



State of New Jersey

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

CERTIFICATION  
OF THE NOVEMBER 22, 1995  
AMENDMENT TO 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.) 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 August 13, 1980, the Department of Environmental Protection (DEP or Department) approved, with modifications, the Essex 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 Essex County Board of Chosen Freeholders (County Freeholders) completed such a review and on November 22, 1995, adopted an amendment to its approved County Plan.

The amendment includes within the County Plan a small-scale incinerator policy which requires such facilities located within the County to cease operations by December 1, 1995 or when their current operational DEP permits expire, whichever occurs last.

Although the amendment was adopted on November 22, 1995, the amendment was not considered administratively complete by the DEP until September 26, 1996. Copies of the amendment 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 November 22, 1995 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the November 22, 1995 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 are notified of the issue of concern relative to the August 15, 1996 amendment which is 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 November 22, 1995 Amendment**

The following agencies did not object to the proposed amendment:

Division of Parks and Forestry, DEP  
Green Acres Program, DEP  
Department of Agriculture  
Department of Community Affairs  
New Jersey Turnpike Authority

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

Division of Water Quality, DEP  
Division of Enforcement, DEP  
Division of Fish, Game and Wildlife, DEP  
Land Use Regulation Element, DEP  
Office of Air Quality Management, DEP  
New Jersey Advisory Council on Solid Waste Management  
Department of Transportation  
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. Issue of Concern Regarding the November 22, 1995 Amendment**

**Issue: Inventory of Existing Solid Waste Facilities**

Included within the amendment is Table IV-2-C, Existing Solid Waste Facilities-Incinerators, which lists four incinerators. Of these four, the table identifies three as operating with the fourth as "not open yet." A review of files by the DEP's Division of Solid and Hazardous Waste (Division) indicates that all the identified facilities are either closed or unknown to the Division. In addition, one small-scale incinerator located within Essex County which is awaiting permitting by the DEP, the Clara Maas Medical Center in Belleville, is not yet included within the County Plan. The County should contact the Division's Office of Permitting and Technical Programs to resolve these discrepancies.

**c. Certification of the Essex 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 November 22, 1995 amendment to the approved County Plan and certify to the County Freeholders that the November 22, 1995 amendment is approved as further specified below.

The County Plan inclusion of a policy regarding the operation of small-scale incinerators is approved. Specifically, the policy that operators of small-scale incinerators which are permitted by the DEP and operating within Essex County are to be phased-out in connection with the operation of the Essex County Resource Recovery Facility (except for properly licensed and County Plan approved incinerators utilized for pathological and infectious waste, hazardous waste, industrial waste and sludge, and incinerators utilized by animal hospitals, veterinaries, animal laboratories, animal shelters and pounds for the disposal of dead animals) by December 1, 1995 or when their current operational DEP permits expire, whichever occurs last, is approved.

**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.

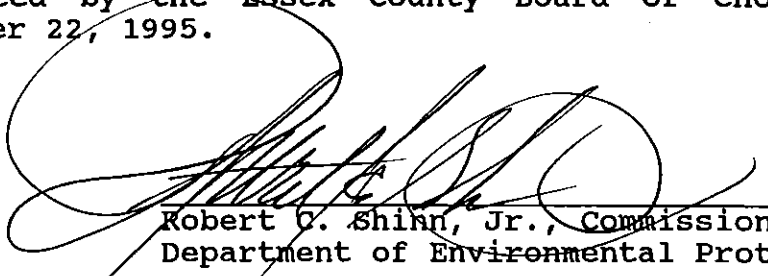
7. Reservation of Authority

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 Essex County District Solid Waste Management Plan which was adopted by the Essex County Board of Chosen Freeholders on November 22, 1995.

12/9/96  
Date

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