



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL
PROTECTION

CHRISTINE TODD WHITMAN
Governor

ROBERT C. SHINN, JR.
Commissioner

IN THE MATTER OF CERTAIN AMENDMENTS
TO THE ADOPTED AND APPROVED SOLID
WASTE MANAGEMENT PLAN OF THE
HMDC SOLID WASTE MANAGEMENT
DISTRICT

CERTIFICATION
OF THE APRIL 27, 1994
AMENDMENT TO THE HMDC 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 of Environmental Protection (Department or DEP) approved with modifications, the HMDC District Solid Waste Management Plan (District 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 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 a 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 District Plan at any time and, if found inadequate, a new District Plan must be adopted. The HMDC completed such a review and on April 27, 1994, adopted an amendment to its approved District Plan.

The amendment incorporates schedules for developing procurement guidelines, a materials handling complex in Kearny (Keegan site), and a regional household hazardous waste consolidation center. The amendment was in response to the Department's certification of October 30, 1993. That certification directed the District to provide specific schedules for completing these tasks.

The amendment was received by the Department on May 6, 1994 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this amendment and has determined that the amendment adopted by the HMDC Commissioners on April 27, 1994 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the April 27, 1994 amendment to the District Plan according to the objectives, criteria and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that this plan amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the HMDC Commissioners are notified of the issues of concern relative to the April 27, 1994 amendment which are included in Section B.2.

In conjunction with the review of the amendment, the Department circulated copies to fourteen administrative review agencies, and solicited their review and comment. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various bureaus, divisions, and agencies within the Department. These agencies are the following:

Office of Air Quality Management, DEP
Division of Parks and Forestry, DEP
Division of Fish, Game and Wildlife, DEP
Division of Solid Waste Management, DEP
Green Acres Program, DEP
Land Use Regulation Element, DEP
Wastewater Facilities Regulation Element, DEP
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Health
Department of Transportation
Department of Community Affairs
U.S. Environmental Protection Agency

1. Agency Participation in the Review of the April 27, 1994 Amendment

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

Office of Air Quality Management, DEP
Division of Parks and Forestry, DEP
Green Acres Program, DEP
New Jersey Turnpike Authority
Department of Agriculture
Department of Community Affairs

The following agencies did not respond to our requests for comment:

Division of Fish, Game and Wildlife, DEP
Land Use Regulation Element, DEP
New Jersey Advisory Council on Solid Waste Management
Department of Health
Department of Transportation
U.S. Environmental Protection Agency

The following agencies provided substantive comments as shown in Section B. of the certification document:

Division of Solid Waste Management, DEP
Wastewater Facilities Regulation Element, DEP

2. Issues of Concern Relative to the April 27, 1994 Amendment

Issue: Permit Requirements

The proposed materials handling complex may require a separate landfill disruption approval if not included with landfill designs or, alternatively, may be included as a component of a facility-wide permit application. Further, the construction schedule indicates certain on-site activities in advance of the Department rendering final approval. Certain activities may be precluded without prior approval by the Department. Also, an approval to operate a recycling center for Class B materials is required for the source separated construction and demolition material operation.

Finally, if the proposed operation will discharge pollutants as defined in N.J.A.C. 7:14A-1.9, said operation must secure a New Jersey Pollution Discharge Elimination System permit and or Treatment Works Approval for pollutant discharges prior to construction or operation.

Issue: District Response to State Requirements

On May 26, 1993, the HMDC adopted an amendment to address the State's requirements concerning source reduction, recycling and regionalization planning. In its certification of October 30, 1993, the Department approved the District's general strategy but directed the HMDC to provide within 180 days (or April 28, 1994) a subsequent plan amendment submission which included a specific schedule for the development of procurement guidelines, a materials handling complex, and a household hazardous waste consolidation center. The HMDC adopted the required plan amendment on April 27, 1994 and the amendment was received by the Department on May 6, 1994.

a. Procurement Guidelines

The HMDC will complete a procurement survey by September 30, 1994 for all materials purchased by the District. The following major areas will be addressed in the survey:

Recycled Paper- The HMDC will review existing paper vendors to determine their ability to exceed the current requirements that 60 percent of the total dollar amount of paper and paper products have a total weight consisting of not less than 50 percent secondary waste paper material with not less than 15 percent of its total weight consisting of post-consumer waste paper materials. As of January 1, 1995, these percentages are planned to increase to 65 percent of the total amount of paper purchases, with 50 percent secondary material and not less than 25 percent post-consumer material. Exceptions to this requirement are given to high grade office paper, mimeo paper, etc.

Re-Refined Motor Oil- As of December 31, 1993, the HMDC has used re-refined motor oil in 100 percent of all state vehicles. No further action relative to this material is planned.

Tires- The HMDC plans to purchase retreaded, remolded or remanufactured tires at a set percentage of the total dollar amount expended for the purchase of tires by the dates noted:

- By December 31, 1993, not less than 5 percent;
- By December 31, 1994, not less than 10 percent;
- By December 31, 1995, not less than 15 percent;
- By December 31, 1996, not less than 20 percent; and
- By December 31, 1997, not less than 25 percent.

The HMDC will equip fleet vehicles at a minimum of the percentages noted dependent upon availability of tires for commercial vehicles, and on other HMDC vehicles as tires are replaced.

Recycled Products- The HMDC has specified for all construction projects over the past several years that recycled products such as concrete aggregate and recycled asphalt pavement be used. In addition, any pavement project would include a requirement for the use of recycled materials pursuant to state specifications. Recycled plastic lumber, fencing, sign posts etc. will be specified wherever possible. These materials can be purchased when competitively priced at no more than 10 percent above comparable or virgin materials. In addition, all cooling and air-conditioning systems containing refrigerants (CFCs and HCFCs) shall be appropriately handled using refrigerant recovery equipment.

b. Materials Handling Complex

The District has submitted a comprehensive schedule for the development of a planned materials handling complex. This complex is proposed to include a landfill for nonprocessible waste which cannot be recycled or incinerated and a construction/demolition recycling center. The schedule includes, among other things, dates for permitting, construction, and operation with an estimated July 1, 1998 opening. Further, the HMDC will begin meeting with the DEP and counties (initially Bergen and Hudson) towards regionalization of the facility in mid-1994.

c. Household Hazardous Waste Consolidation Facility

The HMDC has submitted a comprehensive schedule for the development of a planned household hazardous waste consolidation facility. Specifically, dates for a needs evaluation survey, site selection, property acquisition, engineering and environmental tasks, permitting, construction, and operation are provided. Critical to the development of this facility will be the completion of a needs evaluation survey. This task will involve a survey of northern New Jersey counties and industry during the later part of 1994 and first half of 1995 to determine their interest in such a facility being located within the HMDC District. If the need for this facility is demonstrated, development of the household hazardous waste consolidation facility will move forward with an estimated October 1, 1997 opening.

As noted within Section C. of this certification, the HMDC responses to the deficiencies relative to providing schedules for development of procurement guidelines, a materials handling complex and a household hazardous waste collection facility are approved.

C. Certification of the HMDC District Solid Waste Management Plan Amendment

In accordance with N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-21, which establishes specific requirements regarding the contents of the district solid waste management plans, I have

reviewed the April 27, 1994 amendment to the approved District Plan and certify to the HMDC Commissioners that the April 27, 1994 amendment is approved as further specified below.

The District's responses to the deficiencies relative to providing schedules for developing procurement guidelines, a materials handling complex in Kearny (Keegan site), and a regional household hazardous waste consolidation center are approved.

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

Finally, this certification shall not be construed as an expression of the Department's intent to issue a solid waste facility permit for any proposed facility.

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 this amendment to the District Plan and which was executed prior to the approval of this amendment and subsequent to the effective date of the Solid Waste Management Act (July 29, 1977), and which shall further be for a term in excess of one year, shall immediately be renegotiated in order to bring same into conformance with the terms and provisions herein set forth. Any solid waste collection operation or disposal facility registered by the Department and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the District Plan if such renegotiation is not completed within ninety (90) days of the effective date of this amendment provided, however, that any such registrant may, upon application to the Department, and for good cause shown, obtain an extension of time to complete such renegotiation.

2. Compliance

All solid waste facility operators and transporters registered with the Department and operating within the District and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the District Plan. Any facility operator or transporter who fails to comply with the provisions contained herein shall be deemed to be in violation of N.J.S.A. 13:1E-1 et seq. in violation of N.J.A.C. 7:26-1 et seq., and in violation of their registration to operate

a solid waste facility or a collection system issued thereunder by the Department and shall be subject to the provisions and penalties of N.J.S.A. 13:1E-9 and 12 and all other applicable laws.

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

The provisions of the District 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. All nonhazardous materials separated at the point of generation for sale or reuse are excluded from the waste flows designated in the Interdistrict and Intradistrict Solid Waste Flow Rules set forth at N.J.A.C. 7:26A-1 et seq.

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

This document shall serve as the certification of the Commissioner of the Department to the HMDC and pursuant to N.J.S.A. 13:1E-24c and f, the District shall proceed with the implementation of the approved amendment certified herein.

5. Definitions

For the purpose of this amendment and unless the context clearly requires a different meaning, the definitions of terms shall be the same as those found at N.J.S.A. 13:1E-3 and -99.12, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of the Amendment

The amendment to the District Plan contained herein shall take effect immediately.

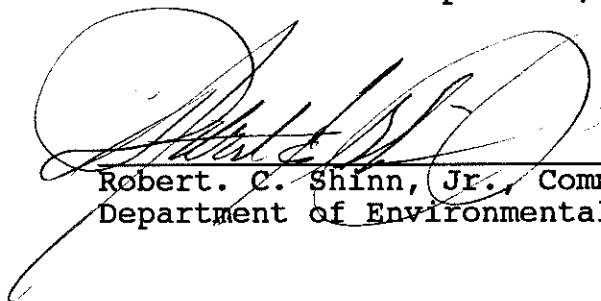
7. Reservation of Authority

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

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

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve the amendment, as outlined in Section C. of this certification, to the HMDC District Solid Waste Management Plan which was adopted by the HMDC Commissioners on April 27, 1994.

8/15/94
Date


Robert. C. Shinn, Jr., Commissioner
Department of Environmental Protection