



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER
CN 402
TRENTON, N. J. 08625
609-292-2885

(IN THE MATTER OF CERTAIN MODIFICA-)
(TIONS TO THE ADOPTED AND APPROVED)
(SOLID WASTE MANAGEMENT PLAN OF THE)
(ESSEX COUNTY SOLID WASTE)
(MANAGEMENT DISTRICT)

CERTIFICATION OF APPROVAL
OF MODIFICATIONS TO THE
ESSEX COUNTY DISTRICT
SOLID WASTE MANAGEMENT PLAN

7-1-81

BY ORDER OF THE COMMISSIONER:

A. Introduction

In order to establish a meaningful and responsible role for the State in the solution of solid waste problems, the New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) grants broad powers to the Department of Environmental Protection. This includes the power "...to regulate and supervise all solid waste collection and disposal facilities and operations...", "...to register all persons engaged in the collection or disposal of solid waste...", "...to develop through a Statewide solid waste management plan objectives, criteria and procedures to assure the orderly preparation and evaluation of the [district] solid waste management plans...", "...to approve, modify or reject such solid waste management plans on the basis of their conformity with such objectives, criteria and procedures...", and "...to develop and implement such a plan where none is approved or forthcoming from any solid waste management district...."

The Act further provides that "...if the board of chosen freeholders, the Hackensack Commission, or the department [Department of Environmental Protection] as the case may be, determines that any solid waste management plan, or any part thereof, is inadequate for the purposes for which it was intended, such board of chosen freeholders or the Hackensack Commission, as the case may be, shall develop and formulate a new solid waste management plan, or any part thereof, and such new plan, or part thereof, shall be adopted thereby pursuant to the procedures contained in section 14 [N.J.S.A. 13:1E-23] of this amendatory and supplementary act." Upon the adoption of the solid waste plan, or any part thereof, the board of chosen freeholders or the Hackensack Meadowlands Commission, as the case may be, shall submit such plan, or any part thereof, along with a transcript of every public meeting held thereon, to the Commissioner of the Department of Environmental Protection for review and final approval. The Commissioner has authority to modify, reject or approve such plans, or parts thereof, and, in the final analysis, the Commissioner is authorized to adopt and promulgate any modification or replacement she deems necessary with respect to the solid waste management plan.

On August 13, 1980, I approved, with modifications, the Essex County District Solid Waste Management Plan. On July 1, 1981, the Essex County Board of Chosen Freeholders adopted modifications to its approved District Solid Waste

Management Plan. The modifications were received by the Department of Environmental Protection on July 8, 1981 and were distributed to the various State level agencies for review and comment. Based on the results of this review and evaluation, I have determined that the modifications adopted by the Essex County Board of Chosen Freeholders on July 1, 1981 are approved (see N.J.S.A. 13:1E-24).

B. Approved Essex County District Solid Waste Management Plan Modifications

I, Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq., do hereby approve, subject to the modifications contained herein, the Modifications to the Approved Essex County District Solid Waste Management Plan which were adopted by the Essex County Board of Chosen Freeholders on July 1, 1981, and certify to the Essex County Board of Chosen Freeholders that the modifications outlined below are hereby made a final approved part of the Essex County District Solid Waste Management Plan.

With regard to Section A of the Essex County Modifications, the Department no longer considers the Combustion Equipment Associates (CEA) resource recovery project a viable long term disposal option and has revoked the registration of this facility. This action was prompted by CEA's abandonment of the project and numerous permit violations. Therefore, the Blanchard Street site, previously slated for the CEA resource recovery facility and later referred to as the preferred site for the Essex County/Port Authority facility, shall now be the designated site for the Essex County/Port Authority facility. The Department urges Essex County, the Port Authority and the City of Newark to proceed expeditiously with implementing this facility (scheduled to be operational in 1985) in accordance with the approved schedule contained in Section F of the Essex County Modifications.

Also, with regard to Section C of the Essex County Modifications, all solid waste generated in Essex County shall be disposed of at the MSLA 1-D landfill and thereafter to facilities constructed in accordance with the landfill implementation schedule issued to the Hackensack Meadowlands Development Commission and Essex County on January 19, 1981. This waste stream shall include waste generated in Essex Fells which was redirected from the Combe landfill in Morris County to MSLA 1-D in accordance with the directive issued November 10, 1981.

C. Other Provisions Effecting the Plan Modifications

1) Compliance

All solid waste facility operators and collector/haulers registered with the Department of Environmental Protection and operating within Essex County and effected by the Modifications contained herein shall operate in compliance with these Modifications and all other approved provisions of the Essex County District Solid Waste Management Plan. Any facility operator or collector/hauler 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 of Environmental Protection

and shall be subject to the provisions and penalties of N.J.S.A. 13:1E-9, 10 and 12 and all other applicable laws.

2) Types of Solid Wastes Covered by the Essex County District Solid Waste Management Plan Modifications

The Modifications contained herein shall apply to all "solid wastes" generated within the identified County municipalities, as defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-2.5.27 and with the exceptions of liquid wastes, sewage sludge, septage, hazardous wastes, oil spill clean-up waste, infectious waste and those wastes separated and recovered at the point of generation.

3) Certification to Proceed with the Implementation of Plan Modifications

This Document shall serve as the Certification of the Commissioner of the Department of Environmental Protection to the Essex County Board of Chosen Freeholders, as provided for by N.J.S.A. 13:1E-24f., to proceed with the implementation of the Modifications contained herein.

4) Definitions

For the purpose of these Modifications 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 N.J.A.C. 7:26-1.4 and -2.5.27.*

5) Effective Date of Modifications

The approved Modifications to the Essex County District Solid Waste Management Plan contained herein shall take effect immediately.

6) Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Essex County District Solid Waste Management Plan, including any modifications made thereto, shall conform with the Statewide Solid Waste Management Plan. The Statewide Solid Waste Management Plan includes the Department's Planning Guidelines and rules, regulations, and orders of the Department, and will include the compilation of individual District Plans and modifications as they are approved.**

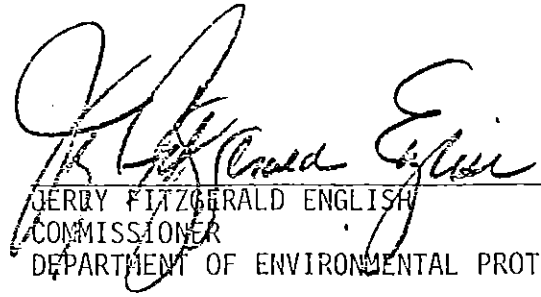
D. Certification of Approval (and Adoption and Promulgation of Modifications) by the Commissioner of the Department of Environmental Protection

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve the modifications to the Essex County District Solid Waste Management

*Note: In a municipal collection system where commercial and residential solid wastes are collected together, the wastes shall be considered, for the purposes of District solid waste planning, as residential solid waste.

**The Commissioner may adopt modifications to the approved District Plans in the Statewide Solid Waste Management Plan when it is promulgated.

Plan which were adopted by the Board of Chosen Freeholders on July 1, 1981, subject to the modifications and replacements contained and adopted herein.


JERRY FITZGERALD ENGLISH
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION

December 31, 1981
DATE