



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ROBERT E. HUGHEY, COMMISSIONER
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(IN THE MATTER OF CERTAIN AMENDMENTS)
(TO THE ADOPTED AND APPROVED SOLID)
(WASTE MANAGEMENT PLAN OF THE)
(HACKENSACK MEADOWLANDS DISTRICT)

CERTIFICATION OF PARTS OF THE
FEBRUARY 27, 1984 AMENDMENT AND
CERTIFICATION OF THE JUNE 25, 1984
AMENDMENT TO THE HACKENSACK MEADOWLANDS
DISTRICT SOLID WASTE MANAGEMENT PLAN

BY ORDER OF THE COMMISSIONER:

A. Introduction

The New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) established a comprehensive system for the management of solid waste in New Jersey. The Act designated all twenty-one (21) of the State's counties, and the Hackensack Meadowlands District, as Solid Waste Management Districts, and mandated that the Boards of Chosen Freeholders and the Hackensack Meadowlands Development Commission develop comprehensive plans for waste management in their respective Districts. On July 31, 1980, the Department approved, with modifications, the Hackensack Meadowlands District Solid Waste Management Plan.

The Act requires that all district plans be based on and accompanied by a report detailing the existing waste disposal situation in the district, and a plan which includes the strategy to be followed by the district in meeting the solid waste management needs of the district for the ten-year planning period. The report must detail the current and projected waste generation for the district, inventory and appraise all facilities in the district, and analyze the waste collection and transportation systems which serve the district. The disposal strategy must include the maximum practicable use of resource recovery techniques. In addition to this strategy, the plan must designate sufficient available suitable sites for the disposal of the district's waste for the ten-year period; which sites may be in the district, or if none are available, in another district. (The Act provides procedures for reaching any necessary interdistrict agreements.)

The Act further provides that a district may review its plan at any time, and if found inadequate, a new plan must be adopted. The Hackensack Meadowlands Development Commission completed such a review and on February 27, 1984 and on June 25, 1984, adopted amendments to its approved District Solid Waste Management Plan. The amendments were received by the Department of Environmental Protection on March 19, 1984 and July 13, 1984, respectively. Copies of the amendments were distributed to various state level agencies for review and comment.

The Department has reviewed these amendments (portions of the February 27, 1984 amendment were Certified by the Commissioner on April 26, 1984 and

June 22, 1984), and has determined that the amendments adopted by the Hackensack Meadowlands Development Commission on February 27, 1984 and June 25, 1984, are approved in accordance with N.J.S.A. 13:1E-1 et seq.

B. Certification of the Hackensack Meadowlands District Solid Waste Management Plan Amendment

I, Robert E. Hughey, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq., have reviewed the February 27, 1984 amendment and the June 25, 1984 amendment to the approved Hackensack Meadowlands District Solid Waste Management Plan and certify to the Hackensack Meadowlands Development Commission that the amendments are approved as further specified below.

1. N.J.S.A. 13:1E-21b.(2) and (3) requires a statement of the solid waste disposal strategy to be applied . . . which strategy shall include the maximum practicable use of resource recovery procedures and a plan for using terminated landfill disposal sites . . . in the Solid Waste Management District. Also required are 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.

- a. Landfills

On April 26, 1984 a portion of the February 27, 1984 amendment was approved which designated the HMDC 1-C landfill site as the replacement facility for the HMDC 1-A landfill for a one-year period. The provisions of the May 2, 1983 State Superior Court Consent Judgment require the Hackensack Meadowlands Development Commission to provide disposal capacity for Essex County until July 31, 1987. The June 25, 1984 amendment designated the HMDC 1-C landfill, located at Block 149, Lot 10, Kearny, New Jersey, as the final landfill site for Essex County solid waste until such time as the Essex County resource recovery facility becomes operational, or until July 31, 1987 at the latest. This portion of the June 25, 1984 amendment to the Hackensack Meadowlands District Plan is approved. The construction or operation of this facility beyond the currently approved maximum elevation of 130 feet must be preceded by the obtaining of all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq. and all other applicable laws. The issuance of construction and/or operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department to be fit and competent to manage such facilities.

The June 25, 1984 amendment also designated the "Koppers" site, located at Block 287, Lots 62 and 70, Kearny, New Jersey as the alternate location for the landfill for Essex County solid waste. This selection of the Koppers site as an alternate landfill site is approved for inclusion into the approved Hackensack

Meadowlands District Solid Waste Management Plan. The Koppers site has been referred to the Environmental Protection Agency for inclusion onto the National Priorities List of hazardous waste sites requiring remediation. Hazardous wastes, including chromium, have been identified on this site and extensive containment/removal efforts will be necessary prior to the utilization of this site for landfilling. The construction or operation of this facility for landfilling purposes must also be preceded by the obtaining of all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq. and all other applicable laws. The issuance of construction and/or operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department to be fit and competent to manage such facilities.

BY ORDER OF THE DEPARTMENT OF ENVIRONMENT AND NATURE

On June 22, 1984 another portion of the February 27, 1984 amendment which designated an expansion of the Hackensack Meadowlands Development Commission DeKorte Park Balefill was approved. A Temporary Certificate of Authority to Operate the facility for one year was issued. The HMDC Balefill receives waste primarily from Hudson County and a majority of Passaic County.

The February 27, 1984 amendment provides for the expansion of the Kingsland Park Extension Landfill which will accept solid waste from Bergen County (except North Arlington) until December 31, 1987 as required by the Bergen County/Hackensack Meadowlands interdistrict agreement. The new Bergen County Landfill is located on the following blocks and lots in Lyndhurst and North Arlington:

<u>Town</u>	<u>Block</u>	<u>Lot</u>
Lyndhurst	236	1 (Part)
North Arlington	192	4
North Arlington	194	1
North Arlington	195	1
North Arlington	197	1
North Arlington	198	1
North Arlington	198	2
North Arlington	198	3

This portion of the February 27, 1984 amendment is approved and made part of the approved Hackensack Meadowlands District Solid Waste Management Plan. These designated blocks and lots in Lyndhurst and North Arlington are the correct location of the landfill and proposed expansion and replace the designation made in the January 19, 1984 Certification of the December 7, 1983 amendment to the Bergen County District Solid Waste Management Plan. The construction or operation of this facility must be preceded by the obtaining of all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq. and all other applicable laws. The issuance of construction and/or operating permits pursuant to the Solid Waste Management Act is limited to those applicants

found by the Department to be fit and competent to manage such facilities.

The February 27, 1984 amendment proposes to incorporate the Associated Materials Inc. (AMI) Dredge project into the approved Plan. This project is intended by the Hackensack Meadowlands District Commission to ensure adequate Bergen County landfill capacity for the full interim period before the Bergen County resource recovery facility is due to begin operation. The landfill would be located on portions of Blocks 194, 195 and 197 in North Arlington making use of capacity made available by the AMI Dredge project. This portion of the February 27, 1984 amendment to operate the dredge project is approved and made part of the Hackensack Meadowlands District Solid Waste Management Plan. Authority for the actual conduct of dredging operations is included in permits issued separately from this Certification.

b. Resource Recovery

The February 27, 1984 amendment proposes to include the New York Times Incinerator Project into the approved Plan. This incinerator/energy recovery facility will be located on Block 126, Lot 22 in the Borough of Carlstadt. The proposed facility will incinerate non-recyclable paper along with certain waste inks as a supplementary energy source. The New York Times Incinerator Project is approved and made part of the Hackensack Meadowlands District Solid Waste Management Plan. The construction or operation of this facility must be preceded by the obtaining of all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq. and all other applicable laws. The issuance of construction and/or operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department to be fit and competent to manage such facilities.

c. Waste Flow Modifications

Currently, the Union County Townships of Union and Springfield utilize the same disposal facility as Essex County in accordance with the previously approved plans, Departmental directives, and the State waste flow rules. The amendment proposes that by January 31, 1987, but not later than July 31, 1987 (the date the Essex County resource recovery facility is due to be operational), all Union County solid waste utilizing Essex County disposal facilities shall be redirected to such other facilities designated for Union County at that time. This waste flow change is approved for inclusion into the District Plan. Final disposition of the proposed change in the State waste flow rules will be determined pursuant to formal rulemaking by the Department and the Board of Public Utilities in accordance with N.J.A.C. 7:26-6.6.

Through previous HMDC directives four recycling facilities [V. Ponte & Sons, Inc., Envirogetics, Inc., Hoboken Recycling, and

Consolidated Carting/Fiorillo Brothers (T/A Tricompaaction Sales)] were "temporarily directed to dispose of their residues at such disposal facility as is designated for Essex County solid waste." Through another directive, V. Ponte & Sons, Inc. unrecycled residues were redirected on a temporary basis to the HMDC Baler. The February 27, 1984 amendment proposes to rescind these temporary diversions and require these four operators, along with all other recycling and transfer facility operators, to dispose of their unrecycled residues at the appropriate disposal facility for the jurisdiction in which the waste originated. This waste flow change is approved for inclusion into the District Plan except that it shall not deny the rights granted to the operators of these facilities by the Consent Judgment between the Hackensack Meadowlands Development Commission, the Department of Environmental Protection and Ram Carting Corp. et al., Docket number C-315-80 dated November 25, 1980, and the Stipulation of Dismissal between the Department of Environmental Protection and Robros Recycling Corp., V. Ponte & Sons, Inc., and Hoboken Recycling Corporation, Docket number A-1598-8172. Final disposition of the proposed change in the State waste flow rules will be determined pursuant to formal rulemaking by the Department and the Board of Public Utilities in accordance with N.J.A.C. 7:26-6.6.

Through a previous HMDC decision all Jersey City Incinerator Authority wastes, all wastes picked up by Jersey City municipal contract, and all wastes picked up by V&L Contracting were temporarily diverted from the HMDC Baler to the disposal facility designated for Essex County solid waste. The February 27, 1984 amendment proposes to redirect this waste back to the HMDC Baler. This waste flow change is approved for inclusion into the District Plan. Final disposition of the proposed change in the State waste flow rules will be determined pursuant to formal rulemaking by the Department and the Board of Public Utilities in accordance with N.J.A.C. 7:26-6.6.

The February 27, 1984 amendment proposes to clarify the type and quantities of Elizabeth wastes permitted to be disposed at the facility designated to accept Essex County solid waste. The proposed language for the waste flow rules would be modified as follows:

"A maximum of four City of Elizabeth trucks (only) per day picked up by municipal contract that are unable to finish their routes by 2:00 p.m. are permitted to dispose of their solid waste at such facility in the Hackensack Meadowlands District as may be designated for Essex County, subject to such time limitations identified in the Essex County/HMDC/DEP interdistrict waste flow agreement of May 2, 1983."

and,

"... Any single load of solid waste picked up by Elizabeth DPW trucks (only) consisting solely of trees, tires or concrete will be permitted to be disposed at such facility in the Hackensack Meadowlands District as may be designated for Essex County, subject to such time limitation identified in the Essex County/HMDC/DEP interdistrict waste flow agreement of May 2, 1983."

This clarification is approved for inclusion into the District Plan. Final disposition of the proposed change in the State waste flow rules will be determined pursuant to formal rulemaking by the Department and the Board of Public Utilities in accordance with N.J.A.C. 7:26-6.6.

The February 27, 1984 amendment proposes to redirect solid waste generated within Little Falls, Passaic County, to the Carrino Landfill in Little Falls if and when this facility reopens. This redirection would last for the duration of operations at the facility; and once this facility ceases operations, solid waste generated within Little Falls will be redirected to the facility accommodating Passaic County waste at that time. This waste flow redirection is approved for inclusion into the approved Hackensack Meadowlands District Solid Waste Management Plan. Final disposition of the proposed change in the State waste flow rules will be determined pursuant to formal rulemaking by the Department and the Board of Public Utilities in accordance with N.J.A.C. 7:26-6.6.

d. Transfer Stations

The February 27, 1984 amendment proposes to include in the approved Hackensack Meadowlands District Plan the Industrial Haulage Co., Inc. transfer station located at Block 233, Lot 16B, in Lyndhurst, Bergen County. This facility is approved for inclusion into the Hackensack Meadowlands District Plan. The construction or operation of this facility must be preceded by the obtaining of all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq. and all other applicable laws. The issuance of construction and/or operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department to be fit and competent to manage such facilities.

2. N.J.S.A. 13:1E-21b.(5) requires procedures for coordinating all activities related to the collection and disposal of solid waste by every person . . . 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.

The February 27, 1984 amendment proposes to include in the approved Hackensack Meadowlands District Plan the May 2, 1983 revised interdistrict agreement between the Hackensack Meadowlands District, Essex county, and the Department. This interdistrict agreement is approved and made a part of the Hackensack Meadowlands District Plan.

The February 27, 1984 amendment also proposes to include into the approved Hackensack Meadowlands District Plan the October 28, 1983 interdistrict agreement between the Hackensack Meadowlands District, Bergen County, and the Department. This interdistrict agreement is approved and made a part of the Hackensack Meadowlands District Plan.

The Hackensack Meadowlands District Plan remains deficient with respect to the requirements of N.J.S.A. 13:1E-21b.(5) because no interdistrict agreements exist between the Hackensack Meadowlands District and Hudson or Passaic Counties.

C. Other Provisions Affecting the Plan

1. Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with the within amendment to the Hackensack Meadowlands 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 the Hackensack Meadowlands District Solid Waste Management Plan if such renegotiation is not completed within ninety (90) days of the effective date of this certification; 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 the Hackensack Meadowlands District and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Hackensack Meadowlands 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 Hackensack Meadowlands District Solid Waste Management Plan shall apply to all solid wastes defined in N.J.S.A. 13:1E-2 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. 7:26-6.1 et seq.) which are part of the Hackensack Meadowlands District Solid Waste Management Plan.

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 Hackensack Meadowlands District Commission, as provided for by N.J.S.A. 13:1E-24f., to proceed with the implementation of approved portions of the amendment contained herein.

5. Definitions

For the purpose of this amendment and unless the context clearly requires a different meaning, the definitions of terms shall be the same as those found at N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-1.4 and -2.13.

6. Effective Date of Amendment

The approved amendment in the Hackensack Meadowlands District Solid Waste Management Plan contained herein shall take effect immediately.

7. Reservation of Authority

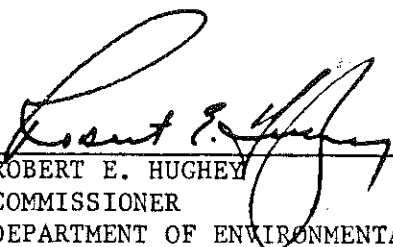
Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Hackensack Meadowlands District Solid Waste Management Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan. The Department has published a Statewide Solid Waste Management Plan with appendices which includes the Department's Planning Guidelines and rules, regulations, and orders of the Department, including the interdistrict and intradistrict waste flow rules, and also includes the compilation of individual District Plans and amendments as they are approved.

D. Certification of the Amendment by the Commissioner of the Department of Environmental Protection

In accordance with the provisions of N.J.S.A. 13:1E-1 et seq., I hereby approve the amendments, as outlined in Section B of this Certification, to the Hackensack Meadowlands District Solid Waste Management Plan which was adopted by the Hackensack Meadowlands District Commissioners on June 12, 1984.

8/15/84

DATE



ROBERT E. HUGHEY
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION