



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 THE APRIL 17, 1985 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, 1981, 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 April 17, 1985 adopted an amendment to its district solid waste management plan. The amendment includes an update to the district plan; designates two new solid waste facilities (the Lantz Meadowlands Pyrolysis facility in the borough of North Arlington and the Tri-Compaction Sales transfer station in the township of Lyndhurst) for inclusion into the district plan; incorporates

the existing interdistrict agreements with Bergen and Passaic Counties into the district plan; and, clarifies and amends certain waste flows into the district which are further outlined in Section C.

The amendment was received by the Department of Environmental Protection on May 9, 1985 and copies were distributed to various state level agencies for review and comment, as required by law. The Department has reviewed this amendment, and has determined that the amendment adopted by the Hackensack Meadowlands Development Commission on April 17, 1985 is approved in part and rejected in part as provided in N.J.S.A. 13:1E-24.

B. Findings and Conclusions with Respect to the Hackensack Meadowlands District Solid Waste Management Plan Amendment

Pursuant to N.J.S.A. 13:1E-24a(1), I Robert E. Hughey, Commissioner of the Department of Environmental Protection have studied and reviewed the April 17, 1985 amendment to the Hackensack Meadowlands District Solid Waste Management Plan according to the objectives, criteria and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that the portion of this plan amendment that is approved is fully consistent with the Statewide Solid Waste Management Plan. The rejected portion of this plan amendment which pertains to the inclusion of draft agreements into the district plan is inconsistent with the objectives, criteria and standards developed in the Statewide Solid Waste Management Plan. These proposed agreements with Hudson and Union Counties can only be addressed for inclusion into the district plan after they are ratified by all parties involved.

In addition, the Division of Waste Management circulated the plan amendment to 16 review agencies and solicited their review and recommendations. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various agencies, bureaus and divisions within the Department of Environmental Protection as well as the Board of Public Utilities. Also among these agencies were the Department of Community Affairs, the Department of the Public Advocate, the Department of Health, the Department of Agriculture, the Department of Transportation, the New Jersey Turnpike Authority and the Office of Recycling. The Department of Transportation and the Office of Recycling submitted substantive comments concerning the plan amendment.

The Department of Transportation commented that the plan proposes to open or re-open a number of facilities that will generate additional truck traffic. The Department of Environmental Protection notes that the plan amendment proposes to allow only two minor facilities to begin operation and designates a site for emergency reserve capacity for Bergen County solid waste. One of the new facilities, the Lantz Pyrolysis Facility, will be located adjacent to the HMDC Baler/Balefill which currently receives the waste that will go to the Lantz Facility. Therefore, the opening and operation of this facility will not generate any significant increase to truck traffic. The site for emergency reserve capacity for Bergen County is also located adjacent to the landfill which currently receives Bergen County's solid waste. Therefore, should use of this emergency reserve capacity ever become necessary, no additional truck traffic will be generated. The opening of the proposed Tri-Compaction Sales transfer

station in Lyndhurst may cause an increase in truck traffic in the neighborhood of the proposed facility, but will reduce truck traffic to the landfill designated at this time to receive these wastes. The possible effects of increased truck traffic to this proposed transfer station will be further addressed in the environmental impact statement and the engineering designs which must be submitted and approved prior to any issuance of a permit to construct and operate the proposed facility. Since I have determined that the issue of truck traffic is best addressed during the technical review phase noted above, I conclude that it is appropriate to approve plan inclusion of the proposed solid waste facilities noted in Section C. 2.

The Office of Recycling commented that the plan amendment contains no reference to the use of a compost end product as a soil amendment for final cover on closed landfills within the HMDC and other recommendations previously discussed between the Office of Recycling and the Hackensack Meadowlands District. The Office of Recycling did not advocate the rejection of the plan amendment, but had anticipated a more detailed treatment of recycling matters. These comments have been forwarded to the Hackensack Meadowlands District for further consideration. It is hoped that with the mutual cooperation between the Office of Recycling, the Hackensack Meadowlands Development Commission and the counties using HMDC facilities, a maximum recycling effort consistent with the state recycling goals will be achieved.

C. Certification of 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. and N.J.S.A. 13:1E-21, which established specific requirements regarding the contents of the district solid waste management plans, have studied and reviewed the April 17, 1985, amendment to the approved Hackensack Meadowlands District Solid Waste Management Plan and certify to the Hackensack Meadowlands Development Commission that the April 17, 1985 amendment is approved in part and rejected in part as further specified below.

1. District Plan Update

- a. The updated solid waste information and statistics are approved without prejudice. These figures may be adjusted in subsequent plan amendments when more precise data becomes available.

2. New Solid Waste Facilities

- a. The designation of the Avon Landfill located on Block 233, Lot 14 in the township of Lyndhurst for emergency reserve capacity for Bergen County solid waste is approved.
- b. The inclusion into the district plan of the Lantz Meadowlands Pyrolysis Facility, located on Block 177, Lot 1, in the borough of North Arlington is approved.

- c. The inclusion into the district plan of the Tri-Compaction Sales transfer station, located on Block 235, Lot 13, in the township of Lyndhurst is approved.

The construction or operation of any solid waste facility shall be preceded by the obtainment 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.

Furthermore, on December 6, 1982 the Department of Environmental Protection and the Board of Public Utilities jointly adopted the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6 et seq.). These rules designate specific solid waste disposal facilities to service waste streams originating from specific geographic areas (usually a municipality). While transfer stations are not included in the Waste Flow Rules, they may accept solid waste from various origins as long as the solid wastes, or an equivalent amount and type, are ultimately transported for disposal to the facility designated in the Rules to service the geographic area. Under no circumstances is a transfer station considered as the origin of the solid waste leaving it. For purposes of determining where solid waste shall be disposed of, the origin of the waste always remains the location where the waste was originally picked up before delivery to the transfer station.

3. Waste Flow Modifications

- a. The clarification and modification of the borough of the North Arlington solid waste flow is approved for inclusion into the district plan. Specifically, this waste flow modification proposes to direct only that portion of the borough of North Arlington residential solid waste collected under municipal contract, North Arlington D.P.W. waste, and North Arlington Shade Tree (Commission) contracted waste to the HMDC Baler/Balefill located in North Arlington. The remainder of the waste generated in North Arlington, specifically commercial/industrial solid waste, shall be directed to the designated Bergen County disposal facility, which currently is the extension of the Kingsland Park Landfill located in Lyndhurst and North Arlington, Bergen County, New Jersey.
- b. The redirection of the city of Elizabeth waste flow to the appropriate facility designated within the Interdistrict and Intradistrict Solid Waste Flow Rules (the Edgeboro Landfill) is rejected. Currently, a maximum of five (5) city of Elizabeth D.P.W. or municipally contracted vehicles per day that were unable to reach their previously designated disposal facilities prior to their closing (2:45 pm) are permitted to use an HMDC facility. The continued permission to use the HMDC facility is due to the current waste load going to the Edgeboro Landfill. This redirection may be initiated should the waste load going to Edgeboro Landfill be reduced substantially.
- c. The redirection of the solid waste flow from the five Passaic

County municipalities of Bloomingdale, Pompton Lakes, Ringwood, West Milford and Wanaque from the now closed Hamm's Landfill to the HMDC Baler/Balefill pursuant to the Passaic County/HMDC/DEP Judicial Consent Agreement is approved.

Final disposition of the proposed changes in the state waste flow rules outlined above will be determined pursuant to formal rulemaking by the Department and the Board of Public Utilities in accordance with N.J.A.C. 7:26-6.5.

4. Interdistrict Agreements

- a. The inclusion into the district plan of the 'revised' Bergen County/HMDC/DEP Interdistrict Agreement is approved.
- b. The inclusion into the district plan of the Passaic County/HMDC/DEP Interdistrict Agreement is approved.
- c. The April 17, 1985 plan amendment contained 'draft' interdistrict agreements for Hudson and Union Counties. The Department has no objection to the development of these documents and is actively pursuing these agreements. Inclusion of these 'draft' documents in plan amendment form, however, is inappropriate since they have not been ratified by all involved parties. Therefore, the inclusion of these 'draft' documents in the district plan is rejected.

D. Other Provisions Affecting the Plan Amendment

1. Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with the within amendment to the 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 this amendment and 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 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 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-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) 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 Development Commission, as provided for by N.J.S.A. 13:1E-24f., to proceed with the implementation of the 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 portions of the amendment to the Hackensack Meadowlands District Solid Waste Management Plan contained herein shall take effect immediately.

Final disposition of such proposed changes 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.

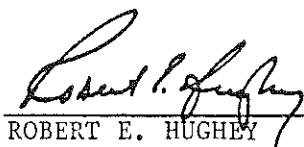
7. Reservation of Authority

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.

E. Certification of Approval in Part and Reject in Part of the April 17, 1985 Amendment by the Commissioner of the Department of Environmental Protection

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve in part and reject in part the amendment, as outlined in Section C of this certification, to the Hackensack Meadowlands District Solid Waste Management Plan which was adopted by the Hackensack Meadowlands Development Commission on April 17, 1985.



ROBERT E. HUGHEY
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION

10/9/85
DATE