



State of New Jersey
Department of Environmental Protection and Energy
Office of the Commissioner
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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
HMDC SOLID WASTE
MANAGEMENT DISTRICT

CERTIFICATION
OF THE MAY 26, 1993
AMENDMENT TO THE HACKENSACK
MEADOWLANDS DEVELOPMENT COMMISSION
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 (HMDC) develop comprehensive plans for waste management in their respective districts. On July 31, 1980, the Department of Environmental Protection approved, with modifications, the HMDC District Solid Waste Management Plan (District 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 District Plan at any time and, if found inadequate, a new District Plan must be adopted. The HMDC completed such a review and on May 26, 1993, adopted an amendment to its approved District Plan.

The amendment addresses the recommendations of Governor Florio's Emergency Solid Waste Assessment Task Force (Task Force) Final Report and the Solid Waste Management State Plan Update: 1993-2002 concerning source reduction, recycling, and regionalization. The amendment is in response to the Department's March 16, 1992 certification of the HMDC's October 3, 1991 plan amendment which required the HMDC to submit a subsequent plan amendment by September 16, 1992 to address the recommendations of the Task Force Final Report regarding source reduction, recycling, and regionalization. The certification also noted that the Department recognized that the HMDC is comprised of two counties (Bergen and Hudson) and, although it is a designated solid waste management district, its responsibilities are unique with respect to the recommendations of the Task Force Final Report. It is acknowledged that most aspects of source reduction, recycling and self-sufficiency have been and must continue to be primarily addressed by Bergen and Hudson Counties which maintain overlapping jurisdiction along with the HMDC for the purposes of solid waste management.

The amendment was received by the Department of Environmental Protection and Energy (Department or DEPE) on June 3, 1993 and copies 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 HMDC Commissioners on May 26, 1993 is approved as provided in N.J.S.A. 13:1E-24.

B. Findings and Conclusions with Respect to the Hackensack Meadowlands Development Commission District Solid Waste Management Plan Amendment

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the May 26, 1993 amendment to the District 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 HMDC Commissioners are notified of the issues of concern relative to the May 26, 1993 amendment which are 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, which are listed below, included various bureaus, divisions and agencies within the Department.

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 May 26, 1993 Amendment

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

Division of Parks and Forestry, DEPE
Wastewater Facilities Regulation Element, DEPE
New Jersey Turnpike Authority
Department of Agriculture
New Jersey Advisory Council on Solid Waste Management
Land Use Regulation Element, DEPE
Green Acres Program, DEPE
Department of Health
Department of Community Affairs

The following agencies did not respond to the Department's requests for comments:

Department of the Public Advocate
U.S. Environmental Protection Agency
Division of Fish, Game and Wildlife, DEPE
Department of Transportation

The following agencies submitted substantive comments which are further addressed below:

Division of Solid Waste Management, DEPE
Office of Air Quality Management, DEPE

2. Issues of Concern Regarding the May 26, 1993 Amendment

Issue: County Response to Task Force Recommendations

The HMDC amendment is in response to the Department's March 16, 1992 certification of the HMDC's October 3, 1991 plan amendment which required the HMDC to submit a subsequent plan amendment by September 16, 1992 to address the recommendations of the Task Force Final Report regarding source reduction, recycling, and regionalization. The certification noted that the Department recognized that the HMDC is comprised of two counties (Bergen and Hudson) and, although it is a designated solid waste management district, its responsibilities are unique with respect to the recommendations of the Task Force Final Report. In this regard, the

Department has reviewed the HMDC's response to the Task Force Final Report recommendations concerning source reduction, recycling, and regionalization in the context of the June 1991 Solid Waste Policy Guidelines and the approved Bergen and Hudson County solid waste management plans which were certified by the Department on May 28, 1993 and July 16, 1993, respectively.

a. Waste Audits

While the HMDC has proposed to conduct its own waste audits at the HMDC office complex and baler facility by the end of 1993, in order to facilitate a waste audit program throughout the district, the HMDC intends to rely on those approved waste audit programs to be undertaken by Bergen and Hudson Counties to reduce the quantity of waste requiring disposal in the district. In this regard, the HMDC is notified that although the Bergen and Hudson County waste audit programs have been approved by the Department, both Bergen and Hudson Counties were required to provide appropriate schedules for implementation of their respective programs by November 24, 1993 and January 12, 1994, respectively. In this regard, the Department will notify the HMDC of the schedules developed by Bergen and Hudson Counties upon their submission and approval.

b. Per Container Systems

As noted in the amendment, since the HMDC does not have the same regulatory means as the counties to implement a per container solid waste system, the district will rely on any per container systems undertaken in Bergen and Hudson Counties. In this regard, the HMDC is notified that Bergen County must still provide a schedule for development of its per container program and that Hudson County has not yet proposed such a program.

c. Yard Waste Management

The HMDC proposes utilization in 1993 of its 70,000 cubic yard per year regional compost facility for leaves and grass clippings. The regional facility will accept material from Bergen, Essex, Hudson and Passaic Counties, and from other counties if capacity exists. The District currently has short-term contracts with various municipalities located in Bergen, Essex, and Hudson Counties. The facility will also be expanded in the future to include a wood chipping operation for debris and stumps. Although existing facilities and programs in Bergen and Hudson Counties will also be utilized by municipalities within the HMDC District, the HMDC is notified that both Bergen and Hudson Counties are required to provide schedules for development of their yard waste management programs.

d. Household Hazardous Waste Collection Program

The HMDC has considered the development of a permanent regional household hazardous waste collection/transfer station in the District that would initially service Hudson and Bergen Counties, then Essex and Passaic Counties, and lastly any other interested county, capacity permitting. The facility would also be utilized as a waste recycling/exchange

operation with material such as latex paint collected, mixed and utilized by charity groups. However, the HMDC has not sited this facility or proposed a schedule for its development. Therefore, as noted in Section C., the HMDC is required to submit a subsequent amendment within 180 days which includes either a specific site(s) or a schedule for the siting and development of the regional household hazardous waste collection facility. Also, the HMDC is notified that Bergen County must still provide additional information to the Department concerning its household hazardous waste program while Hudson County's program is approved.

e. Procurement Policies

The HMDC has modified its procurement practices to include numerous source reduction and recycling initiatives. Some of these practices include purchase of copiers with duplex capability, use of hot air blowers in restrooms, and use of shredder paper as animal bedding material. While the HMDC has initiated these practices, it has not developed specific procurement guidelines. Therefore, as noted in Section C., the HMDC must submit a subsequent plan amendment within 180 days which includes a schedule for developing procurement guidelines that adhere to current and future state procurement goals. In this regard, on April 22, 1993 Governor Florio signed P.L. 1993, Chapter 109 which establishes specific goals for the purchase of recycled paper and allows preferential purchase of recycled nonpaper finished products. Additionally, Executive Order No. 91 on the procurement of recycled products was signed by the Governor on May 3, 1993. The District should consider the scope of these state level programs, as well as the state's cooperative purchasing program and state distribution and support services program for recycled products, for application at the District level. Finally, the HMDC is notified that Bergen County must still provide a detailed schedule for development of its procurement program and Hudson County must still adopt procurement guidelines.

f. Public Education

The Hackensack Meadowlands Environmental Center provides educational programs for school children, teachers, citizens and community groups to promote environmental awareness including source reduction and recycling. Various programs are available to students from kindergarten through twelfth grade. Additionally, the HMDC sponsors a critical issues program for teachers designed to provide them with a better understanding of environmental concerns for classroom instruction. Finally, HMDC staff meets regularly with local schools, private groups and educators to discuss solid waste issues and provide technical assistance. The HMDC is notified that while Hudson County's education program is approved, Bergen County must still provide a schedule for developing its education program.

g. Financial Incentives

The HMDC has provided grants to each of its constituent municipalities to be used towards education, and expansion of and/or equipment for their recycling and source reduction programs. The HMDC intends to continue

this program in the future as additional moneys become available. Through the Environmental Initiatives Grants Program sponsored by the HMDC, funds have been provided to fourteen municipalities in the District to strengthen their recycling programs.

h. Blanket Inclusion Policies

The plan amendment does not address blanket policies for facilitating plan inclusion of compost and recycling facilities. Therefore, the District should consider blanket inclusion policies for compost facilities and recycling facilities.

i. Designated Recovery Targets

While the amendment does not specifically address tonnage targets to indicate achievement of the 50% municipal waste stream and 60% total waste stream recycling goals by December 31, 1995, the HMDC will rely on the approved targets for Bergen and Hudson Counties to achieve these goals. In this regard, the HMDC is notified that Bergen County must still provide a schedule for achievement of its designated recovery targets and Hudson County must provide additional information concerning achievement of its targets.

j. Designated Materials

The HMDC continues to provide a recycling program for all of its office and maintenance areas. Recycled materials include glass, all grades of paper, magazines, newspapers, plastic, ferrous and nonferrous metals, toner cartridges, grass, leaves, and other vegetative wastes and coffee grinds. Also, recycled products such as crushed brick, concrete and asphalt shingle tabs are utilized for construction projects and the HMDC has utilized a synthetic landfill capping material which incorporates recycled PET soda bottles. Finally, the HMDC is notified that while the DEPE has approved specific designated materials for both Bergen and Hudson Counties, these counties are encouraged to consider designating additional mandated materials.

k. Per Capita Waste Generation Cap

The HMDC did not address per capita waste generation within the District. As noted in the amendment, since the HMDC is the only solid waste planning district which is not a county and has no regulatory means to implement a waste generation cap on the municipalities within the District, this aspect of solid waste planning must be addressed by Bergen and Hudson Counties. In this regard, the HMDC is notified that neither Bergen nor Hudson Counties have proposed per capita waste generation caps.

l. Enforcement Program

The HMDC provides inspectors at the baler facility to inspect solid waste that enters the facility for origin of the material and presence of hazardous or recyclable material. When nonacceptable materials are found,

the generator is notified that he is in violation and the material must be directed to the appropriate facility. A copy of the notification is sent to the generator's municipality for follow-up. This program results in few repeat offenders. Similarly, the HMDC relies on Bergen and Hudson County's enforcement programs to supplement their program. The HMDC is notified that both the Bergen and Hudson County solid waste management plans contain DEPE approved enforcement programs.

m. Regionalization

The HMDC has various existing and future regional initiatives to provide for both disposal, recycling and composting of solid waste generated by surrounding counties. The HMDC and Hudson County entered into an interdistrict agreement on December 6, 1990 to provide for the transfer and disposal of Hudson County's solid waste at the baler/transfer facility. As indicated in Section B.2.c. above, the HMDC also developed a regional compost facility to accept 70,00 cubic yards per year of leaves and grass clippings (and eventually brush, branches and tree stumps) to be utilized primarily by Bergen, Essex, Hudson and Passaic Counties with availability to other counties, capacity permitting. A 1500 ton per day regional materials handling complex in Kearny was also included in the HMDC plan that provides a nonprocessable landfill for material that cannot be incinerated or recycled as well as a construction demolition recycling facility. Facility start-up is projected for early 1998. Finally, the HMDC has discussed the possibility of sponsoring a regional household hazardous waste consolidation center. As indicated in Section B.2.d. above, this collection/transfer station for hazardous materials would initially service Bergen and Hudson Counties, then Essex and Passaic Counties and lastly any other interested county, capacity permitting.

As noted in Section C. of this certification, the Task Force strategy adopted by the County concerning source reduction, recycling, and regionalization is approved. However, specific tasks must be addressed within 180 days in a subsequent plan amendment submission. Further, while the DEPE acknowledges any regional agreements reached to date by the HMDC and the willingness to regionalize its facilities, the HMDC must provide a detailed schedule in a subsequent plan amendment within 180 days for regionalizing its solid waste facilities. In this regard, the amendment must include:

- A detailed schedule for the development of the proposed materials handling complex in Kearny including the process for determining County and/or municipal participation;
- A specific facility site or a schedule for site selection and a development schedule for the referenced household hazardous waste consolidation center, including the process to be used for determining county and/or municipal participants, as well as a narrative of how the facility would operate on a regional basis; and
- A schedule for the development of procurement guidelines.

C. Certification of the Hackensack Meadowlands Development Commission 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 May 27, 1992 amendment to the approved District Plan and certify to the Hackensack Meadowlands Development Commission that the May 26, 1993 amendment is approved as further specified below.

Task Force Recommendations

The District Plan inclusion of the HMDC's response to the Task Force Final Report is approved as follows:

a. Source Reduction

The District's strategy to address specific source reduction tasks comprising waste audits, pay-per-bag/container, yard waste management, household hazardous waste, procurement policies, financial incentives and public education, in conjunction with approved programs in Bergen and Hudson Counties as described in Section B., is approved. However, as indicated in Section B., the District must provide within 180 days in a subsequent plan amendment submission either a specific site(s) or a schedule for siting and developing a regional household hazardous waste collection facility and a schedule for developing specific procurement guidelines.

b. Recycling

The District's strategy to enact specific recycling tasks comprising achievement of a 60% recycling rate of the total waste stream and a 50% recycling rate of the municipal waste stream by December 31, 1995, designated recyclable materials, enforcement, and public education, in conjunction with approved programs in Bergen and Hudson Counties as described in Section B., is approved.

c. Regionalization

The HMDC strategy for achieving regionalization through the shared use of existing and proposed solid waste facilities is approved. The HMDC has various existing and future regional initiatives to provide for both disposal, recycling and composting of solid waste generated by surrounding counties. The HMDC and Hudson County entered into an interdistrict agreement on December 6, 1990 to provide for the transfer and disposal of Hudson County's solid waste at the HMDC baler/transfer facility. As indicated in Section B., the HMDC also developed a regional compost facility to accept 70,00 cubic yards per year of leaves and grass clippings (and eventually brush, branches and tree stumps) to be utilized primarily by Bergen, Essex, Hudson and Passaic Counties with availability to other counties, capacity permitting. Further, a 1500 ton per day regional materials handling complex in Kearny was also included in the HMDC plan that provides a nonprocessable landfill for material that cannot be incinerated or recycled as well as a construction demolition recycling

facility. Facility start-up is projected for early 1998. Finally, the HMDC has discussed the possibility of sponsoring a regional household hazardous waste consolidation center. This collection/transfer station for hazardous materials would initially service Bergen and Hudson Counties, then Essex and Passaic Counties and then availability to other counties, capacity permitting. While the DEPE acknowledges any regional agreements reached to date by the HMDC, the HMDC can and should play an active role in addressing regional solid waste management needs of the northeastern counties of the State. Therefore, as noted in Section B., the HMDC must provide a detailed schedule in a subsequent plan amendment submission within 180 days for regionalizing its solid waste facilities.

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 District 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 District 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 District and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the District 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 there under 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 District 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 HMDC and pursuant to N.J.S.A. 13:1E-24c and f, the District 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 District 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 District 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 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 Hackensack Meadowlands Development Commission District Solid Waste Management Plan which was adopted by the Hackensack Meadowlands Development Commission on May 26, 1993. I hereby also require the Hackensack Meadowlands Development Commission to address the noted deficiencies within the timeframe specified.

DATE

Oct. 30, 1993

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