

Let's protect our earth



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)  
(MORRIS COUNTY SOLID WASTE)  
(MANAGEMENT DISTRICT)

CERTIFICATION  
OF THE APRIL 1, 1987  
AMENDMENT TO THE MORRIS 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 Board of Chosen Freeholders and the Hackensack Meadowlands Development Commission develop comprehensive plans for waste management in their respective districts. On January 29, 1981, the Department approved, with modifications, the Morris 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. The plan shall include 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 the ten-year period; these 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, the plan may be modified through an amendment. Under the New Jersey Solid Waste Management Act, counties are given the primary role in solid waste management planning. Counties are required to develop comprehensive plans which, among other things, describe a strategy for handling waste generated in the county, designate the facilities and

activities to implement the strategy, and describe the financial and institutional arrangements for implementation of the required facilities and activities.

It is the policy of the Department of Environmental Protection to affirm the primacy of the counties in this process. In implementation of this policy, the Department has provided advice and support for the required decisions but has refrained from directly intervening in the basic decisions regarding strategy and siting, except as required to ensure that county activities conform to the requirements of the Act. However, the Act does provide that the Commissioner may propose and adopt amendments to solid waste management plans to remedy any deficiencies.

On January 17, 1986, the Department proposed an amendment to the Morris County District Solid Waste Management Plan. The amendment proposed the incorporation of a short-term disposal strategy to provide for the development of a transfer station(s) to prepare the county's waste for transport to out-of-district disposal facilities. This initiative was considered necessary since the county disposed of all its solid waste at the Edgeboro Landfill in Middlesex County, which would reach its permitted capacity during 1987. The Department approved the proposed amendment, with modifications, on May 13, 1986.

To implement this short-term disposal strategy, on May 23, 1986, the Department issued a Request For Proposals (RFP) document which solicited proposals from private entities for the siting, design, construction, and operation of an in-county transfer station(s) to provide for out-of-district waste disposal for Morris County. In response to the RFP, the DEP received one proposal from the private sector. The proposal submitted by Morris County Transfer Station, Inc. (MCTS) on July 16, 1986, included two transfer stations, to be located in Mt. Olive Township and Parsippany-Troy Hills which would transport the solid waste generated in Morris County to out-of-state disposal facilities. The proposed Mt. Olive transfer station would be designed for an expected loading rate of 510 tons per day to receive approximately thirty percent (30%) of the county's municipal waste stream from its western municipalities. The proposed Parsippany-Troy Hills site would be designed for an expected loading rate of 1079 tons per day to receive seventy percent (70%) of the waste stream from the eastern portion of Morris County. The solid waste accepted at both transfer stations was proposed for disposal at the Keystone Landfill located in Dunmore, Pennsylvania. These transfer stations proposed to serve Morris County for a three to five year timeframe, or until a resource recovery facility is implemented, at which time the transfer stations could serve as area waste collection centers prior to disposal at the resource recovery facility. No other response to the RFP was received by the DEP.

An initial deficiency within the original MCTS, Inc. proposal was the location of the Troy Meadows site in Parsippany-Troy Hills within a wetlands area. However, while the Department's site selection committee determined the site to be inconsistent with the RFP siting criteria, the Department concluded that the proposal could be remedied by selection of another site. The committee also found the original proposal to be deficient in meeting some of the detailed requirements of the RFP. Again, it was determined that the proposal could meet the RFP requirements upon the submission of amended

documents to address the deficiencies and the selection of an alternate, acceptable site. Morris County Transfer Station, Inc. was given 120 days to select an alternate site and submit the revised documents.

A revised proposal was submitted by Morris County Transfer Station, Inc. on December 23, 1986. The revised proposal included a preferred plan, Plan #1, to utilize a replacement transfer station facility site in Parsippany-Troy Hills Township, in conjunction with the previously selected transfer station site in Mt. Olive Township, to transfer all of Morris County's solid waste to the Keystone Landfill in Dunmore, Pennsylvania. In the event the newly proposed Parsippany-Troy Hills site could not be developed for any reason, the proposer included a second plan, Plan #2, which provided for increasing the capacity of the Mt. Olive transfer station facility to handle all of Morris County's solid waste. Since Plan #2 did not reflect the intention of the Selection Committee which was to utilize two transfer facilities, it was removed from further consideration. Under Plan #1, MCTS, Inc. calculated the tipping fees to be \$81.69 for a three year program, for both transfer stations. These proposed costs were within the RFP's anticipated cost range. The Department accepted the MCTS Inc. revised proposal and supported Plan #1 for approval and inclusion into the county plan.

On April 1, 1987, the Department proposed an amendment to the Morris County Plan incorporating the two transfer station sites, one in Mt. Olive and one in Parsippany-Troy Hills, as identified in Plan #1 proposed by Morris County Transfer Station, Inc. (MCTS). The Department proposed utilization of both sites for approval and inclusion into the county plan, since the two transfer station sites were suitable and would best serve the needs of the county by minimizing local hauling and truck traffic impact. The Department's amendment also proposed inclusion of operational plans and waste flow directives to both the Mt. Olive and Parsippany-Troy Hills sites.

In order to receive public comment, the Department followed the public notice procedures outlined in the Solid Waste Management Act, specifically N.J.S.A. 13:1E-23d. In doing so, each mayor in Morris County, the Morris County Board of Chosen Freeholders, the county solid waste coordinator and the county solid waste advisory council chairperson were sent copies of the proposed amendment together with the public hearing notification, via express mail on April 8, 1987. The proposed amendment, along with the same public hearing notification, was also distributed, via standard mail, to adjacent property owners, other elected officials in Morris County and all solid waste collector/haulers in Passaic, Somerset, Hudson, Middlesex, Sussex and Union Counties during the period of April 8 through April 13, 1987. Publication of the hearing notice appeared in The Daily Record and the Newark Star Ledger on April 8 and 15, 1987. The proposed amendment was also available for public inspection during this period at the municipal offices of each municipality in Morris County, at the county offices and at the Division of Solid Waste Management Offices, 401 East State Street, Trenton, New Jersey. The public hearing to receive testimony on the proposed amendment was held at Randolph High School, Randolph, New Jersey, April 29, 1987. Due to the substantial number of individuals who wished to testify, the public hearing was continued on May 4, 1987, at the Morris County Administration Building, Morristown, New Jersey. The public hearing record remained open through May 11, 1987 for additional written comments.

Copies of the proposed amendment were also distributed to various state level agencies for review and comment as required by law.

The Department has reviewed all testimony received at the public hearing and during the comment period, as well as those comments generated by the state level review process, and has determined that the amendment proposed by the Department of Environmental Protection on April 1, 1987, as modified below, is approved as outlined in Section C. of this document.

B. Findings and Conclusions with Respect to the Department's Proposed Amendment to the Morris County District Solid Waste Management Plan

1. Context of Current Disposal Crisis

The Department of Environmental Protection has determined that the solid waste management situation in Morris County has reached a critical stage and that interim disposal capacity must be developed until long term replacement facilities become operational.

Since the original Morris County Plan was adopted in early 1981, the county has become increasingly dependent on out-of-county disposal facilities. Since the closure of both Combe Fill sites, and then of Hamms Landfill in Sussex County, Morris County waste has been disposed of at the Edgeboro Landfill in Middlesex County. On June 12, 1987, the Department and the Board of Public Utilities (BPU) issued to the owners of Edgeboro Landfill, an order for the termination of landfill operations. This emergency order provides for the phased closure of the facility and directs the existing landfill to cease operations by January 1, 1988 at the latest.

During this period from 1981-1984, Morris County failed to implement any of the components of its own solid waste planning strategy which had been approved earlier by the DEP. To address this situation, and to move the county towards implementation of its solid waste management plan, the DEP and the county entered into an Administrative Consent Order (ACO) in January 1985. An implementation schedule with specific milestones was embodied within the Order to assure the development of a county landfill by January 15, 1986 and a resource recovery facility which would be operational by November 1, 1990. After entering the ACO, the county did adopt a plan amendment on July 10, 1985, designating a landfill on site 6-1B in Rockaway Township. This was followed with adoption of a second plan amendment on December 18, 1985, designating the same 6-1B site for a resource recovery facility. Both plan amendments were approved by the DEP.

On January 9, 1987, in response to several legal challenges to the county's designation of the landfill site, the Appellate Division directed vacating that portion of the Morris County Plan which designated Site 6-1B in Rockaway Township for a sanitary landfill. The court based its decision, requiring excision of the landfill site from the district plan, on a provision (known as the Roe Amendment) of the recently adopted Superfund Amendments and Reauthorization Act of 1986. This provision prevents any person from locating or authorizing the location of a landfill over an aquifer encompassing the Rockaway

landfill site. The landfill site on 6-1B has subsequently been deleted from the county plan.

In summary, the county's inability to adhere to its facility development schedules, the prohibitive federal legislation, the deletion of the landfill site from the county plan, and the county's failure to develop alternate disposal plans, leave the county with no immediate or short-term, solid waste disposal alternatives to replace its present reliance on Edgeboro Landfill.

## 2. State Agency Review Process

The Division of Solid Waste Management circulated the plan amendment to review agencies and solicited their review and recommendations. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various elements, bureaus and divisions within the Department of Environmental Protection. Review agencies also included the Department of Community Affairs, the Department of the Public Advocate, the Department of Health, the Office of Recycling, the Department of Agriculture, the Department of Transportation, the Board of Public Utilities and the New Jersey Turnpike Authority. Of these agencies, the following did not object to the proposed plan amendment: the State Departments of Agriculture, Health, and Transportation and the New Jersey Turnpike Authority. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Division of Water Resources and the Green Acres Program; the State Departments of Community Affairs and the Public Advocate; the Board of Public Utilities; the U.S. Environmental Protection Agency. The N.J.D.E.P. Divisions of Environmental Quality, Fish, Game and Wildlife, Parks and Forestry, the Office of Recycling, and the New Jersey Advisory Council on Solid Waste Management submitted substantive comments which are further addressed below.

The Division of Environmental Quality (DEQ) noted that the plan amendment was consistent with the plans and programs administered by that agency provided that truck traffic to and from the transfer station does not cause traffic congestion which would result in emissions exceeding the National Ambient Air Quality Standards (NAAQS). DEQ also commented that transfer stations are subject to the provisions of N.J.S.A. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits odors and other air contaminants which interfere with the enjoyment of life and/or property. N.J.A.C. 7:27-8.2 (A) 16 requires air pollution control permits for any equipment which vents a solid waste facility directly or indirectly into the outdoor atmosphere. Control devices to reduce odor and other air contaminants may be required on such vents if odors cause citizen complaints. The Department responds that these problems will be addressed in the transfer station's operating permit conditions.

The Division of Fish, Game and Wildlife is primarily concerned with containment of any pollutants on site, and prevention of any runoff to adjacent streams. All operational effluents must be treated and comply with state standards prior to discharge into the environment. Surface runoff should be monitored for compliance with state standards. Fish,

Game and Wildlife notes that the Mt. Olive site appears to straddle the Turkey Brook and Willis Brook drainage areas, trout production and trout maintenance streams, respectively.

The Department notes that there will be no contaminated surface water runoff to be discharged for the site. All truck and tipping floor washdown water will be collected in a holding tank, evaluated for possible treatment and then trucked off site. Since the transfer station will be a totally enclosed structure with a concrete floor, no garbage will be deposited directly on the ground, thereby preventing any contamination of surface and ground waters.

Fish, Game and Wildlife also pointed out that the Parsippany-Troy Hills site is in the proximity of the Rockaway River and some adjacent wetlands. It would expect to see a site specific environmental impact statement (EIS) that identifies wetlands vegetative cover types and focuses on potentially adverse impacts on the wetlands. The Department responds that the Parsippany-Troy Hills site wetlands' areas will be evaluated with regard to potential wetland issues.

The New Jersey Advisory Council on Solid Waste Management (NJSWAC) commented that the operation of two transfer stations in Morris County is vital to the short-term management of wastes. However, the Council maintains that Morris County must face the necessity for in-county facilities and continue its siting and implementation efforts for both resource recovery and landfill facilities. If the county fails to successfully pursue such facilities, the DEP must be prepared to step in to both site and construct facilities. The Department concurs completely with NJSWAC's assessment that the transfer station program represents only an interim strategy for solid waste disposal. Subsequently, the DEP will encourage the county to pursue implementation of its long-term solid waste management plan.

The Division of Parks and Forestry noted that across from the proposed Edwards Road site in Parsippany-Troy Hills, the Natural Heritage Program has records for the blue-spotted salamander. Any activities that affect the wetlands and forested areas on the site could have a negative impact on the population of this species, listed as endangered by the state. The Department responds that the area designated for transfer station program development is adjacent to Sharkey's Landfill and will inevitably be impacted by the closure and cleanup activities at the Superfund site. However, every effort will be made to provide a constant habitat for the blue spotted salamander with employment of mitigative measures to maintain a satisfactory habitat area. Such measures will be enumerated in the Environmental and Health Impact Statement (EHIS) submitted for the site.

The Office of Recycling maintains that the plan amendment is deficient with regard to recycling. According to the New Jersey Mandatory Statewide Source Separation and Recycling Act (P.L., 1987, c.102, Section 22 [a]), "On or after July 1, 1987, the Department shall not issue a registration statement or engineering design approval for any new or expanded solid waste facility in any county unless the person or party proposing to construct or operate the facility submits written

documentation and any other evidence the Department may require demonstrating to the Department's satisfaction that the goals of the relevant district recycling plan required by Section 3 of this amendatory and supplementary act have been incorporated into the plans for the proposed facility." The Office of Recycling believes that the amendment fails to address the integration of these transfer stations with either the existing mandatory recycling plan for Morris County, or the above provision of P.L. 1987, c. 102. Will the facility operation include the ability to separate and market county mandated designated recyclables or inspect the incoming loads for designated recyclables? The Department responds that under regulations to be promulgated by the Office of Recycling, the transfer station operators will be required to incorporate, as part of the Operations and Maintenance (O&M) Manual, an incoming waste inspection plan. This plan will identify the incidence of designated recyclable materials mandated to be source separated as per the Morris County District Solid Waste Management Plan, as well as each municipal ordinance. There will also be included in the O&M manual a notification plan to transmit the inspection plan findings to the designated municipal recycling coordinators pursuant to each municipal source-separation ordinance. Under the Operations Record, volume and tonnage records of recyclables recovered shall be kept for each separate material recovered. In addition, information regarding the municipality of origin and sector (residential, commercial, or institutional) for recovered materials shall be maintained. No later than fifteen days after the end of each calendar quarter, information regarding the tonnage for each separate material recovered during the previous calendar quarter shall be transmitted to the county recycling coordinator as well as each municipal recycling coordinator for those municipalities identified as the origin of any materials recovered. Furthermore, Waste Origin and Destination (O&D) forms for trucks carrying waste from which materials have been recovered for recycling shall be made available, upon request, to the Morris County recycling coordinator and each municipal recycling coordinator, to assist in the recycling enforcement strategy.

The Division of Solid Waste Management commented that the cleanup and closure activities involved in the closure of the Superfund site, Sharkey's Landfill, may require the use of portions of the designated transfer station property in Parsippany-Troy Hills. Due to this situation, it would be desirable to acquire additional acreage to provide flexibility in the design, layout, development and operation of the transfer station facility. The Department concurs with this position and recommends acquisition of an additional site by the vendor. Further, Morris County will be encouraged to provide for inclusion of any additional, acquirable property, adjacent or contiguous to the site herein designated, into the county plan through a plan amendment.

### 3. Summary of Public Hearing Process

As noted above, in accordance with the requirements of N.J.S.A. 13:1E-23, a public hearing on the proposed amendment was conducted by the Department on April 29, 1987, at the Randolph High School, Randolph, New Jersey and continued on May 4, 1987, at the Morris County

Court House, Morristown, New Jersey. At the combined sessions of the hearing one hundred (100) individuals presented eleven (11) hours of testimony. In addition, individuals and firms submitted written documents, photographs, a video and a slide presentation as testimony. A comment period to receive additional written testimony was kept open until 5 p.m., May 11, 1987. The questions raised during these proceedings have been addressed, specifically, in the Response to Public Hearing Document included within this certification as Appendix A.

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

I, Richard T. Dewling, Commissioner of the Department of Environmental Protection, pursuant to 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, and the Department's powers regarding approval, rejection or modification of district plans, hereby declare that the portion of the Morris County Solid Waste Management Plan which pertains to the interim disposal arrangement (hereinafter referred to as "interim plan") is deficient. The county's current "interim plan" relies upon continued utilization of the Edgeboro Landfill in Middlesex County in the absence of an interdistrict agreement. As noted in the Department's proposed amendment, this strategy is no longer feasible and is amended herein to provide for contingency measures that are necessary since landfilling privileges at the Edgeboro Landfill shall terminate by December 31, 1987 and operation of the proposed Morris County resource recovery facility is not anticipated until 1990.

Based upon the foregoing, I hereby adopt the following plan amendment based upon the April 1, 1987 proposed amendment to the Morris County District Solid Waste Management Plan and certify that the April 1, 1987 amendment is approved as further specified below:

1. Inclusion of Transfer Station Facilities Into the District Plan

I hereby include in the Morris County District Solid Waste Management Plan:

- a. A transfer station site located at the intersection of Goldmine Road and Flanders-Netcong Road on Block 14, Lot 1 in the Township of Mt. Olive, and;
- b. A transfer station site located at the corner of Sharkey Road and Edwards Road on a portion of Block 769, Lot 1 in the Township of Parsippany-Troy Hills. In order to provide site flexibility desirable for the design and operation of the transfer station, the Morris County Freeholders are hereby directed to adopt a plan amendment for inclusion in the county plan of an additional site in Parsippany-Troy Hills, known as Block 768, Lots 2, 3 and 5, across from the initial transfer station site on Edwards Road, Parsippany-Troy Hills.



The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq. Issuance of the operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department and the Attorney General to be deserving of licensing under the provisions N.J.S.A. 13:1E-126 et seq.

## 2. Operational Plan

- a. I hereby approve the transfer station arrangements for a minimum of three years service and a maximum of five years service. This period of service shall begin when the transfer station system becomes operational, on or about January 1988, and commences disposal of waste for out-of-state disposal.
- b. The solid waste transfer stations approved herein will service all of Morris County. The Morris County Transfer Station, Inc. facility to be located in Mt. Olive will be designed to process 510 tons of solid waste per day. The Morris County Transfer Station, Inc. facility to be located in Parsippany-Troy Hills will be designed to process the remainder of the waste stream, or approximately 1000 tons per day. These design capacities are based on the latest estimates of Morris County's total waste generation for 1986. However, these figures may be subject to modification due to changes resulting from seasonal, economic, recycling and development impacts. Waste will be processed at the transfer station facility and prepared for long distance transport to the Empire Sanitary Landfill, Inc. in Taylor, Pennsylvania. A backup contract has also been secured with Delaware Residual Products, Newcastle, Delaware.
- c. Solid waste will be collected in the Morris County municipalities and delivered to the appropriate transfer stations as identified in the redirection of waste flows listed below. The transfer trailers will transport the solid waste from both the Mt. Olive and Parsippany-Troy Hills sites to licensed out-of-state disposal sites.

## 3. Designation of Waste Flow to Proposed Transfer Station Sites

Following the closure of the Combe Fill Landfills in Morris County and the Hamm's Landfill in Sussex County, all solid waste types 10, 13, 23, 25, and 27 generated within Morris County have been disposed of at the Edgeboro Disposal, Inc. Landfill located in East Brunswick Township, Middlesex County, New Jersey, with the exception of Washington Township, which has disposed of its waste at the Ocean County Landfill or out-of-state facilities, and Mt. Arlington which has its own active municipal landfill.

The proposed transfer stations will provide a viable, short-term disposal method for the residents of Morris County until the development of long-term resource recovery and landfill facilities. In order to accommodate solid waste disposal services there must be, among

other things, a redirection of solid waste generated within Morris County's thirty-nine (39) municipalities to the two transfer stations.

The following waste flow redirects approximately one-third of the county's municipal solid waste stream (MSWS) from the municipalities in the western section of Morris County to the station in Mt. Olive and approximately two-thirds of the county's MSWS from the municipalities in the eastern section of Morris County to the station in Parsippany-Troy Hills. Municipal solid waste generated within Mt. Arlington will continue to be disposed of at its municipal landfill until the facility closes, at which time its municipal solid waste is directed to the station in Mt. Olive. The following waste flow directive is subject to modifications through an additional plan amendment or by the DEP and BPU, through amendment of the Waste Flow Rules.

The Department herein approves for plan inclusion a redirection of waste flow from the Edgeboro Disposal, Inc. Landfill and the Ocean County Landfill Corporation to the two transfer stations as noted below.

- a. All waste types #10, 13, 23, 25, and 27 generated from within the Morris County municipalities of Chester, Chester Township, Dover, Jefferson, Mendham, Mendham Township, Mine Hill Township, Mt. Arlington\*, Mt. Olive, Netcong, Randolph, Rockaway, Rockaway Township, Roxbury, Victory Gardens, Washington Township and Wharton are to be directed to the MCTS, Inc. transfer station located in the Township of Mt. Olive, Morris County, New Jersey for transportation to DEP approved out-of-state disposal facilities. \*(The Township of Mt. Arlington will be directed to the Mt. Olive station when its municipal landfill ceases operation.)
- b. All waste types #10, 13, 23, 25, and 27 generated from within the Morris County municipalities of Boonton, Boonton Township, Butler, Chatham, Chatham Township, Denville, East Hanover, Florham Park, Hanover, Harding, Kinnelon, Lincoln Park, Madison, Montville Township, Morris Plains, Morris Township, Morristown, Mountain Lakes, Parsippany-Troy Hills, Passaic Township, Pequannock and Riverdale are to be directed to the MCTS, Inc. transfer station in the Township of Parsippany-Troy Hills, Morris County, New Jersey for transportation to DEP approved out-of-state disposal facilities.

The above redirection of the waste flows may be revised after the start-up of the transfer station program if the waste loadings at the transfer stations so warrant.

- c. Inclusion of Collection and Transport Routes Into the District Plan

To minimize local traffic impact the general traffic routes to be used are as follows:

- a. Routes to Parsippany-Troy Hills Transfer Station Facility.
  - (1) Collection vehicles using routes to facility from points outside Parsippany-Troy Hills: Enter eastbound Interstate 80 to eastbound Interstate 280, continue on Interstate 280 to Eisenhower Parkway exit, return westbound Interstate 280 to New Road Exit, turn right onto New Road, right onto Edwards Road to the transfer station facility.
  - (2) Collection vehicles and transfer trailers using routes exiting the Parsippany-Troy Hills facility: Turn right onto Edwards Road, left onto New Road, enter eastbound Interstate 280, continue eastbound to Eisenhower Parkway Interchange, complete a 180 degree turn using appropriate portions of the cloverleaf interchange, enter westbound interstate 280 and continues to appropriate destinations.
  
- b. Routes to the Mt. Olive Transfer Station Facility
  - (1) Collection vehicles entering the Mt. Olive facility will utilize Route 206 northbound or southbound, turn onto Gold Mine Road, make a left hand turn into the facility. Collection vehicles exiting the facility will utilize Gold Mine Road and either North or South bound Route 206.
  - (2) Transfer trailers entering and exiting the Mt. Olive facility must utilize Interstate 80 to Rt. 206 south to Gold Mine Road and Gold Mine Rd. to Route 206 North to Interstate 80 (westbound), respectively.
  
- c. The traffic routes described above will be analyzed during the Department's review of the permit application and Environmental and Health Impact Statement (EHIS) submitted for each facility. These routes may be revised based on the results of these reviews. The Morris County Board of Chosen Freeholders is hereby directed to modify the Morris County District Solid Waste Management Plan to reflect any deviations to the traffic routes developed as a result of the technical review phase of the Department's permit process.

5. The Department has reviewed the entire Morris County District Solid Waste Management Plan, including this amendment, to determine whether the plan fulfills the requirements set forth in N.J.S.A. 13:1E-21. The result of that review is as follows:

- a. N.J.S.A. 13:1E-21b(1) requires the designation of a Department, unit, or committee of county government . . . to supervise the implementation of the county's solid waste management plan.

Morris County has complied with the requirements of N.J.S.A. 13:1E-21b(1) by designating the Morris County Planning Board to supervise the implementation of the district solid waste management plan. With respect to the development of the transfer

station program, the Department has assumed the responsibility for implementation and oversight of the design, construction and operation of the project.

- b. N.J.S.A. 13:1E-21b(3) requires a site plan which shall include all existing solid waste disposal facilities located within the solid waste management district . . . and sufficient additional available suitable sites to provide solid waste facilities to treat and dispose of the actual and projected amounts of solid waste contained in the report accompanying the plan.

As indicated in C.b(3), with the exception of a small, municipal landfill in North Arlington, Morris County has no operational solid waste disposal sites within its borders. The county presently requires the disposal services of the Edgeboro Landfill in Middlesex County. In the near future, following closure of Edgeboro Landfill, the county will require the use of out-of-state disposal facilities. In the absence of any short-term alternatives or implementation of the county's long-term strategy, the Department has taken action to develop a short-term transfer station program. While the inclusion in the plan of the transfer station program provides the county with an interim disposal strategy, it does not diminish the need for implementation of a long-term landfill and resource recovery facility. Although the county has a resource recovery site, the county plan does not have a landfill site for ash residuals. The Morris County District Solid Waste Management Plan is, therefore, deficient with respect to N.J.S.A. 13:1E-21b(3).

- c. N.J.S.A. 13:1E-21b(4) requires a survey of proposed collection districts and transportation routes with projected transportation costs from collection districts to existing or available suitable sites for solid waste disposal facilities.

The Morris County District Solid Waste Management Plan does not contain an updated survey of transportation routes with projected transportation costs from collection districts to the proposed resource recovery site or any suitable alternate site. Therefore, with the exception of the interim transfer station program and routing information included herein, the Morris County District Solid Waste Management Plan is deficient with respect to the requirements of N.J.S.A. 13:1E-21b(4).

- d. N.J.S.A. 13:1E-21b(5) requires procedures for coordinating all activities related to the collection and disposal . . . within the solid waste management district, which procedures shall include the agreements entered into as provided herein between the Board of Chosen Freeholders . . . and every such person, and the procedures for furnishing the solid waste facilities contained in the Solid Waste Management Plan.

Morris County's past and continued use of the Edgeboro Landfill for the disposal of all the county's waste has occurred without an interdistrict agreement between Morris and Middlesex Counties

pursuant to the Solid Waste Management Act. Therefore, the Morris County District Solid Waste Management Plan is deficient with respect to the requirements of N.J.S.A. 13:1E-21b(5).

The provisions of the transfer station program as a short-term disposal strategy will not necessitate interdistrict agreements since the vendor will utilize out-of-state disposal facilities.

- e. N.J.S.A. 13:1E-21b(6) requires a method or methods of financing solid waste management in the Solid Waste Management District pursuant to the Solid Waste Management Plan.

In the absence of a resource recovery facility or any designated landfill site, no solid waste financial plan has been submitted by the county. Therefore, the Morris County Solid Waste Management Plan is deficient with respect to the requirements of N.J.S.A. 13:1E-21b(6).

Regarding the transfer station program, the initial costs to finance development and construction of the transfer station project will be borne by private investment, with disposal rates established by the Board of Public Utilities. While the transfer station will, undoubtedly, increase the disposal costs presently incurred by Morris County residents, such costs are consistent with recent trends in disposal costs where no in-county or in-state facilities are available to an individual district. Also, all costs are subject to the utility rate setting process conducted by the Board of Public Utilities.

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 amendment to the Morris 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 Morris 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 Morris County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Morris 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, 10, and 12 and all other applicable laws.

3. Types of Solid Wastes Covered by the District Solid Waste Management Plans

The provisions of the Morris 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 Morris 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 N.J.A.C. 7:26-2.13.

6. Effective Date of Amendment

The amendment to the Morris County District Solid Waste Management Plan contained herein shall take effect immediately and shall not be construed as being contingent upon compliance by the Morris County Board of Chosen Freeholders with the modification directed in Section E. herein.

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 Morris County District Solid Waste Management Plan, including any amendment made therein 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 of the Amendment and Notification of Deficiencies 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 Morris County District Solid Waste Management Plan which was proposed by the Department of Environmental Protection on April 1, 1987, and further direct the Morris County Board of Chosen Freeholders to remedy those deficiencies outlined in Section C. of this certification as soon as possible. The Morris County Board of Chosen Freeholders are also hereby directed to adopt and submit a plan amendment to the Department, within sixty (60) days of this certification, which provides for the inclusion of the additional site in Parsippany-Troy Hills as noted in Section C.1.

7/28/87  
DATE

Michael L. Catania for  
RICHARD T. DEWLING

COMMISSIONER

DEPARTMENT OF ENVIRONMENTAL PROTECTION

## APPENDIX A

### MORRIS COUNTY TRANSFER STATION RESPONSE TO PUBLIC HEARING DOCUMENT

#### SITING

##### (1) Comment:

Comment was raised that the transfer stations should not be sited in a residential area like the proposed Mt. Olive site.

##### Response:

The proposed Mt. Olive site is located in an area zoned "L-I" (industrial) and not within a residential zone. The vicinity map included in the facility plans demonstrates that the site is located along Gold Mine Road in a Light Industrial District. The Light Industrial District extends from the MCTS site some 2300 feet to the east, on property which is occupied by such neighboring uses as a quarry, a hazardous waste transfer station, and other industrial uses. The Light Industrial District also extends from the corner of Gold Mine Road and Flanders-Netcong Road some 1400 feet to the south and encompasses the remainder of the 20 acre parcel owned by MCTS. MCTS owns and controls the structures on this property and thus will control the future use of these buildings.

On the north side of Gold Mine Road, opposite the proposed MCTS facility is a general industrial district extending from Flanders-Netcong Road to Route 206 along Gold Mine Road. This portion of the general industrial district includes such uses as a construction company, a truck part distribution outlet, an industrial warehouse, a stone products business and vacant land. On the west side of Flanders Netcong Road, opposite the MCTS site, the Light Industrial District extends for a distance of over 1500 feet and includes such uses as a stone crushing operation, an active asphalt plant, a concrete business, and vacant land. Finally, on the north side of Gold Mine road extending from Flanders- Netcong Road to the west, the general industrial zone also extends for a distance of over 1500 feet and encompasses the former Combe Fill North Landfill.

The nearest off-site residence (which is located in another zone) is approximately 900 feet from the proposed transfer station building. Further, the Mt. Olive site is sufficiently buffered from the nearest residential area by a considerable amount of property which contains a stand of mature trees.

#### SELECTION PROCESS

##### (2) Comment:

Comment was made that the proposal submitted by MCTS was inadequate and that the selection process was flawed and deficient, particularly since only one proposal was received.



Response:

In order to avert a solid waste disposal crisis, the Department decided to intervene in the solid waste management planning process of Morris and several other counties. On January 17, 1986, the Department proposed amendments to the Solid Waste Management Plans of Morris, Passaic, Somerset and Union Counties to include a short-term disposal strategy consisting of one or more transfer stations in each of the counties to transport their waste to out-of-district disposal facilities. The Department decided that the most effective means of getting transfer stations constructed and operating in the four counties in time to avert the pending crisis, would be a private nomination process. Because the Department lacks implementation powers necessary to acquire land or contract directly with vendors, it relied on its planning powers under the Solid Waste Management Act to amend the County plans which were found to be deficient. Lacking implementation powers, the Department had to rely on private sector entities to nominate sites that the persons or businesses were interested in developing as transfer stations facilities. The Department's nominations process incorporated a request for proposal (RFP) that provided the Department with basic information on each nominated site and on the proposer's ability to develop the site and to dispose of the county's waste. This nominations process was made part of the Morris County Plan on May 13, 1986. The Department distributed the RFP on May 23, 1986, to 84 persons and waste management firms.

Only one transfer station proposal was received for Morris County. The Department realized that while this proposal did not satisfy all of the criteria in the RFP and was not initially complete, it presented the potential to provide for the County's disposal needs if satisfactorily modified. Accordingly, the Department proceeded to conduct a detailed evaluation in order to identify strengths and weaknesses of the proposal. The proposal evaluation process involved the review of all submitted materials including overall responsiveness to the RFP, financial resources, technical qualifications, experience, ability to obtain financing and disposal contracts, as well as ability to obtain back-up disposal facilities.

Based on the detailed evaluation, the DEP gave the proposer an opportunity to modify its proposal. For example, the proposer was required to submit a replacement site for an unacceptable site which was initially proposed to be located in a wetlands area. Finally, through the Department's efforts, the proposer submitted an appropriate proposal. Throughout this period, the Department considered disposal needs. Accordingly, the steps taken to select the MCTS proposal were fair and responsible and consistent with the law.

(3) Comment:

Comment was made that there are better and more accessible alternative sites available for a transfer station, than those presented by the vendor.

Response:

The Department prepared and followed a carefully structured proposal and site selection process, relying on sites nominated by interested private developers. This approach was chosen since the Department does not have the authority to implement transfer station sites under existing state law. The Department's RFP

process was the mechanism chosen to ensure private sector participation from those willing and capable of proposing suitable sites that could be implemented.

Although the Department realizes there may be alternative suitable and accessible sites available for this project in Morris County, no other proposals (which could have included alternative sites) were submitted. The RFP required each proposer to propose a site, which the Department would review against predetermined siting criteria in the RFP, prior to selection and inclusion in the Morris County district solid waste management plan. Based on the site selection criteria both the Mt. Olive and (re-submitted) Parsippany Troy Hills sites were determined to be acceptable by the Department.

(4) Comment:

Comments were raised about the projects vulnerability and dependence on out-of-state disposal facilities.

Response:

This issue was addressed during a public hearing held in January of 1986, in which the Department recognized the pending solid waste crisis and responded by adopting an amendment which provided for a multi-regional transfer station project that would rely on out-of-district disposal facilities. Prior to the amendment, the Department undertook a survey of available permitted landfill capacity in Pennsylvania, New York and other states, and confirmed that adequate capacity was available to meet the needs of the transfer station initiative in northern New Jersey. Although reliance on out-of-state facilities does present additional risks not presented by in-state facilities, lack of in-state facilities requires an acceptance of some of these risks. To reduce the risks, the Morris County transfer station RFP required proposals to demonstrate an ability to use out-of-district waste disposal sites. The proposer contracted with the Keystone Landfill in Dunmore, Pennsylvania, which was acceptable according to the RFP. Since this disposal facility is temporarily restricted in waste acceptable, due to enforcement proceedings undertaken by the Pennsylvania Department of Environmental Resources, MCTS has begun to negotiate with other out-of-state landfills in the event the Keystone Landfill does not resume full scale operations. At this time the proposer has obtained landfill contracts with Empire Sanitary Landfill in Taylor, PA., and Delaware Residual Products, Inc., in New Castle, Delaware. Additionally, the proposer has provided letters of commitment with backup landfills as required under the conditions of the RFP in the event the primary landfill becomes unavailable to the transfer station.

(5) Comment:

Comments were raised with regard to one operator gaining control over the county's entire waste flows. Ramifications of this issue were the concerns (1) that the profit to be derived from the transfer station project was excessive, and (2) profit-making, private ownership is detrimental to the purpose of serving the public good.

Response:

The Solid Waste Management Act authorizes private individuals or companies to operate a transfer station project and, barring legislative changes, it will

continue to be state policy. The rates charged and profits earned by the private concern will be established and regulated by the New Jersey Board of Public Utilities, which will insure that the private company receive only a reasonable return on their investment.

(6) Comment:

Comment was made that the Mt. Olive township authorities did not receive a copy of the complete proposal package submitted by MCTS.

Response:

Although the Department did not initially supply the township with a complete proposal package prior to the Department's preliminary review of the proposal for reasonableness, the remaining materials were supplied at a later date. Accordingly, Mt. Olive officials had adequate time to review all the materials prior to the plan amendment public hearing. Further, in August, 1986 the Commissioner of the DEP met with local officials from both Mt. Olive and Parsippany-Troy Hills to discuss the transfer station proposal and solicit their input.

(7) Comment:

Many residents expressed their dissatisfaction and distress over Mt. Olive's historic involvement with solid waste. The testimony offered cited past situations when Mt. Olive served as the disposal site for both in-county and out-of-county waste. The residents noted that the Combe Fill North Landfill is a Superfund site and has yet to be cleaned up.

Response:

Mt. Olive's past history of serving as a major disposal site for Morris County cannot be denied. During a two to three year period while serving as host to Combe Fill North, Mt. Olive accepted eighty per cent of Morris County's waste stream. However, it should be pointed out that other Morris County municipalities hosted landfills, most notably Chester Township, and at least six municipalities in Morris County also have Superfund sites. Mt. Olive is not the only Morris County municipality selected for disposal of county waste, nor is it the only municipality in which a Superfund site is being subjected to a lengthy study and closure. Under the plan amendment, Mt. Olive will receive about 30% of the county's waste and the Parsippany-Troy Hills site will receive 70% of the county's waste flow.

The Department acknowledges the extent and intensity of feeling expressed by Mt. Olive residents regarding their past waste management history. However, the transfer station must be examined on its individual merits. Proper cleanup and closure of Combe Fill North is in no way related to the construction and operation of the transfer station facility.

TRAFFIC

(8) Comment:

Comment was made that there will be an enormous increase in traffic through the area of the proposed transfer station sites which would impact traffic flow on already congested streets and intersections.

Response:

Potential traffic congestion caused by the transfer station facilities will be carefully studied to ensure that the facilities do not cause adverse traffic impacts that cannot be mitigated. A detailed traffic study must be submitted for a transfer station by the proposer as part of the permit application process. This study must demonstrate that the access routes to the facility will not experience significant adverse traffic impacts and that the existing Level of Service (LOS) on these routes will not be degraded as a result of the station's operation. If the situation warrants, the Department will consider such mitigative measures as redesign or expansion of the impacted roadway/intersection, installation of traffic control measures or restricting the number of vehicles that will use the facility during peak traffic hours.

In order to minimize traffic impacts, the Department will designate access routes for vehicles using the facility. Traffic routing will be enforced through the district solid waste management plan and through conditions imposed in the operating permit for the facility. The Department is currently preparing a proposed amendment to the Solid Waste Regulations that would require collectors/haulers (operators) to abide by the designated traffic routes in the plan and the solid waste facility permit. Accordingly, through the solid waste rule amendment, DEP, county and municipal officials will have additional authority to enforce the traffic routes against individual collector/haulers using the facility.

Finally, in order to avoid possible damage to local roadways, the New Jersey Department of Transportation establishes truck weight limits on various types of roadways, including those used for access to the facility. The transfer station operators must demonstrate, through its approved operation plan, that it will be in compliance with these road weight regulations.

(9) Comment:

Comment was raised that the transfer station proposed for Mt. Olive would expose local businesses to adverse economic impact and that new businesses in the area could experience a loss of customers due to local traffic routes being congested with unsightly trash trucks.

Response:

The proposed Mt. Olive site is located in an industrial zoned area: a transfer station is consistent with this zoning. Businesses established in this area include a stone quarry, a hazardous waste facility, an asphalt plant, a stone crushing facility, an industrial warehouse and a construction company, as well as light industry. Thus, significant truck traffic through this area already occurs

as a result of the allowed uses under local zoning ordinances. However, in trying to mitigate existing and future traffic problems in this area, the Department of Transportation is considering plans to improve Route 206 at Gold Mine Road (i.e., installation of a left turn lane and traffic light). The Gold Mine Road intersection improvements are being specifically studied with respect to the potential need to mitigate impact resulting from the transfer station at this location.

#### ENVIRONMENTAL IMPACTS

##### (10) Comment:

Comments were made regarding potential environmental conditions such as litter, noise, odors and vermin that could result from operation of the facility.

##### Response:

Environmental concerns such as litter, odor, noise and rodent control are regulated and can be adequately addressed through permit conditions and enforced through Departmental regulations. For example, any permit will require that odor impacts be nondetectable for any area of human occupancy. Also, the operation of the facility involves bringing the waste in and transporting it out as quickly as possible to prevent odor and vermin control problems. The waste is not to remain stored on the facility floor, but placed as soon as possible into the larger transport trailers. The facility site will be fenced in and all dumping and transfer operations will be carried on inside an enclosed building to prevent litter problems. The facility is also required to build in redundancy in case of equipment breakdown, to prevent on-site storage of the waste and resultant environmental problems.

##### (11) Comment:

Comments were received questioning what methods will be used at the transfer stations to prevent site related materials from entering surface and ground waters and whether groundwater monitoring systems would be implemented at the sites.

##### Response:

The Department's regulations and guidelines for transfer station design and operation require utilization of a totally enclosed building with doors where waste will be dumped and handled. The tipping floor and ramps must be constructed of suitable strength concrete to prevent solid waste from coming into contact with surface and groundwaters. The floor is designed to contain and channel all waste water, including wash down water, to sanitary sewer collection lines or on site, corrosion resistant holding tanks. The tank will be pumped periodically and the tank contents will be transported to a permitted wastewater treatment facility. The Department's Water Quality Management element in the Division of Water Resources will review the design and the preliminary operations and maintenance plan, from the standpoint of potential discharges to surface and groundwaters. If appropriate, the facility will be required to obtain a New Jersey Pollutant Discharge Elimination System (NJPDES) permit for any potential discharge. This permit will establish discharge limitations and monitoring requirements.

In addition, although some commentors expressed concern for the Netcong well field, the proposed facility plan for Mt. Olive indicates that surface runoff will drain away from the Netcong well field and, instead, to the southwest corner of the site into a storm water detention basin. All runoff discharge will be screened for floating debris, which will be collected and removed as part of normal housekeeping requirements of any permit. The permit review process will consider the impact of the detention basin on both surface and ground water. Any permit issued will provide for appropriate controls.

(12) Comment:

Comment was made that the proposed site (Mt. Olive) may contain critical wildlife habitat.

Response:

NJDEP is not aware of any information that indicates the Mt. Olive facility contains critical habitat of an endangered or threatened species. Nevertheless, this issue will be thoroughly investigated prior to final permitting and construction.

HISTORIC BUILDINGS

(13) Comment:

Comment was made that the proposed Mt. Olive property site contains several buildings/structures that may have historical significance.

Response:

The proposed transfer facility is located on an approximately 20 acre site owned by MCTS. There are 5 existing buildings or structures located on the site. None of these structures have been placed upon the State or Federal Historic Register. The law provides that the federal government may place a site or structure on the historic register (and thus preserve it) only with the concurrence of the property owner. MCTS has not given its consent to such historic designation. However, should it be determined that these structures do have historic significance, then steps may be taken by the Department, through the permit process, towards their preservation.

FACILITY OPERATIONS

(14) Comment:

Several questions and comments were received concerning the facility operations, relative to waste types and special handling procedures (i.e., large, bulky materials and the possibility of toxic or hazardous materials that could be part of the waste stream).

Response:

These issues will be addressed during review of applicable permits and designs. Operational procedures that are being questioned at this time will be resolved during the review process and made a condition of any permit approval. Solid

waste transfer stations are not allowed to accept hazardous wastes for transfer. Existing state laws regulate the handling, transportation and disposal of hazardous waste (as defined in N.J.A.C. 7:26-1.4) and haulers of hazardous waste must properly identify the types of waste being transported and the identification (placard number) must appear on the sides of the haulage vehicle. Any permit will contain a provision for reporting requirements and proper disposal of hazardous waste that is inadvertently received by the transfer station.

(15) Comment:

Comments noted that the vendor's proposal failed to provide an adequate emergency response plan.

Response:

The RFP issued by the Department of Environmental Protection did not request submission of an emergency response program in the initial proposal. However, as part of the engineering report, a preliminary operations and maintenance program must be included. Within this program will be included the methods to be employed by the facility to implement the requirements of N.J.A.C. 7:26-2.11(b)7. which calls for compliance with fire and emergency regulations. A detailed proposal and operational plan will be submitted with the facility's engineering designs. Any facility application will specifically address the adequacy and location of on-site water supplies for firefighting equipment, ingress and egress routes and the type and nature of firefighting equipment required to provide adequate protection, chemical substances to be utilized in emergency firefighting response activities and other emergency events that could arise.

(16) Comment:

Concern was expressed that the Administrative Consent Order, signed by Morris County and the Department of Environmental Protection in January, 1985 contained a reference which would require Morris County give waste-payback to Middlesex County through the transfer station project.

Response:

The provision in question in the Administrative Consent Order stated that: "In compensation for the use of solid waste disposal capacity in Middlesex County by certain Morris County municipalities previously utilizing Hamm's Landfill, the parties agree that, Morris County will accept for disposal at its landfill facility solid waste generated outside of Morris and Middlesex Counties, but currently disposed of in Middlesex County, in an amount equal to the quantity of solid waste disposed of in Middlesex County from the Morris County municipalities previously utilizing the Hamm's Landfill." The issue is whether the agreement could be interpreted to mean that upon operation of the transfer stations, Morris County will be required to import out-of-county waste at the transfer stations. The DEP does not interpret the 1985 ACO as requiring the disposal of out-of-county waste at transfer stations in Morris County, nor does the Department have any intention of seeking such an interpretation. Indeed the provision is expressly limited to a landfill facility and does not encompass a transfer station site. Further, the ACO is, in essence, an agreement between the

Department and Morris County, and can only be enforced by the county and the Department.

EXCLUSION OF SUB-REGIONAL FACILITIES

(17) Comment:

Representatives of Filiberto Sanitation urged adoption of a proposal by that company to develop a transfer station on Parker Road, Chester Township, designed to handle waste collected by the company. Similarly, a letter was received from the attorney for Policastro Services, Inc., requesting that his client's proposed transfer station site in Roxbury Township be included by the Department in the Morris County Solid Waste Management Plan. In addition, numerous individual citizens commented that the Department should consider sub-regional transfer stations to be established throughout Morris County.

Response:

The Department's transfer station initiative was designed to ensure that all solid waste generated in Morris County could be processed for long distance transport to out-of-state disposal facilities. Consistent with this objective, the Department's RFP process required that each proposer make provision for the entire Morris County waste stream, whether through one transfer station or a series of facilities. The proposal received from Morris County Transfer Station, Inc. and ultimately accepted by the Department with modifications, provides for sufficient capacity for transfer of the entire Morris County waste stream through the establishment of two transfer stations.

Sub-regional transfer stations, such as the proposed Filiberto Sanitation transfer station, would serve only solid waste collection vehicles operated by that company. While this is not necessarily inconsistent with the Department's desire to establish a capacity to transfer the entire County waste stream to distant disposal facilities, the proposals for sub-regional transfer station facilities would not assist in meeting the Department's goal of insuring a sufficient capacity to transfer the entire County's waste flow. On the one hand, if the successful proposer, Morris County Transfer Station, Inc. ("MCTS"), is able to develop its transfer station facilities, sub-regional facilities will not be necessary to meet the Department's goal. On the other hand, if MCTS is unable to successfully develop its facilities, sub-regional facilities that are dedicated to particular collection companies, such as the Filiberto proposed facility, will be unable to satisfy the Department's goal of transferring the County's entire solid waste stream. For example, if the Filiberto facility were included in the County plan and successfully developed while the MCTS's transfer station program failed to develop successfully, the Department would be unable to direct Filiberto's waste out of state at a significantly higher final disposal cost than that experienced by all other haulers in the County. If such a partial redirection of only the waste flow collected by Filiberto Sanitation were undertaken, that company would suffer a severe competitive disadvantage due to the increase cost of disposal that it would be required to charge customers and would lose, in all likelihood, a substantial amount of its collection business to other haulers. Consequently, because sub-regional facilities would not aid in meeting the Department objective in intervening into the Morris County Solid Waste Planning process, the Department has chosen not to include sub-regional facilities in its plan amendment.



The Department has indicated throughout the transfer station planning process that it has no objection to the inclusion of sub-regional facilities if included in the district Solid Waste Management Plan by the County and if the sites for such facilities were suitable. This position recognizes that these sub-regional facilities are not essential to developing the capacity to transfer the entire County waste stream to distant disposal facilities, but involve land use considerations properly within the province of the County absent an overriding Departmental concern. In addition, the Department has indicated throughout the transfer station planning process that it would be willing to include suitable sub-regional facilities in a County-wide transfer station system. In order for the Department to consider such an inclusion of sub-regional facilities in a County-wide transfer station system, the Department would need to have presented to it a modification of the proposed County-wide transfer station system already submitted to it, which would outline the relationship between the various facilities to be established. Although the Department is aware that MCTS and Filiberto Sanitation have conducted discussions in this regard, the companies apparently have been unable to come to an agreement to date. Absent a formal modification in the proposal submitted by Morris County Transfer Station, Inc., the Department has chosen to include in the Morris County District Solid Waste Management Plan those transfer station sites contained in the proposal based upon the Department's assessment that the proposed sites are suitable and capable of development by the proposer.

COLLUSION AMONG MT. OLIVE COUNCIL/COUNTY OFFICIALS AND VENDOR

(18) Comment:

A number of individuals commented that they believed there was collusion between certain Mt. Olive council officials or certain county officials and the proposed vendor. The allegation was made that meetings and discussions had taken place between these parties at various times prior to and after the Department's receipt of proposals by MCTS.

Response:

The Department is aware of no evidence that supports charges of improper activities between local and county officials and the proposer and indeed the individuals making these comments failed to provide substantiation for these charges. The process followed by the Department in solicitation of proposals, selection of proposals and inclusion of the selected proposer in a plan amendment, has been conducted in an open and public manner. The rationale, procedure, and results of each step of the solicitation, selection and proposal inclusion process has been documented in writing. The Department is not aware of any improper discussions among individuals which influenced the outcome of the Department's selection and inclusion process in any manner. Although the Department did meet with local and county officials and the proposer at various times during the development of this project, these meetings were proper governmental activities that are not in violation of any laws.