



## State of New Jersey

Christine Todd Whitman  
Governor

Department of Environmental Protection

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 AUGUST 9, 1995  
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 (HMDC) 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 August 9, 1995, adopted an amendment to its approved District Plan.

The amendment includes within the District Plan an expansion of the existing Professional Recyclers, Inc. recycling center for Class A recyclable materials located in Lyndhurst, Bergen County, New Jersey.

The amendment was received by the Department on September 21, 1995 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 August 9, 1995 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 August 9, 1995 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 and the applicant are notified of the issues of concern relative to the August 9, 1995 amendment which are included in Section B.2. below.

In conjunction with the review of the amendment, the Department circulated copies to fifteen federal and state 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. All agencies contacted are as follows:

Division of Water Quality, DEP  
Division of Parks and Forestry, DEP  
Division of Fish, Game and Wildlife, DEP  
Division of Solid and Hazardous Waste, DEP  
Division of Enforcement, DEP  
Green Acres Program, DEP  
Land Use Regulation Element, DEP  
Office of Air Quality Management, 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 August 9, 1995 Amendment

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

Division of Parks and Forestry, DEP  
Division of Fish Game and Wildlife, DEP  
Division of Enforcement, DEP  
Green Acres Program, DEP  
New Jersey Advisory Council on Solid Waste Management  
New Jersey Turnpike Authority  
Department of Agriculture  
Department of Community Affairs

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

Office of Air Quality, DEP  
Land Use Regulation Element, DEP  
Division of Water Quality, DEP  
Department of Health  
Department of Transportation  
U.S. Environmental Protection Agency

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

Division of Solid and Hazardous Waste, DEP

2. Issues of Concern Relative to the August 9, 1995 Amendment

**Issue: Permit Requirements**

Recycling centers are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits odors and other air contaminants which interfere with the enjoyment of life and property. Also, recycling centers are subject to the regulations set forth at N.J.A.C. 7:26A-1 et seq. which include but are not limited to operational standards and general rules for recycling centers which receive, store, process, or transfer Class A and/or Class B recyclable materials.

If any operation of a recycling center will discharge pollutants as defined in N.J.A.C. 7:14A-1.9, said operation must secure a New Jersey Pollutant Discharge Elimination System Permit and/or a Treatment Works Approval for pollutant discharges prior to construction or operation.

**Issue: Historical Planning Deficiency**

Professional Recyclers, Inc. commenced operation in Lyndhurst as a recycling center for Class A materials in 1991. The operating

capacity for the facility at that time was 35 tons per day (TPD). However, the owner of the facility never petitioned the HMDC for inclusion within the District Plan as a recycling center for Class A materials. Pursuant to N.J.A.C. 7:26A-4.2, no recycling center shall commence operations unless and until it is included in the applicable district solid waste management plan. Only when Professional Recyclers, Inc. sought to increase its operational capacity did the owner petition the HMDC for inclusion within the District Plan. Therefore, as noted within Section C., the approval of this facility within the District Plan will correct a historical planning deficiency.

**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 August 9, 1995 amendment to the approved District Plan and certify to the HMDC Commissioners that the August 9, 1995 amendment is approved as further specified below.

The District Plan inclusion of an expansion to the existing Professional Recyclers, Inc. recycling center for Class A materials located at Block 235, Lot 23 in the Township of Lyndhurst, Bergen County is approved. Specifically, the facility may increase its operational capacity from 35 TPD to 50 TPD to accept source separated newspaper, cardboard, computer paper, and coated book copy paper. Finally, as noted in Section B., approval of this facility within the District Plan will correct a historical planning deficiency.

Pursuant to N.J.A.C. 7:26A-4.1(a)1.iii., Class A recyclable material may be commingled only with other Class A recyclable materials. Also, any residue generated as a result of the operation of the recycling center shall be disposed of pursuant to the District Plan and the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26 et seq.).

**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**

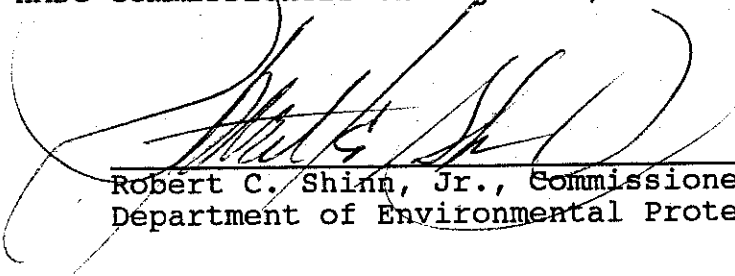
Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The District Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan, with appendices, which includes the Department's 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 August 9, 1995.

Date

12/6/95

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