



State of New Jersey

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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 SEPTEMBER 22, 1999
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 30, 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.

The Act further provides that a district may review its County Plan at any time and, if found inadequate, a new District Plan must be adopted. The HMDC Commissioners completed such a review and on September 22, 1999, adopted an amendment to its approved District Plan.

The September 22, 1999 amendment proposes to include and reopen a landfill site in the Borough of North Arlington, Bergen County formerly know as the " Erie Landfill."

The amendment was considered administratively complete for review by the Department on September 28, 1999 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 September 22, 1999 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 September 22, 1999 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 September 22, 1999 amendment which are included in Section B.2. below.

In conjunction with the review of the amendment, the Department circulated copies to fifteen 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 Management, DEP
Division of Parks and Forestry, DEP
Division of Fish, Game and Wildlife, DEP
Division of Compliance and Enforcement, DEP
Division of Solid and Hazardous Waste, DEP
Office of Air Quality Management, DEP
Green Acres Program, DEP
Land Use Regulation Element, DEP
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Health and Senior Services
Department of Transportation
Department of Community Affairs
U.S. Environmental Protection Agency

1. Agency Participation in the Review of the September 22, 1999 Amendment

The following agencies did not object to the proposed plan

amendment:

Division of Water Quality, DEP
Division of Compliance and Enforcement, DEP
Green Acres Program, DEP
Department of Agriculture
Department of Transportation
New Jersey Turnpike Authority

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

Land Use Regulation Element, DEP
Division of Air Quality, DEP
Division of Parks and Forestry, DEP
New Jersey Advisory Council on Solid Waste Management
Department of Health and Senior Services
Department of Community Affairs
U.S. Environmental Protection Agency

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

Division of Solid and Hazardous Waste, DEP
Division of Fish, Game and Wildlife, DEP

2. Issues of Concern Regarding the September 22, 1999 Amendment

Issue: History of Erie Landfill

The Erie Landfill occupies 43 acres on a site bounded by Schuyler Avenue to the west, Disposal Road to the north, the Harrier Meadow wetlands mitigation site to the south, and the Sawmill Creek Wildlife Management Area to the east. Although there are no actual records of operation, the landfill is presumed to have accepted municipal, industrial, and construction and demolition waste during the 1950's and 1960's until the New Jersey Department of Health commenced closure of disposal sites. An estimated 840,000 cubic yards of industrial and household wastes were delivered to this site over the 10 to 15 years of assumed operations. A July 1989 investigation of the site revealed a variety of wastes including residential waste and demolition waste. Present elevations on this site are between 10 and 22 feet national geodetic vertical datum (ngvd) with an average elevation of approximately 15 feet ngvd. Prior to reopening the landfill for the acceptance of additional waste, the HMDC would remediate the site with the construction of a perimeter cutoff wall, leachate collection system, perimeter maintenance road, and groundwater monitoring stations. Leachate from the site would be directed to a regional sewage treatment plant. Once remedial construction is completed, the HMDC would accept on a free market basis only bulky waste (type 13), construction and demolition waste (type 13C), and nonhazardous industrial waste (type 27) at

this site. All operations would be conducted pursuant to the DEP operating permit issued for the landfill. Presently, this same waste is delivered to the HMDC 1-E North Area Landfill on a free market basis. Once this operating landfill is at capacity, these waste types would be delivered to the Erie Landfill. The primary service area is anticipated to be the northeastern New Jersey counties of Hudson and Union. The HMDC estimates that 200 trucks would utilize the Erie Landfill on a daily basis with up to 2,000 tons per day accepted Monday through Saturday. The Erie Landfill is anticipated to have a final elevation of 70 feet ngvd.

Issue: Acceptance of Specific Waste Types

The September 22, 1999 amendment indicates that the purpose of reopening the Erie Landfill is to provide disposal capacity upon closure of the HMDC 1-E North Area Landfill. As such, the Erie Landfill should be accepting the same waste types as presently accepted at the North Area Landfill. The North Area Landfill is currently permitted to accept waste types 13, 13C, 23 (vegetative waste) and 27. The September 22, 1999 amendment is silent as to the acceptance of type 23 waste at the Erie Landfill. Therefore, the Department contacted the HMDC's solid waste coordinator to resolve this discrepancy. In a letter dated January 4, 2000, the HMDC notified the DEP that it is the intention of the HMDC to accept waste types 13, 13C, 23, and 27 at the Erie Landfill. Therefore, within Section C. of the certification, this change in the acceptance of an additional waste type is noted.

Issue: Regulatory Concerns

Extensive comments were submitted by the DEP's Division of Fish, Game and Wildlife (DFG&W) relative to the reopening of the Erie Landfill. Specifically, "Concerns are expressed due to its close proximity to the Sawmill Creek Wildlife Management Area and the use of nearby areas by endangered and threatened species. In addition, many closed/old landfills provide adequate habitat/edge habitat or characteristics that support a variety of wildlife, particularly for migratory birds and raptors. Therefore, an evaluation of habitat suitability on the landfill site itself is needed as well as seasonal surveys of the fish/wildlife species utilizing the site and surrounding area. In addition, since an estimated 840,000 cubic yards of industrial and household waste were dumped at the site over a 10-15 year period in the 1950's/1960's, the DFG&W should be assured that the planned remedial measures of the existing/proposed facility would adequately contain contaminants and provide protection for the wildlife using the surrounding habitats." This concern is more appropriately addressed during the DEP's technical review phase of permitting issuance.

The Department's Division of Solid and Hazardous Waste commented

that Belleville Turnpike, bounded by industrial concerns, provides access to the HMDC 1-E North Area Landfill. The proposed access to the Erie Landfill will be along Valley Brook Avenue and Disposal Road. Valley Brook Avenue passes through residential, office, and commercial areas in Lyndhurst. A detailed traffic study will be required by the Department as part of the permitting process.

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 September 22, 1999 amendment to the approved HMDC District Plan and certify to the HMDC Commissioners that the September 22, 1999 amendment is approved as further specified below.

The County Plan inclusion and proposed reopening of a landfill site formerly known as the Erie Landfill located on Block 192, Lot 1 and Block 191, Lot 1.01 (partial) in the Borough of North Arlington, Bergen County is approved. As noted within Section B., the HMDC would accept only bulky waste (type 13), construction and demolition waste (type 13C), vegetative waste (type 23), and nonhazardous industrial waste (type 27) at this site. Once the operating HMDC 1-E North Area Landfill is at capacity, these same waste types would be delivered to the Erie Landfill on a free market basis. The HMDC estimates that 200 trucks would utilize the Erie Landfill on a daily basis with up to 2,000 tons per day accepted.

The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary approvals pursuant to N.J.S.A. 13:1E-1 et seq., and all other applicable laws. This certification shall not be construed as an expression of the Department's intent to issue a permit to operate a landfill.

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 County 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 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 including waste types 10, 13, 23, 25, and 27 and all applicable subcategories and shall not apply to liquid and hazardous wastes. All nonhazardous materials separated at the point of generation for sale or reuse are subject to regulation in accordance with N.J.A.C. 7:26A-1 et seq.

4. Certification to Proceed with Implementation of Amendment

This document shall serve as the certification of the Commissioner of the DEP to the HMDC Commissioners and pursuant to N.J.S.A. 13:1E-24c. and f., the HMDC Commissioners 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 approved amendment to the District Plan contained herein shall take effect immediately.

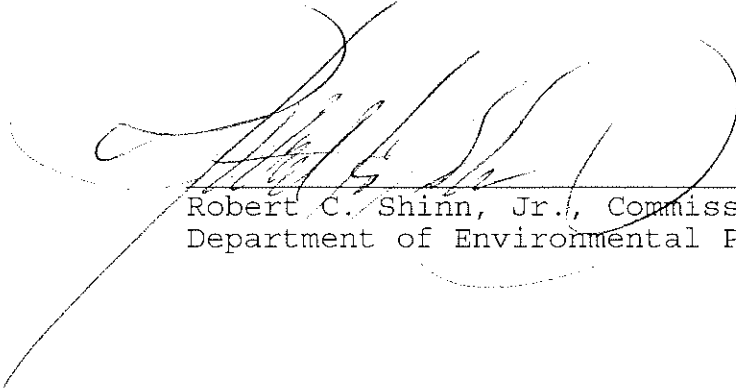
7. Reservation of Authority

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, 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 September 22, 1999.

2/7/00
Date



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