments and constraints to development should also be included.
- The Plan should continue to include a table showing existing land distribution (amount and percent) for single family residential, multi-family residential, commercial, industrial, public and quasi-public, conservation and recreation, and open space areas.

#### II. SOLID WASTE GENERATION

- Solid waste estimates and projections should be provided according to waste identification categories in the New Jersey Department of Environmental Protection "Rules of the Solid Waste Administration." This format will provide consistency among District data.
- The updated Solid Waste Management Plan should include, in an appendix, the specific methodology used in obtaining solid waste estimates and projections.

#### III. COLLECTION AND HAUL

- The Plan should contain an analysis of the feasibility of alternative collection practices and should require the modifications of those practices where appropriate. This feasibility analysis should include an assessment of the feasibility of eliminating twice a week collection in those areas where recycling programs are successful.