



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF THE COMMISSIONER  
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(IN THE MATTER OF THE ADOPTED AND)  
(MODIFIED SOLID WASTE MANAGEMENT )  
(PLAN OF THE ESSEX COUNTY SOLID )  
(WASTE MANAGEMENT DISTRICT )

CERTIFICATION OF APPROVAL  
WITH MODIFICATION OF THE  
ESSEX 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. as amended by C. 326, Laws of 1975) determines, among other things, "...that the management of solid waste in New Jersey consists largely of piecemeal, uncoordinated activities developed to meet the immediate needs of local government with little, if any, regard for regional planning and coordination..." and that "...the solid waste planning and management process is adversely affected by the absence of area-wide structures...." The Act addressed these and other findings by establishing "...a statutory framework within which all solid waste collection, disposal and utilization activity..." in New Jersey would be coordinated. This framework includes the designation of each of New Jersey's twenty-one counties and the Hackensack Meadowlands District as a Solid Waste Management District. Each District is authorized, either singly or jointly with one or more other Districts, to formulate and develop a comprehensive Solid Waste Management Plan. Following development, the resulting Plan is submitted by the District to the public for comment at an informational hearing. Thereafter, the District must adopt or reject, in whole or in part, the Solid Waste Management Plan.

After adoption of a Plan in whole or in part by a District, the Plan is then submitted 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 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.

In order to establish a meaningful and responsible role for the State in the solution of solid waste problems, the Act 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...."

Specifically, the solid waste planning process includes five stages. These include the promulgation of guidelines by the Department of Environmental Protection, Plan formulation by the Districts, public hearings on the Plans developed by the Districts, adoption of the Plan by the District, and approval, rejection or modification of the Plan by the Department of Environmental Protection.

At the beginning of the planning process, the Department of Environmental Protection set forth guidelines for the formulation and development of District Solid Waste Management Plans.\* The guidelines contain planning objectives, planning schedules and specific tasks to be addressed in the planning process. The objectives identified in the guidelines include the protection and enhancement of environmental quality and the conservation of natural resources. Through these objectives, the Department encouraged District Plans which would provide for the termination of existing solid waste disposal operations which cannot be upgraded to meet environmental standards, the provision of alternative services and facilities capable of meeting environmental standards and conservation of natural resources by the implementation of waste reduction techniques and resource recovery systems.

In order to achieve these objectives, the Department of Environmental Protection has and continues to encourage the development of a comprehensive regional scheme to ensure recovery systems and environmentally sound disposal facilities. To this end, the Commissioner of the Department of Environmental Protection, after study and review, issued a Certification of Modification to the Adopted Solid Waste Management Plan of the Essex County Solid Waste Management District on January 3, 1980. The Certification required the Essex County Solid Waste Management District to, among other things, develop a schedule for resource recovery implementation and negotiate interdistrict agreements with other Solid Waste Management Districts for the use of disposal capacity.

On July 16, 1980, the Essex County Board of Chosen Freeholders formally adopted modifications to the District's Plan. The modifications were received by the Department of Environmental Protection on July 24, 1980. The Department of Environmental Protection has studied and reviewed the Plan and its modifications in accordance with the Solid Waste Management Act. Based on the results of this review and evaluation, I have determined that the Essex County District Solid Waste Management Plan be granted approval as amended by the modifications adopted herein and promulgated by me (see N.J.S.A. 13:1E-24).

#### B. Solid Waste Management Plan Accomplishments

The Essex County District Solid Waste Management Plan has been reviewed by the Department of Environmental Protection and other State-level agencies and, with the District's adopted modifications along with the replacement modifications herein set forth, provides for environmentally sound solid

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\*"Guidelines for the Development and Formulation of District Solid Waste Management Plans," New Jersey Department of Environmental Protection, Solid Waste Administration (Trenton, August 1977).

waste management in Essex County. I am confident that with the implementation of this Plan, a comprehensive solid waste management program will be established.

The Plan contains a resource recovery implementation schedule that projects a resource recovery facility to be on line by 1986 with a capacity to handle at least 2000 tons per day of solid waste. In addition, Combustion Equipment Associates is under contract with the City of Newark to construct a 1000 ton per day resource recovery facility scheduled to be operational by 1983.

The Plan contains provisions for the development and expansion of source separation/recycling programs throughout the County. Existing recycling programs, both public and private, will be inventoried in order to determine the amount of material currently being recovered from the waste stream. The potential for new recycling through source separation, intermediate processing, transfer station skimming, multi-family dwelling programs, and office, institutional and industrial programs will be evaluated. Goals will be set for annual recycling increases in the County, and the impact thereof on energy recovery facility sizing and costs will be assessed.

The Plan also contains provisions for increasing the efficiency of collection and transportation of solid wastes. The County will acquire and disseminate information concerning the use of COLMIS, ROMA and heuristic routing techniques to its municipalities and collector/haulers. Also, feasibility studies regarding the implementation of transfer stations will be conducted with possible facility construction by 1982.

In addition, the Plan recognizes the need to uniformly distribute disposal cost throughout the District so as to avoid discrimination on the basis of disposal fees at different facilities. The entire issue of rate averaging will be examined during the course of the implementation study by the County's technical, legal and financial consultants.

The Plan recommends that an agency be selected to implement the Districts' solid waste management program based upon the findings of the District's resource recovery implementation study.

C. Approved Essex County District Solid Waste Management Plan

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 the following key elements of the adopted Essex County District Solid Waste Management Plan and the Modifications adopted by the Essex County Board of Chosen Freeholders on July 16, 1980:

1) Data Base

The basic data utilized in the Plan is approved. However, as further data, particularly in the area of solid waste generation and composition becomes available as part of the District's resource recovery feasibility studies, such data will supplement existing data, and be made part of any Plan revision or update.

2) Recycling/Source Separation Program

The Plan's recycling/source separation program is approved.

3) Public Participation Program

The Plan's public participation program is approved.

4) Sludge and Septage

The Plan shall conform with any Rules and Regulations of the Department concerning sludge and septage.

5) Transfer Station Strategy/Schedule

The Plan's transfer station strategy/schedule is approved.

D. Modifications Adopted and Promulgated By The Commissioner Pursuant To N.J.S.A. 13:1E-1 et seq. and Made An Approved Part of The Essex County District Solid Waste Management Plan

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 adopt and promulgate the following modifications to the Essex County District Solid Waste Management Plan and certify to the Essex County Board of Chosen Freeholders that the modifications contained herein are hereby made a final approved part of the Essex County District Solid Waste Management Plan.

1) Waste Flow Modifications

- a) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from within all of Essex County's municipalities, with the exception noted below, shall be disposed of at the Municipal Sanitary Landfill Authority landfill (MSLA I-D), facility number 0907C, until it ceases operations (operations are expected to cease on December 31, 1980). In addition, the Union County municipalities of Union and Springfield Townships shall utilize MSLA I-D, facility number 0907C, until it ceases operations and the Union County municipalities of Hillside and Rahway shall utilize MSLA I-D, facility number 0907C, until their present contracts expire. Should MSLA I-D cease operations before the contracts expire, solid wastes from Hillside and Rahway shall be directed to another H.M.D.C. facility. Upon the expiration of these contracts, solid wastes generated from within Hillside and Rahway shall be directed to disposal facilities within Middlesex County (see the Middlesex County Certification of Approval With Modifications). The Essex County municipality of Essex Fells shall continue to utilize the Combe landfills, facility numbers 1427A and 1407A, located in Mt. Olive and Chester Township, Morris County, New Jersey. Also, any solid waste generated in Essex County presently being disposed of at the H.M.D.C. Baler, facility number 0239C, shall continue to do so.

- b) It has become obvious that additional landfill capacity will have to be acquired to accommodate Essex County's solid waste subsequent to the closing of MSLA I-D, facility number 0907C. The H.M.D.C. and Essex County Districts shall, therefore, comply with the schedule outlined below in order to assure that a site capable of handling Essex County's solid wastes (including those wastes generated from within the Union County municipalities of Union and Springfield Townships) is available for use on January 1, 1981. The facility should be of sufficient capacity to handle this waste flow until the proposed Essex County resource recovery facility is on line and, thereafter, to provide disposal for resource recovery residues, non-processable wastes\* and emergency back-up.

Schedule for Landfill Implementation:

August 15, 1980 - List of potential sites in Essex and H.M.D.C. Districts

August 25, 1980 - Preliminary screening of sites

September 5, 1980 - Assessment and selection of site

September 15, 1980 - Acquisition of site

October 1, 1980 - Selection of landfill construction contractors

October 15, 1980 - Obtain necessary permits

October 15 through December 31, 1980 - Preparation of site

January 1, 1981 - Begin operation

If neither the H.M.D.C. nor Essex County has selected a site by September 5, 1980, the Department of Environmental Protection will solicit proposals for the preparation, development and operation of a suitable site in Essex County and/or the Hackensack Meadowlands District for the Essex County waste specified above.

- c) When the proposed Combustion Equipment Associates resource recovery facility becomes operational (scheduled for late 1983) processable\*\* solid waste from Newark shall be directed to this facility. Residue and non-processable wastes shall be disposed of at a landfill(s) designated in subsequent revisions to the District Plan. In the event of construction delays or non-construction of this facility, all solid wastes generated in Newark with the exception of those noted in Section 3.c. herein, shall be disposed of in the new

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\*Non-processable solid waste is that part of the solid waste stream which cannot be processed through a given resource recovery facility and solid wastes resulting from emergency back-up procedures.

\*\*Processable solid waste is that part of the solid waste stream which can be processed through a resource recovery facility.

landfill referred to in modification b. above, and subsequently to the Essex County resource recovery facility.

- d) When the proposed resource recovery facility becomes operational (rescheduled for January 1, 1985, see modification 2.a.), all processable solid waste generated in Essex County, with the exception noted in modification c. above, and the Hudson County municipalities of East Newark, Harrison and Kearny shall be disposed of at this facility. Residue and non-processable wastes shall be disposed of at the new landfill referred to in modification b. above.

2) Additional Modifications

- a) The Essex County resource recovery facility shall be operational by January 1, 1985. All other items of the Plan's schedule for the implementation of the resource recovery facility are approved. The Department of Environmental Protection will monitor the progress of the District in meeting the milestones of this implementation schedule. The District shall make quarterly status reports to the Department of Environmental Protection concerning the District's progress in meeting these milestones. The first status report shall be submitted to the Department's Solid Waste Administration by January 1, 1981.
- b) The Department recognizes the long term potential problems such as gas buildup, the re-surfacing of previously buried materials, and the instability of the landfill mass that may result in unpredictable settling that may impact the use of terminated landfill sites. Therefore, the Department recommends that terminated landfills be designated as "open space" and that any proposed use of terminated landfill sites be carefully investigated and the results incorporated into any application for a construction permit or site plan approval.
- c) In order for the County and its municipalities to expand its source separation programs, the Plan shall contain a complete list of all secondary material merchants serving the immediate region. The list shall be submitted by January 1, 1981.

3) Other Provisions Effecting the Plan Modifications

a) Contracts

Nothing contained in these Modifications shall be construed as to interfere with, or in any way modify, the provisions of any contract for solid waste collection or solid waste disposal in force in any solid waste management district upon the effective date of this Act (July 29, 1977); provided, however, as set forth at N.J.S.A. 13:1E-29 no renewal of any such contract upon the expiration or termination of the original term thereof, and no new contract for solid waste collection or solid waste disposal, shall be entered into after the effective date of this act,

unless such renewal or such new contract shall conform with the applicable provisions of the approved solid waste management plan, as set forth herein, of the relevant solid waste management district or unless such contract is approved by the Commissioner.

Any contract renewal or new contract for solid waste collection or solid waste disposal which was executed prior to the approval of the within modifications to the Essex County District Solid Waste Management Plan 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 of Environmental Protection and operating pursuant to a contract as herein described, shall be deemed to be in violation of these Modifications and of the Essex County District Solid Waste Management Plan if such renegotiation is not completed by the effective date of these Modifications (November 1, 1980); provided, however, that any such registrant may, upon application to the Department of Environmental Protection and for good cause shown, obtain an extension of time to complete such renegotiation.

b) Compliance

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

c) 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.

d) 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.

e) 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.

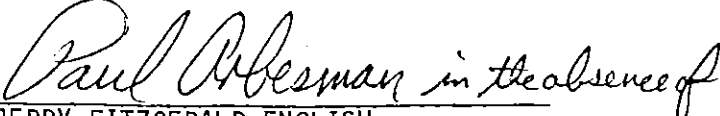
f) Effective Date of Modifications

The adopted and promulgated Modifications to the Essex County District Solid Waste Management Plan contained herein shall take effect on November 1, 1980, with the exception of Section D.1.b. which shall take effect immediately.

- g) 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 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. The Statewide Solid Waste Management Plan for Group I and II Districts will be published this summer.\*

E. Certifications 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 Essex County District Solid Waste Management Plan and its adopted modifications, subject to the modifications and replacements contained and adopted herein.

 *Paul Plesman in the absence of*

JERRY FITZGERALD ENGLISH  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

August 13, 1980

Date

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