



**State of New Jersey**  
**Department of Environmental Protection and Energy**  
Office of the Commissioner  
CN 402  
Trenton, NJ 08625-0402

Jeanne M. Fox  
Acting 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 21, 1993  
AMENDMENT TO THE BERGEN COUNTY  
DISTRICT SOLID WASTE MANAGEMENT PLAN

BY ORDER OF THE ACTING 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 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 21, 1993 adopted an amendment to its approved County Plan. As adopted, the amendment proposed inclusion of the Bergen Metals Recycling Center at 18 Hill Place, Bergenfield, New Jersey for Class A recyclables within the County Plan.

The July 21, 1993 amendment was received by the Department of Environmental Protection and Energy (Department or DEPE) on August 27, 1993 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this amendment, as well as the entire County Plan, and has determined that the amendment adopted by the County Freeholders on July 21, 1993 is approved as provided in N.J.S.A. 13:1E-24. While the immediate plan amendment has been approved, serious longstanding deficiencies in the County Plan have been identified within Section C. of this certification.

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 21, 1993 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 July 21, 1993 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 the Department. These agencies are the following:

Office of Air Quality Management, DEPE  
Land Use Regulation 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 July 21, 1993 Amendment

The following agencies had no objection to the July 21, 1993 amendment:

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

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

Air Quality Management, DEPE  
Wastewater Facilities Regulation Element, DEPE  
Department of Health  
Department of Community Affairs  
Department of the Public Advocate  
U.S. Environmental Protection Agency

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

Division of Solid Waste Management, DEPE

2. Issues of Concern Regarding the July 21, 1993 Amendment

**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 the release of odors and other air contaminants which interfere with the enjoyment of life and property. Also, recycling centers are considered solid waste facilities and are subject to N.J.A.C. 7:27-9.2(a)16 which requires air pollution control permits for any equipment which vents a solid waste facility directly or indirectly into the outdoor atmosphere. Such vents may require devices to control odors and other air contaminants.

If any 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.

**Issue: Letter of Clarification from the Bergen County Utilities Authority (BCUA)**

Pursuant to a verbal request by the Department, the BCUA submitted a letter of November 23, 1993 which provided greater detail concerning the proposed activities at the Bergen Metals Recycling Center. Specifically, the facility in question will process up to 20 tons per day of ferrous,

nonferrous, and aluminum scrap. Therefore, Section C. of the certification includes additional information relative to the operation of the Bergen Metals Recycling Center which is not included within the July 21, 1993 amendment.

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 21, 1993 amendment to the approved County Plan and certify to the County Freeholders that the July 21, 1993 amendment is approved as further specified below.

1. July 21, 1993 Amendment

The County Plan inclusion of the Bergen Metals Recycling Center at Lot 00007, Block 00259, 18 Hill Place, Bergenfield, New Jersey for Class A recyclables is approved.

For recycling centers which handle only Class A recyclable materials, as defined at N.J.A.C. 7:26A-1.3, no approval from the Department is necessary prior to operation. However, the recycling centers must comply with the regulations at N.J.A.C. 7:26A-4. Also, 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. This recycling center will process 20 tons per day of ferrous, nonferrous, and aluminum scrap.

2. Bergen County District Solid Waste Management Plan Deficiencies

I have reviewed the entire County Plan to determine whether the plan fulfills the requirements set forth in N.J.S.A. 13:1E-21, as well as the recommendations of the Emergency Solid Waste Assessment Task Force (Task Force) Final Report accepted by the Governor on November 16, 1990. In this regard, the County is reminded that the DEPE's June 6, 1991 certification of the County's November 7, 1990 and December 19, 1990 plan amendments detailed deficiencies that the County was required to address within 180 days of the certification, or by December 2, 1991, in a subsequent plan amendment submission. These deficiencies include the need for the County to address its long-term solid waste management plan for in-state disposal of its entire waste stream, to identify truck routes to existing and proposed solid waste facilities within the district, and to describe a method of financing long-term solid waste management. To date, Bergen County has not submitted the required plan amendment. With regard to the Task Force requirements, the County is reminded that although the County's initial Task Force amendment was approved, the district was required to submit a subsequent plan amendment by November 24, 1993 which further addressed various components of the County's source reduction, recycling and regionalization program as noted in the Department's May 28, 1993 certification of the County's September 16 and December 16, 1992 amendments. To date, the County has not submitted this amendment.

At present, Bergen County has entered a long-term arrangement with Union County for the processing of up to 192,000 tons of solid waste per year. This arrangement is fully consistent with the Department's statewide self-sufficiency goal and is to be commended. However, based upon 1992 data, Bergen County disposed of approximately 600,000 tons of solid waste. As of March 1, 1994, the current disposal contract with Chambers Development Company and the Bergen/Essex disposal agreement expire. While Bergen County has formally solicited new disposal arrangements, no final determinations have been made and no submissions for approval of new out-of-state disposal plans have been presented to the Department. These are serious plan deficiencies which must be addressed immediately. Therefore, Bergen County is hereby required to submit an adopted plan amendment by January 31, 1994 which shall include:

- a. The short-term disposal plan which outlines specific waste flows from Bergen County facilities to the Union County incinerator as well as revised out-of-state disposal plans for the balance of the waste stream;
- b. Any contracts entered by the County with regard to revised out-of-state disposal arrangements as well as any new contracts for out-of-state transport; and

Additionally, the County is hereby required to submit an adopted plan amendment by March 31, 1994 which shall include:

- a. The identification of truck routes to existing and proposed solid waste facilities;
- b. The method of financing long-term solid waste management;
- c. The resolution of outstanding Task Force deficiencies; and
- d. The long-term disposal plan for achieving in-state self-sufficiency in solid waste disposal by December 31, 1999. This strategy must include a timeframe with specific milestones for developing in-county disposal facilities or for negotiating interdistrict agreements for the shared use of other existing or planned in-state disposal capacity.

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. 7:26-6, 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 Acting 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 and -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. 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 of the Amendment and Notification of Deficiencies by the Acting 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 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 21, 1993. I hereby also require, as noted in Section C., the Bergen County Board of Chosen Freeholders to address the noted deficiencies within the timeframes specified.

Dec 22, 1993  
DATE

Jeanne M. Fox  
JEANNE M. FOX  
ACTING COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
AND ENERGY