



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER
P. O. BOX 1390
TRENTON, N. J. 08625
609-292-2885

(IN THE MATTER OF THE PROPOSED)
(SOLID WASTE MANAGEMENT PLAN)
(OF THE ESSEX COUNTY SOLID)
(WASTE MANAGEMENT DISTRICT)

CERTIFICATION
OF
MODIFICATION

BY ORDER OF THE COMMISSIONER:

On August 8, 1979, the Essex County Board of Chosen Freeholders adopted the Essex County Solid Waste Management Plan pursuant to the Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.).

The Department of Environmental Protection has studied and reviewed the Plan in accordance with this Legislation. The review process, established by the Solid Waste Administration in an April, 1979 Policy Memorandum entitled "Policy and Procedures for Review of District Solid Waste Management Plans", was used to evaluate the Essex Solid Waste Management Plan. This process was designed to incorporate both State level and public comments into the review. Generally, State agencies evaluated the Plan with regard to its impact on the State solid waste management program and their own programs, and provided advice within their own specialized areas of expertise. Public comments centered mostly on environmental concerns and the possibilities of implementing resource recovery. Additionally, the State has reviewed the Plan to ascertain whether there is sufficient clarity of facts and recommendations to permit program implementation.

Based on the results of this review and evaluation, it is my determination that the Essex County Solid Waste Management Plan be granted a Certification of Modification at this time, requiring satisfactory completion of the modifications listed herein.

The Department, as a result of its review of the Essex County District Solid Waste Management Plan, and in accordance with the Solid Waste Management Act, has made the following findings and conclusions:

- 1) The Solid Waste Management Act requires each District to include an analysis of existing solid waste collection systems and transportation routes within the Solid Waste Management District and further, to make a survey of proposed collection districts and transportation routes, and to project the transportation costs from collection districts to existing and designated solid waste facilities. While the Essex County Solid Waste Management Plan includes a survey of various types of collection systems, existing collector haulers, and costs incurred by each municipality, the Plan does not include the duration of contracts or an analysis of existing or proposed transportation routes and costs within the District to existing or available suitable sites for solid waste facilities.

- 2) The Solid Waste Management Act requires the District Plan to inventory the sources, composition and quantity of solid waste generation for each of the ten years following the year in which the Plan is prepared. The Plan does not totally comply with this requirement.
- 3) The Solid Waste Management Act requires the District Plan to include a solid waste disposal strategy which includes the maximum practicable use of resource recovery. While the Essex County Plan does include various strategies for maximizing resource recovery, a detailed implementation schedule is not included.
- 4) The Solid Waste Management Act requires that each District Plan contain a plan for using terminated landfill disposal sites. The Essex County Plan does not identify a specific use for each of its landfills.
- 5) The Solid Waste Management Act and the guidelines and criteria adopted by the Department pursuant to the Act require the District to adopt a solid waste management strategy which includes the maximum practicable use of resource recovery, including source separation and recycling. While the Essex County Plan recommends expanding existing source separation programs to eventually source separate 20% of the municipal solid waste stream, the Plan lacks a comprehensive program to maximize source separation, including the identification of specific markets and costs, the consideration of regional source separation districts and any legal, institutional or financial measures necessary to implement the program.
- 6) The Solid Waste Management Act provides that a system shall be established for uniform disposal rates within the District. The Essex County Plan does not include a detailed procedure for the uniform distribution of resource recovery and disposal costs throughout the District's service area.
- 7) The Department, in its review of District Solid Waste Management Plans for the northeast, finds that certain District Plans, including the Essex County Plan, have not identified or included interdistrict agreements for sufficient existing or available suitable sites to treat or dispose of their own wastes either in the short or long term, or both. Districts, including Essex County, have not entered interdistrict agreements with one another for the transportation of wastes across District boundaries. The Department finds that such interdistrict waste flow is necessary, particularly during the short term as resource recovery is implemented, and should be part of a comprehensive plan for solid waste management in northeastern New Jersey.

In the absence of such a comprehensive plan, it has become necessary for the Department to develop a combined approach which will impact, to varying degrees, many Districts, including Essex County. In light of the need for this interdistrict flow plan, it is necessary for Essex County to enter into interdistrict

agreements with the Hackensack Meadowlands Development Commission and Union and Hudson Counties. In developing its combined approach for northeastern New Jersey, the Department has approved new rules, cited as N.J.A.C. 7:26-1.11 et seq., which will impact solid waste collection and disposal practices in the multi-district region including Essex County.

Therefore, Essex County is hereby directed to make the following modifications to its adopted District Solid Waste Management Plan no later than July 1, 1980:

- 1) The Plan shall set forth sufficient data and discussion to identify the existing and proposed configuration of solid waste collection and disposal operations, such that a solid waste franchise system can be developed. This shall include a waste flow diagram, for each type of waste, which shows the existing and proposed flow of solid waste for the ten year planning period from each municipality (source) to a specific processing and/or disposal facility (destination) The waste flow plan shall include those out-of-county municipalities utilizing solid waste facilities proposed in Essex County. This shall also identify the specific haulers now involved in collecting waste by municipality.
- 2) The Plan shall include a schedule (including specific milestones) for the completion of indepth studies necessary for resource recovery implementation and an indication of who will undertake the studies, an estimate of their cost, and how the studies will be funded. The studies shall include, as a minimum, the following:
 - a) the means for securing agreements/contracts for markets for materials and energy (including those for source separation/recycling),
 - b) as assessment of available resource recovery technology (including co-disposal) and an evaluation of cost/benefits,
 - c) determination of specific facility site(s), including lot and block numbers,
 - d) collection of more reliable solid waste generation and composition data and justification for facility capacity,
 - e) identification of legal and institutional constraints and solutions thereto,
 - f) projections of both capital and operating costs and the method of financing them,
 - g) environmental assessment of technology and sites,
 - h) determination of capacity needs and facility locations for the disposal of resource recovery residuals, for emergency backup and for non-processable wastes, and
 - i) identification of a detailed resource recovery implementation schedule which will ensure the completion of Essex County's resource recovery facility by 1985.

- 3) The Plan shall include a detailed plan for the use of each terminated land disposal site within the County.
- 4) The Plan shall include a more comprehensive and implementable program for extracting the maximum practicable amount of recoverable materials via recycling, waste exchanges, and similar source separation programs.
- 5) The Plan shall include a more detailed procedure for the uniform distribution of resource recovery and disposal costs throughout the District's service area. This plan shall include procedures for the uniform distribution of costs necessary to upgrade existing disposal facilities to meet environmental regulations.
- 6) The Essex County Plan shall include interdistrict agreements with the Hackensack Meadowlands Development Commission and Hudson and Union Counties for implementing those requirements of N.J.A.C. 7:26-1.11 et seq. (approved on December 31, 1979) impacting Essex County. Essex County shall also enter agreements with said Districts setting forth the necessary procedures for coordinating and integrating collection, transportation, recovery and disposal services in the area and setting forth the specific responsibilities of each District for implementation of the Plan(s).
- 7) Essex County shall reach an agreement with the Hackensack Meadowlands Development Commission and the Counties of Union and Hudson on the amounts and types of wastes generated within the Counties and transported to either existing and/or proposed facilities under the jurisdiction of the Hackensack Meadowlands Development Commission or Essex County for each of the ten years addressed in the Plan. The agreed upon data shall be incorporated into Essex County's report and Plan.
- 8) In addition, Essex County is directed to complete the additional modifications to its Solid Waste Management Plan described in the document attached to this Certification as Appendix I by July 1, 1980.

Attached as Appendix II is a list of recommended modifications to be included in the District Solid Waste Management Plan as part of the two year review required pursuant to N.J.S.A. 13:1E-20.

In accordance with N.J.S.A. 13:1E-24, these required modifications shall be considered major modifications of the District Plan and the District is hereby directed to conduct an additional public hearing no later than 45 days from the date of this Certification.

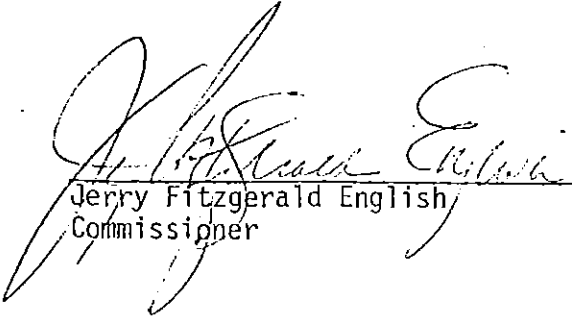
Following submission and review of the adopted modifications, I shall, within 30 days of submittal, certify to the Board of Chosen Freeholders whether or not these modifications are acceptable and if the Plan is approved.

Further, it is noted that the Solid Waste Management Act, the Rules of the Department of Environmental Protection, and other State and federal requirements apply to the permitting and approval of solid waste facilities. Therefore, neither

the Certification nor any future action of the Department concerning the District Solid Waste Management Plan shall be construed to be in derogation of, or inconsistent with, such other requirements.

Date

1/3/80


Jerry Fitzgerald English
Commissioner

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Appendix I

Additional Modifications Required by July 1, 1980

I. SOLID WASTE GENERATION

- The Plan shall include an inventory by source, type, composition, and quantity of solid waste (including sludge and septage) generated within the solid waste management District in the year in which the report is prepared and each of the ten years following the report. In addition, the Plan shall include a specific timetable for the conduct of a program to more accurately define waste generation rates and composition necessary for resource recovery implementation.

II. COLLECTION AND HAUL

- The Plan did not provide a specific analysis of industrial waste generation, transportation and disposal within the County. In addition, a strategy for the maximum recovery of industrial wastes should be developed. A specific timetable for undertaking this analysis and developing a strategy shall be included.
- The Plan should also include a strategy for increasing the efficiency of collection and transportation within the County, specifically a study evaluating the maximum utilization of transfer stations.

III. SLUDGE AND SEPTAGE

- The Plan should address additional recommendations of the 1976 Interstate Sanitation Commission (ISC) report concerning the Caldwell, Cedar Grove, Livingston and Verona plants. The ISC plan recommended disposal of these sludges in Morris County either by land application during the growing season (supplemented by landfilling) or pyrolysis at a Parsippany-Troy Hills regional pyrolysis facility. Should these recommendations be adopted, appropriate implementation schedules and an interdistrict agreement would have to be developed. Should these recommendations not be adopted, the Plan should justify this decision and outline an acceptable alternative.
- The County should clarify its role in the proposed joint Passaic Valley Sewerage Commission/Port Authority study on the feasibility of co-disposal.

IV. RESOURCE RECOVERY

- The Plan shall analyze and identify that part of the waste stream which will be recovered by high and low technology resource recovery, in order to minimize costs, conserve energy and enhance environmental quality.

- The Plan identifies an approximately 150 acre site on Newark's Doremus Avenue as the County's primary resource recovery site. Approximately 90 acres of this site is owned by the Passaic Valley Sewerage Commission (PVSC). The PVSC plans to utilize the site for the interim land application of its sewage sludge. The Plan shall address this apparent conflict for the use of the Doremus Avenue site.
- The Plan shall include more specific information as to the sources of waste (non-Newark) that will be processed at the Combustion Equipment Associates/Newark facility. If the sources are outside of Essex County, long term agreements for facility usage will have to be negotiated.

V. PUBLIC PARTICIPATION

- The Plan shall set forth a comprehensive public information and participation program. This program shall identify a process for keeping the public informed, for the receipt, evaluation and consideration of public comment, and for the integration of public participation into Plan development and implementation. In addition, the Plan shall include documentation of the procedures Essex County used for public participation in the development of its Plan. This shall include a discussion of the activities of the Essex County Solid Waste Advisory Council, consultations with and input from other publics, and a discussion of the manner in which these comments were considered by the County.

VI. LANDFILLS

- The Plan shall contain a map showing the locations of all existing solid waste facilities, identified by their Department of Environmental Protection Registration Number.
- The Plan shall contain an analysis of the necessary environmental improvements to landfills located within the District.

VII. PLAN REVIEW AND UPDATE

- The Solid Waste Management Act requires the District Plan to contain provisions for its review by the Board of Chosen Freeholders once every two years. While the Essex County Plan acknowledges this requirement and indicates that the Plan will have to be updated, no specific provisions have been made in the Plan to accomplish this. The Plan shall include specific provisions for its update.

Appendix II

Recommended Modifications for Two-Year Update of the Essex County Solid Waste Management Plan

I. DATA BASE

- The Plan should contain a table showing existing land distribution (amount and percent) for single family residential, multi-family residential, commercial, industrial, public and quasi-public, conservation and recreation, and open space areas.
- The Plan should include updated census data and population projections consistent with year 2000 policy projections from the New Jersey Department of Environmental Protection Draft New Jersey Water Quality Management Plan, March, 1979.
- Employment projections should be presented according to standard industrial classifications to provide consistency with other District data. Methodologies and assumptions used in the formulation of estimates and projections should be included.

II. SOLID WASTE GENERATION

- Solid waste estimates and projections should be provided according to waste identification categories in the New Jersey Department of Environmental Protection "Rules of the Solid Waste Administration." This format will provide consistency among District data.
- The updated Solid Waste Management Plan should include, in an appendix, the specific methodology used in obtaining solid waste estimates and projections.
- The Plan should segregate out bulky waste figures from the municipal waste totals to provide a more accurate determination of processible solid waste that can be handled by resource recovery facilities.

III. COLLECTION AND HAUL

- The Plan should contain an analysis of the feasibility of alternative collection practices and should require the modifications of those practices where appropriate. This feasibility analysis should include an assessment of the feasibility of eliminating twice a week collection in those areas where recycling programs are successful.