



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ROBERT E. HUGHEY, COMMISSIONER
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(IN THE MATTER OF CERTAIN AMENDMENTS)
(TO THE ADOPTED AND APPROVED SOLID)
(WASTE MANAGEMENT PLAN OF THE)
(PASSAIC COUNTY SOLID WASTE)
(MANAGEMENT DISTRICT)

CERTIFICATION OF APPROVAL
OF THE FEBRUARY 2, 1985 and
FEBRUARY 21, 1985 AMENDMENTS
TO THE PASSAIC 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 approved, with modification, the Passaic County 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 Passaic County Board of Chosen Freeholders completed such reviews and on February 2, 1985 and February 21, 1985, adopted amendments to its approved District Solid Waste Management Plan. The amendments were received by the Department of Environmental Protection on March 22, 1985 and copies were distributed to various state level agencies for review and comment, as required by law.

The Department has reviewed these amendments as well as the entire Passaic County District Solid Waste Management Plan, and has determined that the amendments adopted by the Passaic County Board of Chosen Freeholders on February 2, 1985 and February 21, 1985 are approved in accordance with N.J.S.A. 13:1E-24. While the requirements of the Act concerning the report have been met, the District's Plan remains deficient as noted below.

B. Certification of Passaic County District Solid Waste Management Plan Amendments

I, Robert E. Hughey, 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 Plan, have reviewed the February 2, 1985 and the February 21, 1985 amendments to the Passaic County District Solid Waste Management Plan and certify to the Passaic County Board of Chosen Freeholders that the February 2, 1985 and the February 21, 1985 amendments are approved as further specified below.

The inclusion in the plan of the Passaic City site for the development of a resource recovery facility, located at Block 65, Lots 1,15,20,25,31, and 35 in the City of Passaic is approved.

The inclusion in the plan of the county-wide mandatory recycling program is approved. This program requires each Passaic County municipality to host a recycling program, which may be municipally run or run by a volunteer group on a regular basis (at least once per month). The materials recycled must include, but are not limited to newspaper and leaves. However, the recycling program as proposed does not provide sufficient assurance that maximum recycling will actually occur. The plan amendment requires that municipalities establish recycling programs but only to the extent that such programs allow residents to recycle waste rather than requiring them to do so. As such the plan remains deficient regarding the requirement to ensure that maximum recycling will occur.

The inclusion in the plan of the Gaeta Recycling Company, Inc. transfer station, located at 278 West Railway Avenue, Block K1305, Lot 1, in the City of Paterson is approved.

The construction or operation of the above referenced solid waste facilities shall be preceded by the obtainment of all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq. and all other applicable laws. The issuance of construction and/or operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department to be fit and competent to manage such facilities.

The Department has reviewed the entire Passaic County District Solid Waste Management Plan, including these amendments, to determine whether the plan fulfills the requirements set forth in N.J.S.A. 13:1E-21. The result of that review is as follows:

1. N.J.S.A. 13:1E-21b(1) requires the designation of a department, unit,

or committee of county government . . . to supervise the implementation of the county's Solid Waste Management Plan.

The approved Passaic County District Solid Waste Management Plan contains no designation as to the supervision of the implementation of the county's solid waste management plan. The Department is aware of a recent resolution adopted by the Passaic County Board of Chosen Freeholders which authorizes the freeholder board to supervise the implementation of the plan. Until Passaic County formally adopts a plan amendment to include this designation of the board of chosen freeholders, the district solid waste management plan remains deficient in the requirements of N.J.S.A.13:1E-21b(1).

2. N.J.S.A. 13:1E-21b(2) requires a statement of the solid waste disposal strategy to be applied...which strategy shall include maximum practicable use of resource recovery procedures and a plan for using terminated landfill disposal sites...in the Solid Waste Management District.

According to the provisions of the December 3, 1984 Judicial Consent Order between the Department of Environmental Protection (DEP), the Hackensack Meadowlands Development Commission (HMDC), and Passaic County, the county agreed, among other things, to have an in-county landfill operational by December 1, 1987 and a resource recovery facility operational by October 1, 1988.

The Passaic County District Solid Waste Management Plan is deficient with regard to the requirements of N.J.S.A.13:1E-21b(2) pending the incorporation of the landfill and resource recovery facility development schedules into the approved plan.

The Passaic County District Plan is also deficient with respect to 13:1E-21b(2) in its failure to provide a plan for using terminated landfills.

3. N.J.S.A. 13:1E-21b(3) requires a site plan which shall include all existing solid waste disposal facilities located within the Solid Waste Management District . . . and sufficient additional available suitable sites to provide solid waste facilities to treat and dispose of the actual and projected amounts of solid waste contained in the report accompanying the plan

Until Passaic County amends its district plan to reflect the redirection of solid waste generated in Bloomingdale, Pompton Lakes, Ringwood, Wanague and West Milford to the HMDC Baler/Balefill, the plan is deficient with respect to N.J.S.A. 13:E-21B(3).

4. N.J.S.A. 13:1E-21b(4) requires a survey of proposed collection districts and transportation routes with projected transportation costs from collection districts to existing or available sites for solid waste disposal facilities.

The Passaic County plan is deficient in its failure to develop a survey of transportation routes with projected costs for existing and proposed solid waste facilities.

5. N.J.S.A. 13:1E-21B(5) requires procedures for coordinating all activities related to the collection and disposal. . . within the Solid Waste Management District, which procedures shall include the agreements entered into as provided herein between the Board of Chosen Freeholders . . . an every such person, and the procedures for furnishing the solid waste facilities contained in the Solid Waste Management Plan.

An interdistrict agreement exists between Passaic County, the DEP, and the HMDC. However, the agreement must be incorporated through a plan amendment in order to satisfy N.J.S.A. 13:1E-21b(5). Therefore, the plan remains deficient in this area.

6. N.J.S.A. 13:1E-21b(6) requires a method or methods of financing solid waste management in the Solid Waste Management District pursuant to the Solid Waste Management Plan.

Passaic County has submitted to the DEP a preliminary financing plan for the proposed resource recovery facility. However, until further financial data is developed regarding the development of the in-county landfill and the complete financing plan for both facilities is incorporated into the approved plan, the county plan remains deficient with regard to N.J.S.A. 13:1E-21b(6).

C. Other Provisions Affecting the Plan Amendments

1. Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with these amendments to the Passaic County 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 these amendments and of the Passaic County 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 Passaic County and affected by the amendments contained herein shall operate in compliance with these amendments and all other approved provisions of the Passaic 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, 10, and 12 and all other applicable laws.

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

The provisions of the Passaic County 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) which are part of the Passaic County District Solid Waste Management Plan.

4. Certification to Proceed with the Implementation of Plan Amendments

This document shall serve as the certification of the Commissioner of the Department of Environmental Protection to the Passaic County Board of Chosen Freeholders, as provided for by N.J.S.A. 13:1E-24f., to proceed with the implementation of the amendments contained herein.

5. Definitions

For the purpose of these amendments 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 Amendments

The approved amendments to the Passaic County District Solid Waste Management Plan contained herein shall take effect immediately.

7. Reservation of Authority

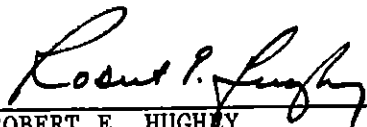
Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Passaic County District Solid Waste Management Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan. The

Department has published a Statewide Solid Waste Management Plan with appendices which includes the Department's Planning Guidelines and rules, regulations, and orders of the Department, including the interdistrict and intradistrict waste flow rules, and also includes the compilation of individual district plans and amendments as they are approved.

D. Certification of Approval of the Amendment and Notification of Deficiencies 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 amendments, as outlined in Section B of this certification, to the Passaic County District Solid Waste Management Plan which were adopted by the Passaic County Board of Chosen Freeholders on February 2, 1985 and February 21, 1985, and further direct the Passaic County freeholders to remedy those deficiencies outlined in Section B of this certification as soon as possible.

7/15/85
DATE



ROBERT E. HUGHEY
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION