

## State of New Jersey

Christine Todd Whitman

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
UNION COUNTY SOLID WASTE
MANAGEMENT DISTRICT

CERTIFICATION
OF THE SEPTEMBER 14, 1995
AMENDMENTS TO THE UNION 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 of Environmental Protection approved, with modifications, the Union 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 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.)

 $\mathbb{P}(\mathbf{x}_{i}) = \mathbf{x}_{i} = \mathbf{x}_{i} + \mathbf{y}_{i} + \mathbf{y}_{i} + \mathbf{y}_{i} + \mathbf{y}_{i} + \mathbf{y}_{i} = \mathbf{y}_{i} + \mathbf{y}_{i} + \mathbf{y}_{i} = \mathbf{y$ 

The Act further provides that a district may review its County Plan at any time and, if found inadequate, a new County Plan must be adopted. The Union County Board of Chosen Freeholders (County Freeholders) completed such a review and on September 14, 1995, adopted four amendments to its approved County Plan.

The amendments proposed County Plan inclusion of:

- \* modifications to the operation of the existing J & J Recycling Company, Inc. materials recovery facility/transfer station located in the City of Elizabeth entailing the inclusion of additional lots, the processing of additional materials, and increasing processing capacity;
- \* a medical waste grinding/disinfection system to be installed at G.I.B. Laboratories located in New Providence Borough;
- \* modifications to Union County's small-scale incinerator policy and a correction of the lot and block designation of Schering Plough's small-scale incinerator located in Kenilworth Borough;
- \* the deletion from the County Plan of Plainfield Iron and Metal, a Class A recycling facility which has ceased operation in the City of Plainfield.

The amendments were received by the Department on October 3, 1995, 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 September 14, 1995 are approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the September 14, 1995 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 these plan amendments are consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders and the applicants are notified of the issues of concern relating to the September 14, 1995 amendments which are identified in Section B.2. below.

In conjunction with the review of the amendments, the Department circulated copies to 15 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 Parks and Forestry, DEP

Division of Fish, Game and Wildlife, DEP

Division of Enforcement, DEP

Division of Solid and Hazardous Waste, DEP

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

## 1. Agency Participation in the Review of the September 14, 1995 Amendments

The following agencies did not object to the proposed amendments:

Division of Parks and Forestry, DEP
Division of Fish, Game and Wildlife, DEP
Division of Enforcement, DEP
Green Acres Program, DEP
New Jersey Turnpike Authority
Department of Agriculture
Department of Community Affairs
Department of Transportation

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

Office of Air Quality Management, DEP
Land Use Regulation Element, DEP
Division of Water Quality, DEP
New Jersey Advisory Council on Solid Waste Management
Department of Health
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 September 14, 1995 Amendments

### 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.

The medical waste grinding/disinfection system proposed for installation at the G.I.B. Laboratories in New Providence is a Z-5000. While Z-5000 units have not, as yet, been the subject of a detailed efficacy review by the DEP and the Department of Health (DOH), several of these units have been permitted to operate in the State for approximately five years. All such units must be permitted for any media releases, such as air and water, and be registered by the Department as medical waste destination facilities.

### Issue: Small-Scale Incinerator Policy

Within a September 28, 1989 multifaceted amendment, the County proposed a policy that upon operation of the Union County Resource Recovery Facility (UCRRF) in Rahway all small-scale incinerators, exclusive of special waste incinerators, would cease operation and all waste accepted at these facilities would be directed to the UCRRF for disposal. The County defined special waste incinerators those utilized to incinerate medical, industrial and/or pathological waste which, due to the specific characteristics or handling requirements, necessitate the generator to continue utilizing a small-scale incinerator rather than the UCRRF. Department, in a certification of March 22, 1990, rejected this policy and directed the County within a subsequent plan amendment submission to modify the policy to specify that all small-scale incinerators, exclusive of special waste incinerators, shall cease operation after start-up of the UCRRF and the expiration of their respective Departmental permits. One of the September 14, 1995 amendments complies with the directive specified within the March 22, 1990 certification.

## Issue: Correction of Site Location for Schering Plough Incinerator

Also within the above noted September 28, 1989 amendment a Schering Plough small-scale incinerator was included within the County Plan. The amendment identified the site location as Block 101, Lot 2 within the Borough of Kenilworth and the certification approved this specific site. One of the September 14, 1995 amendments notes that the September 28, 1989 amendment incorrectly identified the site location for this incinerator. The correct location is Block 181, Lot 1 within the Borough of Kenilworth.

## Issue: Modifications to Operation of J & J Recycling Company

The J & J Recycling Company, Inc. Amboy Avenue site in Elizabeth is included within the County Plan as a materials recovery

facility/transfer station with a capacity of 1,000 tons per day (TPD). The facility is authorized to accept waste types 10 (nonputrescible residential waste only), 13, 23, and 27. Specifically, the following materials are processed: wood, concrete, dirt, sheet rock, aluminum, paper, cardboard, metals, glass, and wire. One of the September 14, 1995 amendments proposes modifications to the operation of the facility comprising:

- \* Inclusion of additional lots to accommodate truck queuing and storage thus providing space for other operational activities;
- \* Inclusion of a recycling center for Class B materials with a 1,000 TPD capacity; and
- \* Acceptance of additional waste types at the transfer station/materials recovery facility: type 10 putrescible residential and commercial waste and type 10 nonputrescible commercial waste.

## C. <u>Certification of the Union County District Solid Waste Management Plan Amendments</u>

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 14, 1995 amendments to the approved County Plan and certify to the County Freeholders that the September 14, 1995 amendments are approved as further specified below.

#### a. J & J Recycling Company, Inc. Transfer Station

The County Plan inclusion of modifications to the operation of the existing J & J Recycling Company, Inc. transfer station/materials recovery facility located on Amboy Avenue in the City of Elizabeth, Specifically, the acceptance of Union County is approved. additional waste types comprising type 10 putrescible commercial and residential waste and type 10 nonputrescible commercial waste to the previously included waste types (type 10 nonputrescible residential waste and waste types 13, 23, and 27) is approved. The company has no intention of accepting large quantities of these additional waste types but only seeks to increase its flexibility in processing various waste types to remove recyclables and to serve as an emergency back-up to the UCRRF should that facility shut-down. Also, the expansion of the site to include Block 4, Lot 1454 for truck queuing and Block 4, Lots 1458 and 0055A for storage to the previously included Block 4, Lot 1452 is approved. Finally, the addition of a 1,000 TPD recycling center for Class B materials This operation will comprise accepting 200 TPD of is approved. wood, 650 TPD of concrete/brick/asphalt, 100 TPD of shingles (with no processing), and 50 TPD of tires (with no processing).

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 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.

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 issued by the Department.

Any residue generated from the operation of a 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.).

#### b. G.I.B. Laboratories Grinder

The County Plan inclusion of a medical waste grinding/disinfection system at G.I.B. Laboratories located at 41 Spring Street at Block 210, Lot 21 in the Borough of New Providence, Union County is approved. Specifically, the facility will process 40-50 pounds per hour of regulated medical waste with an anticipated operating schedule of 2.5 hours per day, 650 hours per year.

### c. Small-Scale Incinerator Policy

The County Plan inclusion of a modification to the policy for the continued operation of small-scale solid waste incinerators is approved. Specifically, the previously DEP rejected policy which directed that upon start-up of the UCRRF all small scale incinerators (exclusive of those exceptions identified in Section B.) would cease operation and the waste previously processed at these facilities be directed for disposal at the UCRRF has been modified to require that incinerators shall cease operation upon start-up of the UCRRF and expiration of their respective DEP permits.

## d. Schering Plough Incinerator

The County Plan inclusion of the corrected site location for the Schering Plough small-scale incinerator located in the Borough of Kenilworth, Union County is approved. Specifically, the correct location for this facility is Block 181, Lot 1, not Block 101, Lot 2 as previously identified in the County Plan.

## e. Plainfield Iron and Metal Recycling Center

The County Plan deletion of Plainfield Iron and Metal (PIM), a

recycling center for Class A materials, located at Block 498, Lot 5 in the City of Plainfield, Union County is approved. PIM has ceased operations in Plainfield and, therefore, this facility is no longer an alternative to Union County municipalities seeking to contract for recycling services.

### 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 these amendments to the County Plan and which was executed prior to the approval of these 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 these amendments and of the County Plan if such renegotiation is not completed within ninety (90) days of the effective date of these 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 amendments contained herein shall operate in compliance with these 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. 7:26A-1 et seq.

## 4. <u>Certification to Proceed with the Implementation of the Plan</u> 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, -2.13, and N.J.A.C. 7:26A-1.3.

#### 6. Effective Date of the Amendments

The 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, 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. <u>Certification of Approval of the Amendments by the Commissioner of the Department of Environmental Protection</u>

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve the amendments, as outlined in Section C. of this certification, to the Union County District Solid Waste Management Plan which were adopted by the Union County Board of Chosen Freeholders on September 14, 1995.

Robert C. Shinn, Jr., Commissioner

Department of Environmental Protection