



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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February 12, 1991

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

CERTIFICATION
OF THE SEPTEMBER 26, 1990
AMENDMENT TO THE HACKENSACK MEADOWLANDS
DEVELOPMENT COMMISSION 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 (HMDC) develop comprehensive plans for waste management in their respective districts. On July 31, 1990, the Department approved, with modifications, the HMDC District Solid Waste Management 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 the 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 the 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 plan at any time and, if found inadequate, a new plan must be adopted. The HMDC completed such a review and on September 26, 1990, adopted an amendment to its approved district solid waste management plan which proposes to include the Allegro Sanitation Corporation transfer station and materials recovery facility into the HMDC Solid Waste Management Plan.

The Allegro Sanitation Corporation transfer station is located at 278 Secaucus Road, Secaucus, New Jersey, on Block 62, Lots 7 and 8. The HMDC granted a zoning certificate for construction of the existing Allegro facility on February 26, 1973 and on March 12, 1979 the Department issued a facility permit for the transfer station, (facility No. 0909D). This facility is being incorporated into the HMDC District Solid Waste Plan at this time since Allegro Sanitation has a pending permit application before the Department of Environmental Protection for an expansion of the facility, and incorporation of the Allegro facility into the HMDC plan will correct a historical planning deficiency. Finally, in this regard, on August 10, 1989, the Hudson County Board of Chosen Freeholders proposed the Allegro facility for inclusion into the Hudson County District Solid Waste Management Plan. This amendment was later certified by the Department of Environmental Protection on January 26, 1990.

The within amendment was received by the Department of Environmental Protection on October 25, 1990 and copies were distributed to various state level agencies for review and comment, as required by law. The Department of Environmental Protection has reviewed this amendment, as well as the entire HMDC District Solid Waste Management Plan, and has determined that the amendment adopted by the HMDC on September 26, 1990, is approved as provided in N.J.S.A. 13:1E-24.

B. Findings and Conclusions with Respect to the HMDC District Solid Waste Management Plan Amendment

Pursuant to N.J.S.A. 13:1E-24a(1), I, Judith A. Yaskin, Commissioner of the Department of Environmental Protection have studied and reviewed the September 26, 1990, amendment to the HMDC District Solid Waste Management 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 addition, the Division of Solid Waste Management circulated the plan amendment to sixteen review agencies and solicited their review and recommendations. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various agencies, bureaus, and divisions within the Department of Environmental Protection as well as the Board of Public Utilities. Also among these agencies were the Department of Community Affairs, the Department of the Public Advocate, the Department of Health, the Department of Agriculture, the Department of Transportation, and the New Jersey Turnpike Authority. Of these agencies, the following did not object to the proposed plan amendment: the New Jersey Department of Environmental Protection Divisions of Water Resources, Fish, Game and Wildlife, and Parks and Forestry; the State Department of Agriculture; the New Jersey Turnpike Authority and the New Jersey Advisory Council on Solid Waste Management. The following agencies failed to respond to our requests for comments: the New Jersey Department of Environmental Protection Divisions of Environmental Quality, and Coastal Resources; the

State Departments of Health, Community Affairs, and the Public Advocate; the Board of Public Utilities, the Green Acres Program, and the U.S. Environmental Protection Agency. The New Jersey Department of Transportation and the New Jersey Department of Environmental Protection Division of Solid Waste Management submitted substantive comments which are further addressed below.

The New Jersey Department of Transportation (DOT) commented that should the Allegro Sanitation transfer station and materials recovery facility require ingress or egress to a state highway, then the applicant must file an access and possibly a drainage application. Also, existing facilities need to provide current and proposed traffic volume counts to the DOT. The Department of Environmental Protection responds that the existing solid waste permit for the Allegro facility is currently up for renewal. As a component of the permit renewal review process, information regarding traffic volume counts will be forwarded to the DOT for comment. Also, the applicant is notified, by way of this certification, of the potential need for access and drainage permits.

The Division of Solid Waste Management (DSWM) commented that on August 10, 1989, the Hudson County Board of Chosen Freeholders proposed the Allegro Sanitation Corporation transfer station for inclusion into their solid waste management plan as part of their two-year update. Moreover, the Department of Environmental Protection certified approval of the plan amendment on January 26, 1990.

The DSWM also commented that the plan amendment listed construction and demolition waste as material to be processed and recovered at the facility. Furthermore, it is proposed that of the approximately 20 tons of construction and demolition waste to be received daily, 5 tons will be recovered for recycling. The Division requests a detailed clarification regarding the specific types of construction and demolition waste to be received and processed. In addition, the DSWM requires information concerning what specific construction and demolition materials will be marketed as recyclable end products. Finally, the DSWM requires a listing of all end markets that will be utilized in accepting recycled construction and demolition material from the Allegro facility. In response to the comments of the DSWM, the Department of Environmental Protection concurs and by way of this plan amendment notifies the Hackensack Meadowlands Development Commission of the above mentioned requirements.

C. Certification of HMDC District Solid Waste Management Plan Amendment

I, Judith A. Yaskin, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq. and N.J.S.A. 13:1E-21, which established specific requirements regarding the contents of the district solid waste management plans, have reviewed the September 26, 1990 amendment to the approved HMDC District Solid Waste Management Plan and certify to the HMDC that the September 26, 1990 amendment is approved as further specified below.

1. The inclusion of the Allegro Sanitation Corporation transfer station/materials recovery facility located at Block 62, Lots 7 and 8 in Secaucus is approved. However, the Department of Environmental Protection notes that the construction and operation of any solid waste facility shall be preceded by the acquisition of all necessary permits, including permit renewals, and approvals under N.J.S.A. 13:1E-1 et seq., and all other applicable laws and regulations. Issuance of operating permits is limited to those applicants found by the Department of Environmental Protection and the Attorney General to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126.

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 the within amendment to the HMDC District Solid Waste Management 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 of Environmental Protection and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the HMDC District Solid Waste Management 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 of Environmental Protection, and for good cause shown, obtain an extension of time to complete such renegotiation.

2. Compliance

All solid waste facility operators and collector/haulers registered with the Department of Environmental Protection and operating within HMDC County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the HMDC 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, and 12 and all other applicable laws.

3. Types of Solid Wastes Covered by the District Solid Waste Management Plan

The provisions of the HMDC District Solid Waste Management 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. Also, all non-hazardous 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 (N.J.A.C. 7:26-6).

4. Certification to Proceed with the Implementation of Plan Amendment

This document shall serve as the certification of the Commissioner of the Department of Environmental Protection to the HMDC Board of Chosen 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 N.J.A.C. 7:26-1.4 and -2.13.

6. Effective Date of Amendment

The amendment to the HMDC District Solid Waste Management 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 of Environmental Protection pursuant to its authority under the law. The HMDC County District Solid Waste Management 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 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 HMDC District Solid Waste Management Plan which was adopted by the HMDC on September 26, 1990.

DATE

2/12/90



JUDITH A. YASKIN
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION