



## State of New Jersey

Christine Todd Whitman  
Governor

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  
BERGEN COUNTY SOLID WASTE  
MANAGEMENT DISTRICT**

**CERTIFICATION OF THE  
JULY 20, 1994 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 (Department or DEP) 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 July 20, 1994, adopted an amendment to its approved County Plan. The amendment included local traffic routes for sole ingress and egress for solid waste and recycling vehicles to the Sal Car Transfer Station, Inc. transfer station located in Hillsdale Borough, Bergen County.

The July 20, 1994 amendment was received by the Department and determined to be administratively complete on August 10, 1994 and copies were distributed to various administrative review agencies for review and comment, as required by law. The DEP has reviewed this amendment and has determined that the amendment adopted by the County Freeholders on July 20, 1994 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 July 20, 1994 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 issue of concern relative to the July 20, 1994 amendment which is included in Section B.2. below.

In conjunction with the review of the amendment, the Department circulated copies to fifteen 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 and without the Department. These agencies are as follows:

Office of Air Quality Management, DEP  
Division of Parks and Forestry, DEP  
Division of Fish, Game and Wildlife, DEP  
Division of Water Quality, DEP  
Division of Solid Waste Management, DEP  
Green Acres Program, DEP  
Land Use Regulation Element, DEP  
New Jersey Turnpike Authority  
Hackensack Meadowlands Development Commission  
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 July 20, 1994 Amendment**

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

Division of Parks and Forestry, DEP  
Green Acres Program, DEP  
New Jersey Turnpike Authority  
Department of Agriculture  
Department of Transportation  
Hackensack Meadowlands Development Commission  
New Jersey Advisory Council on Solid Waste Management

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

Office of Air Quality Management, DEP  
Division of Water Quality, DEP  
Division of Fish, Game and Wildlife, DEP  
Land Use Regulation Element, DEP  
Department of Community Affairs  
Department of Health  
U.S. Environmental Protection Agency

The following agency provided a substantive comment as shown in Section B. of the certification document:

Division of Solid Waste Management, DEP

**2. Issue of Concern Regarding the July 20, 1994 Amendment**

**Issue: Regulatory Requirements**

The designated ingress and egress traffic routes for solid waste and recycling vehicles to the Sal Car transfer station, as noted in Section C. of this certification, must be addressed as part of the technical review phase of the Department's permitting process in order to determine the impact to the level-of-service on the subject routes. Also, these routes are subject to change based upon the technical review phase of any permit renewal process for the 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 July 20, 1994 amendment to the approved County Plan and certify to the County Freeholders that the July 20, 1994 amendment is approved as further specified below.

The County Plan inclusion of the local traffic routes for sole ingress and egress for solid waste and recycling vehicles to the Sal Car Transfer Station, Inc. transfer station located at 131 Patterson Street, on Block 1210, Lot 10, in Hillsdale Borough, Bergen County is approved. The specific traffic routes are as follows:

From Pascack Road (south of Hillsdale Avenue), to Hillsdale Avenue (west of Patterson Street), to Patterson Street (between Hillsdale Avenue and Prospect Place, west of Patterson Street) or Brookside Place (west of Patterson Street).

From Broadway (between Westwood and Hillsdale Avenue), to Hillsdale Avenue (between Broadway and Patterson Street), to Patterson Street (between Hillsdale Avenue and Prospect Place, west of Patterson Street) or Brookside Place (west of Patterson Street).

From Broadway (north of Park View Drive), to Park View Drive (between Broadway and Patterson Street), to Patterson Street, to Knickerbocker Avenue (west of Patterson Street), to Prospect Place (west of Patterson Street) or Brookside Place (west of Patterson Street).

As noted in Section B., the designated ingress and egress traffic routes to the Sal Car Transfer Station, Inc. transfer station must be addressed as part of the technical review phase of the Department's permitting process in order to assure that the level-of-service on the subject routes is acceptable. Also, any routes approved herein are subject to change based upon the technical review phase of any permit renewal process for the facility.

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. This certification shall not be construed as an expression of the Department's intent to issue a solid waste facility permit for any proposed facility or operation. Also, the planning approval indicated above shall not be construed as an approval or endorsement by the Department of any actions undertaken by Sal Car, Inc. which have resulted in innumerable solid waste violations. These violations include operation at a location not included in the Sal Car, Inc. transfer station permit and in excess of Sal Car, Inc.'s 300 ton per day transfer station capacity limitation. This approval shall in no way be considered an approval or endorsement of any action or operation by Sal Car, Inc. that is not in compliance with its permit or with any statute, regulation or other requirement applicable thereto.

**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 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. 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 approved 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.

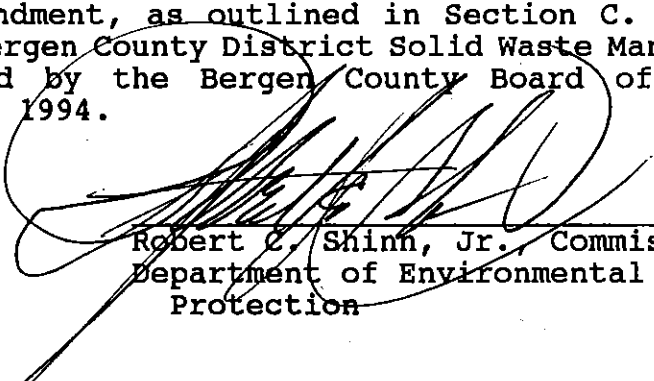
**7. Reservation of Authority**

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 July 20, 1994.

11/15/94  
Date

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