

**IN THE MATTER OF CERTAIN AMENDMENTS
TO THE ADOPTED AND APPROVED SOLID
WASTE MANAGEMENT PLAN OF THE
NJMC SOLID WASTE MANAGEMENT
DISTRICT**

**CERTIFICATION
OF THE DECEMBER 18, 2003
AMENDMENT TO THE NJMC 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 (now known as the New Jersey Meadowlands Commission or NJMC) develop comprehensive plans for waste management in their respective districts. On July 31, 1980, the Department of Environmental Protection (Department or DEP) approved, with modifications, the NJMC 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.

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 NJMC Commissioners completed such a review and on December 18, 2003 adopted an amendment to its approved District Plan. The December 18, 2003 amendment proposes District Plan inclusion of a vertical expansion of the NJMC 1-E Landfill, located at 100 Baler Boulevard, on portions of Lots 1 of Blocks 175-189 in the Borough of North Arlington and Block 149, Lot 10, in the Town of Kearny.

The amendment was considered administratively complete for review by the Department on

January 20, 2004 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 NJMC Commissioners on December 18, 2003 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the December 18, 2003 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 the amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the NJMC is notified of the elements of the December 18, 2003 amendment which are included below.

In conjunction with the review of the amendment, the Department circulated copies to sixteen 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 and Wildlife, DEP
 Division of Compliance and Enforcement, DEP
 Division of Solid and Hazardous Waste, DEP
 Office of Air Quality Management, DEP
 Green Acres Program, DEP
 Land Use Regulation Element, DEP
 New Jersey Turnpike Authority
 New Jersey Advisory Council on Solid Waste Management
 Office of Local Environmental Management
 Department of Agriculture
 Department of Health and Senior Services
 Department of Transportation
 Department of Community Affairs
 U.S. Environmental Protection Agency

Elements of the December 18, 2003 Amendment

Facility Operations

The NJMC Balefill was included within the District Plan through a plan amendment adopted by the NJMC Commissioners on November 23, 1982. This amendment was certified as approved by the Department on May 4, 1983.

On February 27, 1984, the NJMC Commissioners adopted an amendment to their District Plan which proposed inclusion of an expansion to the NJMC Balefill. The expansion consisted of Lots 1 (part) of Blocks 175-177 and 185-188, and Lots 1 of Blocks 178 and 180-183, in the Borough of North Arlington, Bergen County, and Block 149, Lot 10, in the Town of Kearny, Hudson County. This amendment was certified as approved by the Department on June 22, 1984.

On April 19, 2000, the NJMC Commissioners adopted an amendment to their District Plan for the inclusion of additional landfilling of non-putrescible wastes on portions of the 1-E Landfill over a 15-year period as needed to achieve final approved elevations. This amendment was certified as approved by the Department on July 31, 2000.

The December 18, 2003 amendment is proposing District Plan inclusion of a vertical expansion of the NJMC 1-E Landfill, located at 100 Baler Boulevard, on portions of Lot 1 in Blocks 175-189 in the Borough of North Arlington and Block 149, Lot 10, in the Town of Kearny. The proposed vertical expansion will bring the total elevation of the 1-E Landfill to 180 feet (existing grade is at 110-120 feet) and provide for approximately 57 months of additional capacity.

Vertical Expansion of the 1-E Landfill

The Division of Solid and Hazardous Waste's Bureau of Landfill and Recycling Management (BLRM) submitted comments regarding the proposed vertical expansion of the NJMC's 1-E Landfill. These comments echo those submitted and included in the Department's July 31, 2000 certification of the NJMC's plan amendment adopted on April 19, 2000. Specifically, the BLRM notes that issues related to the slope stability and integrity of the leachate collection system and slurry wall of the 1-E Landfill will need to be addressed during the permitting phase of the project.

Acceptance, Processing, and Transfer of Brush at the NJMC Compost Facility

The December 18, 2003 amendment also proposes District Plan inclusion of an expansion of the NJMC Compost Facility, located on portions of Lot 1, in Blocks 177, 178, and 180-183, in the Borough of North Arlington, Bergen County, and Block 149, Lot 10, in the Town of Kearny, Hudson County to include the acceptance, processing, and transfer of brush. This component of the December 18, 2003 amendment was considered by the Department through the administrative action process, pursuant to N.J.A.C. 7:26-6.11(b)5 and was approved on April 29, 2004.

Regulatory Requirements

If any operation of a solid waste facility will discharge pollutants as defined in N.J.A.C. 7:14A et seq., said operation must secure a New Jersey Pollutant Discharge Elimination System Permit and/or a Treatment Works Approval for pollutant discharges prior to operation.

Solid waste facilities are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits the release of odors and other air contaminants which interfere with the

enjoyment of life and property.

C. Certification of the NJMC 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 December 18, 2003 amendment to the approved District Plan and certify to the NJMC Commissioners that the December 18, 2003 amendment is approved as further specified below.

The District Plan inclusion of a vertical expansion of the NJMC 1-E Landfill, located at 100 Baler Boulevard, on portions of Lots 1 of Blocks 175-189 in the Borough of North Arlington, Bergen County and Block 149, Lot 10, in the Town of Kearny, Hudson County is approved.

The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals pursuant to N.J.S.A. 13:1E-1 et seq., and all other applicable laws. The issuance of operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the DEP and the Attorney General of the State of New Jersey to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126.

The applicant must apply to the Department for a modification of its existing solid waste facility permit to authorize a capacity expansion and the facility's continued operation. This certification shall not be construed as an expression of the DEP's intent to issue a solid waste facility permit or permit modification for any proposed facility or operation.

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 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 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 including waste types 10, 13, 23, 25, and 27 and all applicable subcategories and shall not apply to liquid and hazardous wastes. All nonhazardous materials separated at the point of generation for sale or reuse are subject to regulation in accordance with N.J.A.C. 7:26A-1 et seq.

4. Certification to Proceed with Implementation of Amendment

This document shall serve as the certification of the Commissioner of the Department to the NJMC Commissioners and pursuant to N.J.S.A. 13:1E-24c. and f., the NJMC Commissioners shall proceed with the implementation of the approved components 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 Amendment

The approved components of 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, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, 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, with modification, the amendment, as outlined in Section C. of this certification, to the NJMC District Solid Waste Management Plan which was adopted by the NJMC Commissioners on December 18, 2003.

May 26, 2004

Date

Bradley M. Campbell, Commissioner
Department of Environmental Protection