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Scott A. Welner  
Commissioner

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 OCTOBER 14, 1992  
AMENDMENTS TO THE PASSAIC COUNTY  
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 August 13, 1980, the Department of Environmental Protection approved, with modifications, the Passaic County District Solid Waste Management Plan (County 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 plan at any time and, if found inadequate, a new plan must be adopted. The Passaic County Board of Chosen Freeholders (County Freeholders) completed such a review and on October 14, 1992 adopted four amendments to its approved County Plan.

The first of the October 14, 1992 amendments proposed an expanded strategy for addressing the Emergency Solid Waste Assessment Task Force (Task Force) Final Report concerning source reduction, recycling, and regionalization. This amendment was in response to the Department's September 27, 1991 certification of the County's initial Task Force plan amendment of March 20, 1991. Briefly, the September 27, 1991 certification directed the County within a subsequent plan amendment submission to identify in greater detail its efforts with regard to enforcement, education, vegetative and organic waste management, procurement, source reduction, regionalization, development of additional processing facilities, household hazardous waste management, and achievement of the 50% municipal waste stream recycling rate by December 31, 1995.

The other amendments proposed the inclusion of the TCF Glass Recycling Company, Inc. recycling center in Paterson for Class B materials, the Earthgrow, Inc. compost facility located in Lebanon, Connecticut to accept yard waste, leaves, grass, food processing waste and manure, and the designation of the Empire Landfill in Taylor, Pennsylvania for disposal of the County's solid waste for a period of 15 years pursuant to the terms and conditions of a Memorandum of Understanding (MOU) between the Passaic County Utilities Authority (PCUA) and the Empire Landfill.

The October 14, 1992 amendments were received by the Department of Environmental Protection and Energy (Department or DEPE) on November 10, 1992 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed these amendments and has determined that the amendments adopted by the County Freeholders on October 14, 1992 are approved in part as provided in N.J.S.A. 13:1E-24.

**B. Findings and Conclusions with Respect to the Passaic County District Solid Waste Management Plan Amendments**

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the October 14, 1992 amendments to the County Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that the approved portion of the plan amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, however, the County Freeholders and the respective applicants are notified of the issues of concern relative to the October 14, 1992 amendments which are included below.

In conjunction with the review of the amendments, the Department circulated copies to sixteen 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 Energy, DEPE  
Land Use Regulation Element, DEPE  
Groundwater Quality Management Element, DEPE  
Wastewater Facilities Regulation Element, DEPE  
Division of Parks and Forestry, DEPE  
Division of Fish, Game and Wildlife, DEPE  
Division of Solid Waste Management, DEPE  
Green Acres Program, DEPE  
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  
Department of the Public Advocate  
U.S. Environmental Protection Agency

1. Agency Participation in the Review of the October 14, 1992 Amendments

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

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

The following agencies did not respond to the Department's requests for comments:

Groundwater Quality Management Element, DEPE  
Department of Health  
Department of Community Affairs  
Department of the Public Advocate  
U.S. Environmental Protection Agency

The following agencies submitted substantive comments which are further addressed below:

Wastewater Facilities Regulation Element, DEPE  
Office of Energy, DEPE  
Division of Solid Waste Management, DEPE  
Land Use Regulation Element, DEPE

2. Issues of Concern Regarding the Task Force Amendment

Issue: County Response to Task Force Recommendations

On March 20, 1991, the County adopted a multifaceted plan amendment, a portion of which sought to address the recommendations of the Task Force

Final Report. The Department, in its certification of September 27, 1991, reviewed the March 20, 1991 plan amendment in the context of the June 1991 Solid Waste Policy Guidelines. Specifically, the amendment was reviewed to determine whether it addressed the provisions of source reduction, recycling, and regionalization. The certification directed the County within a subsequent plan amendment submission to identify in greater detail its efforts with regard to enforcement, education, vegetative and organic waste management, procurement, source reduction, regionalization, development of additional processing facilities, household hazardous waste management, and achievement of the 50% municipal waste stream recycling rate by December 31, 1995. While the County was directed to submit the subsequent plan amendment by March 24, 1992, it was not received until November 10, 1992.

The Department has reviewed the County's response to the Task Force recommendations in the context of the previous directives with comments as follows:

**a. Designated Recovery Target**

The amendment indicates recycling totals and rates for the municipal waste stream. Pursuant to the September 27, 1991 certification, the County has documented achievement of the 50% municipal waste stream recycling rate by December 31, 1995 for 18 individual categories which comprise the municipal/vegetative waste stream within the County. The Department had previously approved in the September 27, 1991 certification the County's documentation for achievement of the 60% total waste stream recycling rate. The County should not consider the 50% and 60% rates as a maximum planning target but should continue to refine and develop plans and programs toward achievement of even higher levels of recycling.

**b. Enforcement**

A comprehensive waste flow enforcement program is currently in place under the direction of the County Health Department and the County Utilities Authority. Further, a program to support individual municipalities with their enforcement efforts will be established during the next year, with notifications of violation sent to the generator and municipal recycling coordinator. Also, a surveillance program will be established in 1993 to assist individual municipalities with their enforcement efforts. Later phases of the program will include transfer station inspections. Financial penalties are already in place on the local level.

**c. Additional Designated Materials**

The amendment does not designate additional recyclables. Previously, the Department approved in the September 27, 1991 certification of the March 20, 1991 amendment the following designated recyclables within the residential, commercial and institutional sectors: newspaper, glass containers, aluminum cans, tin and bimetallic cans, plastic containers (PET and HDPE), corrugated, mixed paper (magazines, junk mail), ferrous

and nonferrous scrap, concrete, brick, block, asphalt, asphalt roofing, tree stumps/trunks, tires, used motor oil, automotive batteries, leaves and by April 15, 1993 and April 15, 1994, respectively, grass and brush. Additionally, white goods are a designated recyclable within the residential sector and high grade office paper is a designated recyclable within the commercial sector.

**d. Source Reduction**

The amendment indicates that source reduction will be achieved through the following strategies.

(1) A comprehensive source reduction outreach and educational program called "Wiser Ways" will be developed in 1992 and 1993. Target groups include both schools and an adult program. The program will include components on environmental shopping, information on packaging options, and alternatives to products containing hazardous materials.

(2) Waste audits will be performed at the County's major private facilities (facilities with over 150 employees) during 1993 and then secondary facilities (facilities with less than 150 employees) before the end of 1994. County and municipal facilities are also required to perform waste audits.

(3) The County is currently holding household hazardous waste collection days twice yearly. These events are highly publicized to encourage participation. The County will investigate in 1992 and 1993 the cost effectiveness of developing a permanent household hazardous waste collection facility versus alternate collection systems (e.g., mobile collection units). Contingent upon funding availability, the County will move forward on these plans.

(4) The County encourages municipalities to allow per container rate systems. One municipality is currently considering such a system and, if implemented, would serve as a model for other communities.

The County should develop a specific schedule for conducting waste audits at businesses and County and municipal facilities and include it in a subsequent plan amendment submission. Also, within a subsequent plan amendment submission, the County must indicate its strategy to cap per capita generation of waste at documented 1990 levels, cap total waste generation within five years, and then reduce total waste generation within ten years. Finally, the County should provide within a subsequent plan amendment submission the results of its study for developing a permanent household hazardous waste collection facility.

**e. Education**

The amendment indicates the County's intentions to continue to expand its recycling education efforts in schools and throughout the public and private sectors and its outreach to business and institutions. More specifically, the County plans to:

- (1) Offer school presentations featuring "Passaic County Kids Recycle" to every school district over the next four years.
- (2) Sponsor a media release program targeting newspaper, radio and cable television.
- (3) Sponsor an outreach and speakers bureau.
- (4) Handle telephone inquiries on a daily basis providing information concerning household hazardous waste, recycling, and general solid waste disposal.
- (5) Schedule numerous promotional events.
- (6) Provide educational support materials for businesses and institutions.
- (7) Sponsor the "Clean Builders Program" to reduce litter and encourage recycling at construction sites and implement a construction/demolition debris tracking program.

**f. Vegetative and Organic Waste**

The amendment sets forth the County's comprehensive yard waste management program. The County encourages the recycling of vegetative waste through the following programmatic efforts:

The County's "Grass-Cut It and Leave It" program encourages cutting grass more frequently to let it decompose on lawns rather than bagging and disposing of it as solid waste. This program was initiated in 1990. The County also sponsors Yard-Fest programs which includes "Brush-Chip It and Use It, Leaves-Rake It and Compost It." This latter program was developed in 1992 to supplement the County's initial yard waste management program. The County will continue to enhance these programs and is working closely with other northeastern New Jersey counties to develop a regional approach and to work with landscapers and lawn care services for program support.

The amendment also inventories existing vegetative waste facilities. The inventory is as follows:

**Municipal Sites**

<u>Municipality</u>	<u>Permit Number</u>	<u>Materials Allowed</u>
Bloomingtondale	1601 N	Leaves
Clifton	0256 A	Leaves
Haledon	1603 A	Leaves
Hawthorne	1604 A 1SP01	Leaves
Little Falls	1605 F	Leaves
North Haledon	1606 B	Leaves
Paterson	1608 J 2SP01	Leaves

Pompton Lakes	1609 C 25P01	Leaves
Prospect Park	1610 A	Leaves
Ringwood	1611 F	All Vegetative Waste
Wayne	1614 A	Leaves
West Milford	1615 A 15P01	Leaves
West Paterson	1616 A	Leaves

**Municipal Contracts**

<u>Municipality</u>	<u>Contracted Firms</u>	<u>Materials Contracted</u>
Passaic	Earthgrow, Inc. Route 207 Lebanon, CT 06249	Leaves
Paterson	Environmental Renewal 60 4th Avenue Haskell, NJ 07420	Leaves
Totowa	West Paterson Municipal Site, and West Milford Municipal Site	Leaves
Wanaque	Environmental Renewal 60 4th Avenue Haskell, NJ 07420	Leaves

**Private Sites**

<u>Company Name and Address</u>	<u>Materials Allowed</u>
Plock Farm 148 Grove Street Clifton, NJ 07013	Leaves
Environmental Renewal 60 4th Avenue Haskell, NJ 07420	All Vegetative Waste
H & H Farms P.O. Box 220 Bernville, Pennsylvania	Leaves, Grass, Garden Debris, Food Waste

**g. Procurement Policies**

The County is preparing to adopt revised purchasing practices for all County government offices by following the guidelines established in the document "Passaic County Purchasing Policy and Guidelines." Implementation of this program, before 1994, will support countywide

source reduction efforts. A separate document, "Passaic County Source Reduction Policy and Guidelines," will be provided to all municipalities to supplement procurement activities. The County's existing cooperative purchasing program will be utilized to introduce program options to the sixteen member municipalities and efforts will be made to explore the advantages of regional purchasing arrangements.

**h. Regionalization**

The County encourages the approach of regionalization in the area of recycling. Several successful joint ventures have been formalized in the areas of market development with other northeastern New Jersey counties. Future programs include yard waste management and other aspects of market development. Other regional options regarding solid waste transfer and disposal, as well as material handling, are being explored on an ongoing basis. However, since the County is a 100% exporter of solid waste to out-of-state disposal facilities, it is imperative that the County provide within a subsequent plan amendment submission a long-term in-state disposal strategy which includes a timeline with specific milestones for siting and developing in-county disposal facilities or for the negotiation of interdistrict agreements for the shared use of other existing or planned in-state capacity. This strategy will be considered by the Department in its review of the Empire Landfill contract as further described within Section B.5.

**i. Additional Processing Facility**

The amendment indicates that the County will continue to investigate the feasibility of developing a bulky waste processing facility. However, since a specific site has not been identified, no DEPE action is required within this certification relative to this facility. Nevertheless, the County should provide within a subsequent plan amendment submission the results of its investigation to develop this facility and must evaluate opportunities for regionalization. As an example, the DEPE approved plan inclusion of a proposed 1500 ton per day regional bulky waste recycling facility and landfill within the Hackensack Meadowlands Development Commission (HMDC) Plan in December 1992. This facility, if developed, would be of sufficient capacity and in relatively close proximity to Passaic County to potentially serve the County's need. Use of this proposed facility should be actively pursued by Passaic County.

**j. Cost for Implementing 60% Recycling Strategy**

The amendment does not indicate a projected cost for implementing the many programs necessary to achieve the County's 60% recycling strategy. The County should prepare such an estimate and include it in a subsequent plan amendment submission.



**k. Blanket Inclusion Policy for Recycling Centers**

The County has proposed a blanket inclusion policy for recycling centers which process Class A recyclable materials. The policy requires the County to conduct a public hearing and adopt a resolution specifying County Plan inclusion. The resolution is then submitted to the DEPE with no further Department action required.

**1. Pen Pac, Inc. 60% Recycling Proposal**

On March 9, 1993, during the Department's review of the County's strategy for addressing the Task Force Final Report, the DEPE received a proposal submitted by Pen Pac, Inc. to assist the County in achieving the 60% total waste stream recycling rate. Pen Pac, Inc. operates three transfer stations which receive all of the solid waste generated within the County prior to out-of-state disposal. The proposal submitted by Pen Pac, Inc. provides for converting the existing transfer stations into materials recovery facilities to increase recycling activity. While the Department appreciates the efforts of Pen Pac, Inc. to increase recycling within the County, the Passaic County Utilities Authority has been designated as the solid waste implementation agency for the County. Therefore, the recycling strategy proposed by Pen Pac, Inc. must be submitted to the PCUA for their consideration prior to subsequent action by the County and the DEPE.

As noted in Section C. of this certification, the Task Force strategy adopted by the County Freeholders concerning source reduction and recycling is approved. However, the above noted areas of source reduction and recycling should be considered by the County in further refinement and development of its solid waste program in a subsequent plan amendment to be submitted within 180 days. Further, staff at the DEPE will be available to discuss the preceding comments and to work with the County to structure future plan amendment submissions. Finally, regarding regionalization, the amendment did not adequately address this component of the Task Force Final Report. Therefore, since the County is a 100% exporter of solid waste, it is imperative that the County provide within 90 days in a subsequent plan amendment submission its long-term strategy for developing in-county disposal facilities or for the negotiation of interdistrict agreements for the shared use of existing or planned in-state disposal capacity. The timely submission of this strategy is necessary so that the Department may act upon the Empire Landfill contract as further described in Section B.5.

**3. Issues of Concern Regarding TCF Glass Recycling Company, Inc. Amendment**

**Issue: Planning Clarification**

One of the October 14, 1992 amendments included TCF Glass Recycling, Inc. located at 150-164 Grand Street, on Block 4914, Lots 2 and 3 in the City of Paterson as a recycling center for Class B materials. However, for purposes of clarification, it is noted that TCF Glass Company, Inc. located at 168 Grand Street on Block H0875, Lot 2 in the City of Paterson was previously included in the Passaic County Plan through the

Department's February 24, 1992 certification of the September 4, 1991 plan amendment as a recycling center for Class A materials. The two recycling centers will, therefore, be located on separate sites and conduct different recycling activities.

**Issue: Permitting Requirements**

Recycling centers are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution," which prohibits odors and other air contaminants which interfere with the enjoyment of life or property. Furthermore, recycling centers are subject to N.J.A.C. 7:27-8.2(a)16 which requires air pollution control permits for any equipment used to vent a solid waste facility directly or indirectly into the outdoor atmosphere. Also, stationary conveying equipment which cause fugitive emissions of air contaminants are subject to the provisions of N.J.A.C. 7:27-8.2(a)11.

If access onto a State Highway is required, an Access Application and possibly a Drainage Application must be filed.

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

Since the proposed recycling center will be handling Class B recyclable materials, as defined at N.J.A.C. 7:26A-1.3, it must obtain a recycling center approval from the Department pursuant to N.J.A.C. 7:26A-3 prior to operation, and shall be in conformance with Department regulations and guidelines, including N.J.A.C. 7:26A-4 et seq. Also, pursuant to N.J.A.C. 7:26A-4.1 (a) 1.iii, Class B recyclable materials may be commingled only with other Class B recyclable materials and only to the extent authorized in the general approval.

This certification shall not be construed as an expression of the Department's intent to issue a recycling center approval to any recycling center for Class B recyclable materials. A recycling center approval shall only be granted where the applicant has submitted an administratively complete application, as per N.J.A.C. 7:26A-3.5, where all substantive criteria for approval set forth in N.J.A.C. 7:26A-3.2, 3.3 and 3.4 are satisfied, where a fee has been paid in accordance with N.J.A.C. 7:26A-2, and where none of the criteria for denial of a recycling center approval are met, as per N.J.A.C. 7:26A-11 and 12.

**4. Issues of Concern Regarding Earthgrow, Inc. Amendment**

**Issue: Permitting Requirements**

If the proposed operation which transfers materials to this out-of-state facility located in Connecticut will discharge pollutants as defined in N.J.A.C. 7:14A-1.9, said operations may be required to secure a New Jersey Pollutant Discharge Elimination System (NJPDES) permit and/or a Treatment Works Approval for pollutant discharges prior to operation. Also, as noted in Section C., utilization of the Earthgrow, Inc. compost facility is only approved provided its operation is consistent with all applicable rules, regulations, and statutes of the state within which it is located.

5. Issues of Concern Regarding the Empire Landfill Amendment

**Issue: Quality of Submission and County Plan Consistency**

The subject plan amendment submission consists of a single sentence. More specifically, the entire plan amendment is as follows:

"The purpose of the plan amendment is to designate the Empire Landfill, in Taylor, Pennsylvania, pursuant to the terms and conditions of an MOU by and between the PCUA and Empire Landfill, Inc. for a period of 15 years, as a site for the disposal of solid waste generated within the geographic boundaries of Passaic County or such other solid waste to which the Authority may have rights or obligations."

In this regard, on December 7, 1992 an Order, Docket No. SR92101003J, was issued by the Department which addressed, among other things, the proposed Empire Landfill plan amendment. The Order states that on November 10, 1992, only a month before the expiration of its contract with Chambers Development Co., the County submitted to the Department the October 14, 1992 plan amendment proposing the substitution of a newly negotiated MOU with Empire Landfill as its long-term disposal facility. Further, on November 24, two weeks before the expiration of its contract with PenPac, PCUA submitted to the Department a proposed five (5) year transportation agreement between it and A.J.R. Enterprises for the provision of the transportation services currently provided by PenPac. At that time, the Department had not taken action on the long-term out-of-state disposal plan amendment or the transportation agreement pending submission and review of necessary verifying information to support the proposed plan amendment including, among other things, an MOU and the contract with the Empire Landfill. The County was also required to submit its long-term in-state disposal capacity plan as specified in the DEPE's September 11, 1992 certification.

In response to the Order, the County submitted the MOU and contract with the Empire Landfill on December 17, 1992. However, to date the County has not submitted the required long-term in-state disposal plan which was to provide for regional agreements for shared use of existing or planned in-state capacity outside of Passaic County, as well as the potential and timeframes associated with developing new in-county disposal capacity.

Consistent with the Department's December 7, 1992 Order, existing arrangements for transportation and out-of-state disposal of the County's solid waste have been maintained until June 12, 1994 and December 7, 1993 respectively. However, the Department is unable to critically evaluate the Empire Landfill contract and MOU in the absence of Passaic County's long-term in-State disposal plan. In particular, the Department has no means to evaluate the necessity of a 15-year out-of-State disposal contract at this time since it has no information from Passaic County on the viability of in-State disposal options. Further, it would be contrary to the goals of Governor Florio's Emergency Solid Waste Assessment Task Force Report, as well as to the objectives, criteria and standards of the State's Draft Solid Waste Management Plan Update (1993-2002), for the

Department to approve a long-term out-of-State disposal plan in the absence of any submission by the County of a long-term in-State disposal plan. Both the Task Force Report and Statewide Solid Waste Management Plan Update require that solid waste management districts fully utilize every available in-State disposal option before resorting to out-of-State disposal. Accordingly, the Department will modify that portion of the Passaic County plan amendment which designates the Empire Landfill as the County's disposal site so that its submission to the Department for certification is contingent upon the County also submitting a long-term in-State disposal plan.

To this end, the County must provide the Department with a detailed long-term in-state disposal strategy within 90 days of this certification. This strategy must provide a timeline with specific milestones for siting and developing in-county disposal facilities or entering regional agreements for shared use of planned or existing in-state disposal capacity and will be considered by the DEPE in its review of the Empire Landfill contract.

C. Certification of the Passaic County District Solid Waste Management Plan Amendments

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 October 14, 1992 amendments to the approved County Plan and certify to the County Freeholders that the October 14, 1992 amendments are approved in part and modified in part as further specified below.

1. Task Force Recommendations

a. Designated Recovery Target

The County's goal to recycle 50% of the municipal and vegetative waste stream is approved. The Department previously approved the County's goal to recycle 60% of the total waste stream by December 31, 1995 in its September 27, 1991 certification. However, the County should not consider the 50% and 60% rates as maximum planning targets and should continue to refine plans and programs towards achievement of even higher levels of recycling.

b. Enforcement

The County's strategy for implementing a county-wide recycling enforcement program is approved. The County has an existing enforcement program administered by the County Health Department and the County Utilities Authority. During 1993 a surveillance program will be instituted and, later, a program of transfer station inspections to further enhance enforcement efforts.

**c. Designated Recyclable Materials**

The following comprehensive listing of designated recyclable materials to be source separated in the residential, commercial and institutional sectors of each municipality is approved.

Newspaper  
 Glass food and beverage containers  
 Aluminum beverage containers  
 Tin and bimetallic cans  
 Plastic containers (PET and HDPE)  
 Corrugated  
 Mixed paper (magazines, junk mail and unsoiled scrap)  
 White goods (residential sector only)  
 Ferrous and nonferrous scrap metals  
 Construction and demolition debris recyclable  
 components: concrete, brick, block, asphalt,  
 asphalt-based roofing scrap and tree stumps/trunks  
 Tires  
 Used motor oil  
 Automotive batteries  
 Leaves  
 Brush by April 15, 1993  
 Grass by April 15, 1994  
 High grade paper (commercial sector only)

**d. Source Reduction**

The County's strategy to enact specific source reduction strategies is approved. Among these policies are expanding source reduction educational programs, the encouragement of per container waste systems, and the continuance of a Household Hazardous Waste Collection Program. The County should consider the development of a specific time schedule for performing waste audits for County and municipal buildings and for industries with more than 500 employees; for industries with 250 employees; and for industries with more than 100 employees. As noted in Section B.2.d., the County should provide this information within 180 days in the required subsequent plan amendment submission. Also, the County is required in a subsequent plan amendment submission to identify its position regarding the DEPE's general source reduction policy to cap per capita generation of waste at 1990 levels, cap total waste generation within five years, and then reduce total waste generation within ten years. Finally, the County is required in a subsequent plan amendment submission to provide the results of its study for developing a permanent household hazardous waste collection facility.

**e. Education**

The County's plan to expand its existing recycling education efforts in schools and throughout the public and private sectors and its outreach program to businesses and institutions is approved.

**f. Vegetative and Organic Waste**

The County's goal to encourage the recycling of vegetative waste through its comprehensive yard waste management program is approved. As indicated in Section B.2.f., the County has provided an inventory of all vegetative waste compost facilities. With the exception of H&H Farms and Earthgrow, Inc., none of these facilities are the subject of this certification, and no DEPE action is required. Regarding H&H Farms compost facility, during the DEPE's review of the October 14, 1992 amendments the Department was informed by the County that this facility located in Bernville, Pennsylvania was recently included within the County Plan pursuant to the County's blanket inclusion policy for compost facilities. Therefore, to provide a current inventory of compost facilities included within the County Plan, this facility has been included within the inventory identified in Section B.2.f. of this certification. Finally, the County Plan inclusion of Earthgrow, Inc. is addressed in Section C. 3. below.

**g. Procurement Policies**

The County's strategy to implement procurement policies at all County government offices and an outreach program to municipalities to encourage procurement policies through the publication of guidance documents is approved.

**h. Regionalization**

The amendment indicates that the County is pursuing discussions with other counties to regionalize in the area of market development. Future potential regionalization programs may include yard wastes management, solid waste transfer and disposal, and material handling. Since the County's regionalization plan only focuses on recycling activities, as noted in Section B.2.h., the County has not adequately addressed the regionalization component of the Task Force Final Report. Therefore, since the County is a 100% exporter of solid waste to out-of-state disposal facilities, it is imperative that the County provide within 90 days in a subsequent plan amendment submission, a long-term in-state disposal strategy which includes a timeline with specific milestones for siting and developing in-county disposal facilities or for the negotiation of interdistrict agreements for the shared use of other existing or planned in-state capacity. This strategy will be considered by the DEPE in its review of the Empire Landfill contract.

**i. Additional Processing Facilities**

The amendment indicates that the County will continue to investigate the feasibility of a bulky waste processing facility. However, since a specific site has not been identified, no DEPE action is required within this certification relative to this facility. As indicated in Section B.2.i, the County should provide within 180 days in the required subsequent plan amendment submission the results of its investigation to develop this facility and the results of its discussions with the HMDC toward possible regional use of their proposed bulky waste recycling facility and landfill.

**j. Blanket Inclusion Policy for Recycling Centers for Class A Recyclable Materials**

The blanket inclusion policy for recycling centers which process Class A recyclable materials is approved. A recycling center will be included within the County Plan under the blanket inclusion policy where the following conditions are met:

- (1) A project description of the facility and its proposed operation is submitted to the County.
- (2) The applicant submits written documentation to the County that all applicable local approvals have been secured.
- (3) The application is reviewed by the County Solid Waste Advisory Council.
- (4) The application is the subject of a public hearing conducted by the County Freeholders and formal plan amendment process in accordance with N.J.S.A. 13:1E-23.
- (5) The County Freeholders approve the recycling center to be included in the County Plan under the blanket inclusion policy by duly adopted resolution and such resolution is submitted to the DEPE.

**2. TCF Glass Recycling Facility**

The County Plan inclusion of the TCF Glass Recycling, Inc. recycling center located at 150-164 Grand Street on Block 4914, Lots 2 and 3 in the City of Paterson, Passaic County as a recycling center for Class B materials is approved. Because this recycling center will be handling Class B recyclable materials, as defined at N.J.A.C. 7:26A-1.3, it must obtain a recycling center approval from the Department pursuant to N.J.A.C. 7:26A-3 prior to operation. Further, pursuant to N.J.A.C. 7:26A-4.1(a)1.iii, Class A recyclable materials may be commingled only with other Class A recyclable materials. Class B recyclable materials may be commingled only with other Class B recyclable materials and only to the extent authorized in the general approval.

This certification shall not be construed as an expression of the Department's intent to issue a recycling center approval to any recycling center for Class B recyclable materials. A recycling center approval shall only be granted where the applicant has submitted an administratively complete application, as per N.J.A.C. 7:26A-3.5, where all substantive criteria for approval set forth in N.J.A.C. 7:26A3.2, 3.3 and 3.4 are satisfied, where a fee has been paid in accordance with N.J.A.C. 7:26A-2, and where none of the criteria for denial of a recycling center approval are met, as per N.J.A.C. 7:26A-11 and 12.

Any residue generated as a result of the operation of this recycling center shall be disposed of pursuant to the County Plan and the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26 et

seq.). The construction and operation of a recycling center which receives, stores, processes or transfers Class B recyclable materials, as defined at N.J.A.C. 7:26A-1.3, shall be preceded by the acquisition of the necessary approval pursuant to N.J.A.C. 7:26A-3 et seq., and shall be in conformance with Departmental regulations and guidelines, including N.J.A.C. 7:26A-4.

3. Earthgrow, Inc.

The County Plan inclusion of Earthgrow, Inc. located on Rt. 207 in Lebanon, Connecticut to compost yard waste, leaves, grass, food processing waste and animal manures generated within Passaic County is approved. However, as noted in Section B., the Earthgrow, Inc. compost facility is only approved to the extent that its operation is consistent with all applicable rules, regulations, and statutes of the state within which is located.

4. Empire Landfill Contract

The amendment proposed to designate the Empire Landfill in Taylor, Pennsylvania pursuant to the terms and conditions of an MOU by and between the PCUA and the Empire Landfill, Inc. for a period of 15 years as a site for the disposal of solid waste generated within the geographic boundaries of Passaic County or such other solid waste in which the authority may have rights or obligations.

As noted in Section B., on December 7, 1992 an Order, Docket No. SR92101003J, was issued by the Department which addressed, among other things, the proposed Empire Landfill plan amendment. The Order states that on November 10, 1992, only a month before the expiration of its contract with Chambers Development Co., the County submitted to the Department the October 14, 1992 plan amendment proposing the substitution of a newly negotiated MOU with Empire Landfill as its long-term disposal facility. Further, on November 24, two weeks before the expiration of its contract with PenPac, PCUA submitted to the Department a proposed five (5) year transportation agreement between it and A.J.R. Enterprises for the provision of the transportation services currently provided by PenPac. At that time, the Department had not taken action on the long-term out-of-state disposal plan amendment or the transportation agreement pending submission and review of necessary verifying information to support the proposed plan amendment including, among other things, the MOU and the contract with the Empire Landfill. The County was also required to submit its long-term in-state disposal capacity plan specified in the DEPE's September 11, 1992 certification.

In response to the Order, the County submitted the memorandum of understanding and contract with the Empire Landfill on December 17, 1992. However, to date, the County has not submitted the required long-term in-state disposal plan which was to provide for regional agreements for shared use of existing or planned in-state capacity outside of Passaic County, as well as the potential and timeframes associated with developing new in-county disposal capacity.



Consistent with the Department's December 7, 1992 Order, existing arrangements for transportation and out-of-state disposal of the County's solid waste have been maintained until June 12, 1994 and December 7, 1993, respectively. However, the Department is unable to critically evaluate the Empire Landfill contract and MOU in the absence of Passaic County's long-term in-State disposal plan. In particular, the Department has no means to evaluate the necessity of a 15-year out-of-State disposal contract at this time since it has no information from Passaic County on the viability of in-State disposal options. Further, it would be contrary to the goals of Governor Florio's Emergency Solid Waste Assessment Task Force Report, as well as to the objectives, criteria and standards of the State's Draft Solid Waste Management Plan Update (1993-2002), for the Department to approve a long-term out-of-State disposal plan in the absence of any submission by the County of a long-term in-State disposal plan. Both the Task Force Report and Statewide Solid Waste Management Plan Update require that solid waste management districts fully utilize every available in-State disposal option before resorting to out-of-State disposal. Accordingly, that portion of the Passaic County plan amendment which designates the Empire Landfill as the County's disposal site is modified so that its submission to the Department for certification is contingent upon the County also submitting a long-term in-State disposal plan.

To this end, the County must provide the DEPE with a detailed long-term in-state disposal strategy within 90 days of this certification. This strategy must provide a timeline with specific milestones for siting and developing in-county disposal facilities or entering regional agreements for shared use of existing or planned in-state disposal capacity and will be considered by the DEPE in its review of the Empire Landfill contract.

Please be advised that the Department's modification of that portion of the Passaic County plan amendment which designates the Empire Landfill as the County's long-term disposal site is neither an approval, modification or rejection of the County's proposed five-year transportation agreement between the PCUA and A.J.R. Enterprises. The Department will continue to review this agreement under its solid waste utility jurisdiction, N.J.S.A. 48:13A-1 et seq.

D. Other Provisions Affecting the Plan Amendments

1. Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with the approved amendments to the County Plan and which was executed prior to the approval of the approved amendments 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 the approved amendments and of the County Plan if such renegotiation is not completed within ninety (90) days of the

effective date of the approved amendments 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 approved amendments contained herein shall operate in compliance with the approved amendments and all other approved provisions of the County 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 County 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. 7:26-6, but are subject to regulation in accordance with N.J.A.C. 7:26A-1 et seq.

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

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

5. Definitions

For the purpose of these amendments 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 and -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of the Amendments

The approved amendments to the County 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 County Plan, including any amendment made thereto, shall conform with

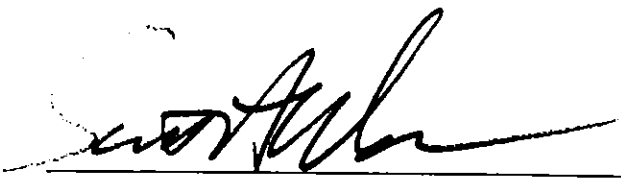
the Statewide Solid Waste Management Plan. The Department has published a Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, interdistrict and intradistrict waste flow rules, and also includes the compilation of individual district plans and amendments as they are approved.

E. Certification of Approval in Part of the Amendments by the Commissioner of the Department of Environmental Protection and Energy

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve in part the amendments, as outlined in Section C. of this certification, to the Passaic County District Solid Waste Management Plan which were adopted by the Passaic County Board of Chosen Freeholders on October 14, 1992. I also hereby require, as noted in Section C., the Passaic County Board of Chosen Freeholders to address the noted deficiencies within the timeframe specified.

DATE

4/8/93

  
SCOTT A. WEINER  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
AND ENERGY

#1913