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

CERTIFICATION
OF THE MAY 1, 1996
AMENDMENT TO THE BERGEN 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 October 31, 1980, the Department of Environmental Protection (DEP or Department) approved, with modifications, the Bergen 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 County Plan at any time and, if found inadequate, a new County Plan must be adopted. The Bergen County Board of Chosen Freeholders (County Freeholders) completed such a review and on May 1, 1996, adopted an amendment to its approved County Plan.

The amendment provides for the existing DiBella Sanitation, Inc. transfer station/materials recovery facility located in Park Ridge, Bergen County to accept Class A and Class B recyclable materials.

The amendment was received by the Department on June 10, 1996, and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this amendment and has determined that the amendment adopted by the County Freeholders on May 1, 1996 is approved as provided in N.J.S.A. 13:1E-24.

B. Findings and Conclusions with Respect to the Bergen County District Solid Waste Management Plan Amendment

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the May 1, 1996 amendment 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 this plan amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders and the applicant are notified of the issues of concern relative to the May 1, 1996 amendment which are included in Section B.2. below.

In conjunction with the review of the amendment, the Department circulated copies to fifteen State and Federal administrative review agencies, and solicited their review and comment. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various bureaus, divisions, and agencies within the Department. All agencies contacted are as follows:

Division of Water Quality, DEP
Division of Parks and Forestry, DEP
Division of Fish, Game and Wildlife, DEP
Division of Enforcement, DEP
Division of Solid and Hazardous Waste, DEP
Green Acres Program, DEP
Land Use Regulation Element, DEP
Office of Air Quality Management, DEP
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
U.S. Environmental Protection Agency

1. Agency Participation in the Review of the May 1, 1996 Amendment

The following agencies did not object to the proposed amendment:

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

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

Green Acres Program, DEP
Division of Water Quality, DEP
Land Use Regulation Element, DEP
Office of Air Quality Management, 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 Regarding the May 1, 1996 Amendment

Issue: Regulatory Requirements

If any recycling operation 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.

Recycling operations are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits the release of 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 includes but is not limited to operational standards and general rules for recycling centers which receive, store, process or transfer Class A and Class B recyclable materials.

Issue: Legal Requirements

Amendment 96-03 adopted by the County Freeholders on February 21, 1996 established a policy for deleting noncompliant transfer stations from the County Plan. The Department, in its certification of August 9, 1996, approved with modification the

amendment by stating that "Any solid waste facility heretofore included with the Bergen County Plan which operates in violation of, and for which revocation would be warranted, the Bergen County Plan, the Statewide Solid Waste Management Plan, the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq., the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., and/or the rules and regulations which implement those statutes shall be proposed for deletion via an amendment of the Bergen County Plan upon final order of the Department or the Superior Court of New Jersey." Since the May 1, 1996 amendment contains the same deletion policy for noncompliant transfer stations as articulated in Amendment 96-03, Section C. of this certification notes that the DiBella Sanitation, Inc. transfer station/materials recovery facility shall only be deleted from the County Plan pursuant to the above noted requirements which were incorporated within the Bergen County Plan in the DEP's August 9, 1996 certification to said plan.

Issue: Planning Requirements

The County's February 2, 1994 amendment included the DiBella Sanitation, Inc. transfer station/materials recovery facility within the County Plan as one of the private transfer stations to operate in conjunction with the Bergen County Utilities Authority Transfer Station to process waste prior to in-state or out-of-state disposal. As such, the DiBella facility is one of the transfer stations operating in Bergen County which is authorized to accept type 13C (construction and demolition waste) pursuant to the Department's Standards for Construction and Demolition Waste which became effective on January 29, 1996. Therefore, Section C. of this certification identifies type 13C waste, in addition to waste types 10, 13, 23, and 27 identified within the amendment, as a waste type authorized for acceptance at the DiBella Sanitation, Inc. transfer station/materials recovery facility.

C. Certification of the Bergen County District Solid Waste Management Plan Amendment

In accordance with N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-21, which establishes specific requirements regarding the contents of the district solid waste management plans, I have reviewed the May 1, 1996 amendment to the approved County Plan and certify to the County Freeholders that the May 1, 1996 amendment is approved as further specified below.

The County Plan inclusion of the acceptance of 100 tons per day of Class A and Class B recyclable materials at the existing DiBella Sanitation, Inc. transfer station/materials recovery facility located at 144 Kinderkamack Road, Blocks 1801 and 1802, Lots 5, 6, and 7 in Park Ridge Borough, Bergen County is approved. The total facility capacity, including solid waste types 10, 13, 13C, 23, and 27 as well as the Class A and Class B recyclable materials, will be 500 tons per day.

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.

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. 7:26-1 et seq.).

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

The applicant must apply to the Department for a modification of its existing solid waste facility permit to authorize the acceptance of Class A and Class B recyclable materials. This certification shall not be construed as an expression of the DEP's intent to issue a solid waste facility permit modification for any proposed facility or operation.

Any solid waste facility heretofore included with the Bergen County Plan which operates in violation of, and for which revocation would be warranted, the Bergen County Plan, the Statewide Solid Waste Management Plan, the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq., the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., and/or the rules and regulations which implement those statutes shall be proposed for deletion via an amendment of the Bergen County Plan upon final order of the Department or the Superior Court of New Jersey.

D. Other Provisions Affecting the Plan Amendment

1. Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with this amendment to the County Plan and which was executed prior to the approval of this amendment and subsequent to the effective date of the Solid Waste Management Act (July 29, 1977), and which shall further be for a term in excess of one year, shall immediately be renegotiated in order to bring same into conformance with the terms and provisions herein set forth. Any solid waste collection operation or disposal facility registered by the Department and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the County Plan if such renegotiation is not completed within ninety (90) days of the effective date of this

amendment provided, however, that any such registrant may, upon application to the Department, and for good cause shown, obtain an extension of time to complete such renegotiation.

2. Compliance

All solid waste facility operators and transporters registered with the Department and operating within the County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the 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 waste, construction and demolition waste, sewage sludge, septage, and hazardous waste. 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 Amendment

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 amendment certified herein.

5. Definitions

For the purpose of this amendment and unless the context clearly requires a different meaning, the definitions of terms shall be the same as those found at N.J.S.A. 13:1E-3 and -99.12, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of the Amendment

The amendment to the County Plan contained herein shall take effect immediately.

7. Reservation of Authority

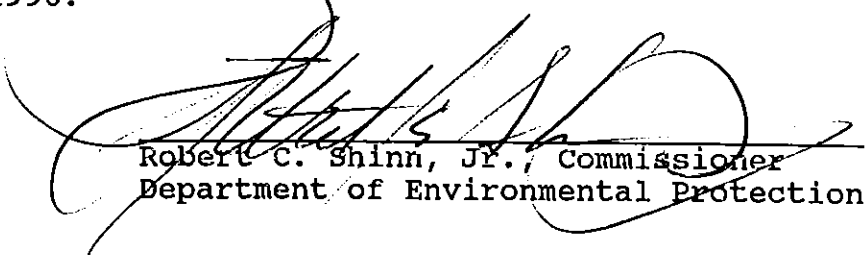
Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan, with appendices, which includes the Department's 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. Certification of Approval of the Amendment by the Commissioner of the Department of Environmental Protection

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve the amendment, as outlined in Section C. of this certification, to the Bergen County District Solid Waste Management Plan which was adopted by the Bergen County Board of Chosen Freeholders on May 1, 1996.

Date

11/11/96


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