

STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION RICHARD T. DEWLING, Ph.D., P.E., COMMISSIONER

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(IN THE MATTER OF CERTAIN AMENDMENTS)
(TO THE ADOPTED AND APPROVED SOLID)
(WASTE MANAGEMENT PLAN OF THE)
(PASSAIC COUNTY SOLID WASTE)
(MANAGEMENT DISTRICT)

CERTIFICATION
OF THE JUNE 24, 1987
AMENDMENT TO THE PASSAIC COUNTY DISTRICT
SOLID WASTE MANAGEMENT PLAN

BY ORDER OF THE COMMISSIONER:

A. <u>Introduction</u>

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 August 13, 1980, the Department approved, with modifications, the Passaic County 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 Passaic County Board of Chosen Freeholders completed such a review and on June 24, 1987 adopted an amendment to its approved district solid waste management plan.

The amendment proposes to:

1) Include in the district plan the Chambers Development Company Inc. landfill system in Pennsylvania and other states, to be utilized as the primary landfills for the disposal of Passaic County solid waste from 1987 to 1992. In addition, this landfill system is designated as the primary landfill system for

the disposal of ash, by-pass and non-processible waste associated with the operation of the resource recovery facility in the City of Passaic from the time the facility is operational until the year 2002.

- Include in the district plan a method of solid waste management financing whereby the Passaic County Utilities Authority will issue and sell bonds, the proceeds of which will be used to make payments to Chambers Development Company, Inc. for the acquisition of easement license rights and other contractual rights in the system of Chamber's Landfills located in Pennsylvania and elsewhere out-of-state. The County of Passaic has proposed to enter into (IN The Man agreement with the Passaic County Utilities Authority agreeing to pay any The deficiencies with regard to the funds available to make the debt service payments to the bondholders. The bonds are planned for sale in September 1987 in an amount not to exceed \$58 million. The Passaic County Utilities Authority is required to make application to the Local Finance Board and the Board of Public Utilities to obtain their approval prior to the sale of the bonds.
 - Include in the district plan additional designation of the dedicated access road, servicing the proposed resource recovery facility, to be located in the City of Passaic. The amendment proposes to designate Block 57, Lot 37 and part Bett of Lots 42, 45, 46, and 51 in the City of Passaic for the dedicated access road.

The amendment was received by the Department of Environmental Protection on June 29, 1987, 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 Passaic County Board of Chosen Freeholders on June 24, 1987, is approved in part, rejected in part, and modified in part as provided in N.J.S.A. 13:1E-24. MISCI LE SOIRE COMMERCIAL CONTRACTOR

Findings and Conclusions with Respect to the Passaic County District Solid Waste Management Plan Amendment THE REPORT OF THE PROPERTY OF THE PARTY OF T

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Pursuant to N.J.S.A. 13:1E-24a(1), I, Richard T. Dewling, Commissioner of the Department of Environmental Protection have studied and reviewed the June 24, 1987 amendment to the Passaic County 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 this plan amendment is consistent in part and inconsistent in part with the Statewide Solid Waste Management Plan. ordanegy, the code while dataly to a contribution

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In addition, the Division of Solid Waste Management circulated the plan amendment to sixteen 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 Office of Recycling, the Department of Agriculture, the Department of Transportation, and the New Jersey Turnpike Authority. 200f these agencies, the following did not object the N.J.D.E.P. Divisions of Fish, Game and to the proposed plan amendment: Wildlife, and Coastal Resources; the State Departments of Agriculture, Health, Community Affairs, and Transportation; the Board of Public Utilities, and the New Jersey Turnpike Authority. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Divisions of Environmental Quality, Water Resources, and Parks and Forestry; the State Department of the Public Advocate; the Green Acres Program, and the U.S. Environmental Protection Agency. The Office of Recycling and

the News Jersey Advisory & Councils on a Solida Waster Management & submitted substantive comments which are further identified below. of law to the comments of the councils of the council of the councils of the council of the councils of the councils of the councils of the council of the

The Office of Recycling commented that Section 22 of P.L. 1987, c.102 states that the Department shall inotic dissuant a registration statement compensionering indesign approval for any newsor expanded solide waster facility in any county unless, the goals of the relevant district recycling plan or equired by this act have been incorporated, into the plans for the sproposed facility. The district recycling plan required above is due to be submitted to the Office of Recycling for review and approval no selater than October 20% 1987 to The Office of Recycling also elisted certain requirements that will be mandated for the designated solid waste transfer stations. CieThe Department responds to this comment by stating that the transfer stations proposed for expansion or development in Passaic County will be required to conform to the provisions of the Mandatory Recycling Act. (Further, the requirements for transfer stations listed by the Office of Recycling will be forwarded to Passaic County for incorporation into their district recycling plan.

The New Jersey Advisory Council on Solid Waste Management commented that although Passaic County has secured disposal space, the county remains wholly dependent on out-of-state disposal. The Department specifically addresses this comment by approving the interim arrangements for out-of-state disposal and authorizing modified approval of the longer term arrangement as an integral component of Passaic County's solid waste contingency plan.

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The Division of Solid Waste Management comments that the proposed amendments seek to assure county residents of long-term, out-of-state solid waste disposal arrangements while reducing rate shock during the initial five years of use of Chambers Development Company, Inc. landfills. Further, approval of the use of this landfill system for the period 1987-1992 is fully consistent with the Department's transfer station initiative which was approved for inclusion into the Passaic County Solid Waste Management Plan on March 26, 1987. However, the Department is unable to approve the Chambers Development Company, Inc. arrangement as landfilling system for the disposal of ash, by-pass and non-processible waste associated with the operation of the planned resource recovery facility. N.J.S.A. 13:1E-21(b)3 places a legal obligation on each district to plan for sufficient available suitable in-county disposal sites. It is the Department's interpretation that this requirement was further obligated in a December 3, 1984 Consent Agreement entered between the Department, Passaic County and the Hackensack Meadowlands Development Commission, which required the county to make long-term, in-county residual disposal capacity available or enter into an interdistrict waste flow agreement providing for such capacity. Finally, the Division maintains that the only solution to the long-termidisposal needs of Passaic County is the development of in-county facilities or to secure interdistrict agreements with other New Jersey counties. In light of these factors, and the extent that Passaic County has failed to meetilts planning obligations pursuant to N.J.S.A. 13:1E-21(b)3, the Department cannot approve primary dependence upon out-of-state residual disposal capacity for the period 1993 to 2002 and on America to the second of th

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terms towards butter on the torroward approved agreement to respond to the composite of the state of the two of the transfer of the U.S. Pavisonmental Properties Agency, with fifting the transfer of the U.S. Pavisonmental Properties Agency, with fifting the transfer of the transfer of the U.S. Pavisonmental Properties Agency, with fifting the transfer of the U.S. Pavisonmental Properties Agency.

Inoplace of approving the primary long-term use of the Chambers Development Company, Inc. arrangement, the Department has modified the amendment to reflect approval of the long-term use of these facilities, as a component of Passaic County's Contingency Plan. On February 23, 1987, I wrote to each freeholder director in the State Diparequire sthe formulation of solid waste contingency plans. Con March 30, 4987, vePassaic. County Submitted its idraft contingency oplan which coutlined the proposed use of Chambers landfills for the period 1987+1992, planned start-up of the county's resource Precovery [facilityrin 1991, and the option of using Chambers Landfills othereafter of the pass and residue waste disposal none for content and hos things or down time and although approval po later than Ucrober 70% 1987 While Passaic County has not, as of yet, submitted its draft contingency plan in plan amendments formaforestate level review, the June 24, 1987 amendment provisions, as they relate to flong-term contractual arrangements, presents a key ingredient to sound resolid waster contingency planning. Therefore, within Section Contofinithis certification document, the Department has modified Passaic County Amendment 4-1987 and approved the long-term arrangements with the Chambers Development Company, Inc. as a component of the county's contingency plan. M. Jerner, Advisonav Ekstallisk, Calle

Further, Othe Division Goff Solid Waste, Management has also approved the county is proposed method of afinancing pursuant ato N.J.S.A. 13:1E-21(b)(6). ... However, athis approval does not pertain to the detailed content of the contractual arrangements, nor does it address the issue of the rate scheme whereby costs of the plan are amoritized over a fifteen year period. Approval of the detailed aspects of the financial arrangements proposed by Passaic County must be obtained from the Board of Public Utilities and the Department of Community Affairs. វ**ទ្**ជីម្ភាន **ខ្លា**លល្បា ម<mark>ាងគង់គ</mark>ន់ក្រា គ ការ ប៉ុន្តាទូ សមា

of Passaic County District Solid Waste Management Plan Amendment Certification

I, Richard T. Dewling, 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 reviewed the June 24, 1987 amendment to the approved Passaic County District Solid Waste Management Plan and certify to the Passaic County Board of Chosen Freeholders that the June 24, 1987 amendment is approved in part, rejected in part and modified in part as further specified below.

that this requirement are furnity- elaphorem. 1. Landfill Systemes Teachers Not below the contract of

resa)es? The inclusion into the district plan of the Chambers Development Company, Inc. landfill system in Pennsylvania and other states, to be utilized as the primary landfills for the disposal of Passaic County solid waste from 1987 to 1992, is approved. $\mathbb{E}_{\mathcal{A}} + \mathbb{E}_{\mathcal{A}} + \mathbb{E}^{\mathcal{A}} = \mathbb{E}_{\mathcal{A}}$

countlessembly depose these thereores, and the distinct being absolute their managements no ob) a iThe inclusion into the district plan of the designation of the Chambers compact approvelopment Company, Inc. alandfill system in Pennsylvania and other states as the primary landfill system for the disposal of ash, by-pass and non-processible waste associated with the operation of the Passaic County resource recovery facility from the time the facility is operational until the year 2002 is rejected.

In place cAmendments 4-1987 sischerein modified and sapproved to include within the Inc. arrundistrict plan the designation of the Chambers Development Company, Inc. the long landfill system in Pennsylvania and other states as a component of Passaic County in County's contingency plan for the disposal of ash, by-pass and state to pon-processible waster associated with the operation of the Passaic County 1967, Passresource recovery facility from the time the facility is operational until processed the syears 2002. In Further, within forty-five days of the date of this county's certification, Passaic County is directed to submit the remainder of the landfill solid wastef contingency plan in plan amendment form for state level review in consideration of the Department's comments of May 7, 1987 concerning the Parthe county's draft submission. More specifically, the remainder of the plan about address win-county residual landfill development, it the material plan should address win-county residual landfill development, it the development of interdistrict agreements on an interim/emergency basis, and

- 2) The inclusion into the district plan of the method of financing the landfill disposal system is approved. This approval pertains to the method of financing solid waste disposal costs and does not constitute specific approval of the detailed content of the contractual arrangements. Approval of the detailed aspects of the financial arrangements are the responsibility of the Board of Public Utilities and the Department of Community Affairs, Division of Local Government Services.
- 3) The inclusion into the district plan of the dedicated access road for the Passaic County resource recovery facility is approved. Specifically, Block 57, Lots 37 and part of Lots 42, 45, 46, and 51 in the City of Passaic, Passaic County for use as the dedicated access road is approved.

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

D. Other Provisions Affecting the Plan Amendment

1. Contracts

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Apy contract renewal or new contract for solid waste collection or disposal which is inconsistent with the within amendment to the Passaic County 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 ato a contract as therein described, shall be deemed to be in violation of this amendment and of the Passaic County 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 ment 4-1987 is herein modefled and approved to avoid the termin the distribution of an the dust school of the formular to the formular terminal termina

All solid waste facility operators and collector/haulers registered with the Department of Environmental Protection and operating within Passaic County and affected by other amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Passaic County 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-lanet seq., in violation of N.J.A.C. 7:26-1 et seq., and oin aviolation 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, and 12 and all other applicable laws.

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

2) The regulation autorate discrete and the control of the district of the control of the contr

The provisions of the Passaic County District Solid Waste Management Planashall 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).

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 Passaic County Board of Chosen Freeholders and pursuant to N.J.S.A. 13:1E-24c. and f., the county shall proceed with the implementation of the approved portion of the amendment contained herein.

5. Definitions

D.

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

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The amendment to the Passaic County 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 anyother action taken by the Department of Environmental Protection pursuant to its authority under the law. The Passaic County District Solid Waste Management Plan; including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan and 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 flowerules, and also mincludes the compilation of individual district plans and amendments as they are approved. Tapartment of Invironmental Protection, and the gold and shown also have approved.

E. Certification of Approval in Part, Rejection in Part and Modification in Part 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 in part, reject in part and modify in part the amendment as voutlined in Sections Croof this certification, to the Passaic County District Solid Waste Management Planswhich was adopted by the Passaic County Board of Chosen Freeholders on June 24,01987. Further, Passaic County is directed to correct the deficiency identified within Section C. within forty-five (45) days of the date of this certification.

September 1, 1987

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DATE

RICHARD T. DEWLING

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