



State of New Jersey

Christine Todd Whitman
Governor

Department of Environmental Protection

Robert C. Shinn, Jr.
Commissioner

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 THE
FEBRUARY 15, 1995 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 30, 1980, the Department of Environmental Protection (Department or DEP) approved with modifications the Passaic 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 Passaic County Board of Chosen Freeholders (County Freeholders) completed such a review and on February 15, 1995, adopted amendments #'s 1,2,3,4 and 5-1995 to its approved County Plan. These amendments included: a blanket inclusion policy for vegetative waste compost facilities; the George Kuehm Farm leaf compost facility in Wayne Township; the ACS Services, Inc. recycling center in the City of Paterson for Class A and B materials; a response to deficiencies relative to the State requirements for source reduction; and the Passaic Crushed Stone Company, Inc. recycling center in Pompton Lakes for Class A and B materials, respectively. The Kuehm Farm compost facility (amendment #2-1995) was the subject of a prior certification dated April 27, 1995.

The subject amendments were received by the Department on or about March 27, 1995 and copies were distributed to various administrative review agencies for review and comment, as required by law. The DEP has reviewed these amendments and has determined that the amendments adopted by the County Freeholders on February 15, 1995 are approved as provided in N.J.S.A. 13:1E-24.

B. Findings and Conclusions with Respect to the Passaic County District Solid Waste Management Plan Amendments

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the February 15, 1995 amendments 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 these plan amendments are consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders and the applicants are notified of the issues of concern relative to the February 15, 1995 amendments which are included in Section B.2. below.

In conjunction with the review of these amendments, the Department circulated copies to fifteen federal and State 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 Parks and Forestry, DEP
- Division of Fish, Game and Wildlife, DEP
- Division of Water Quality, DEP
- Division of 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

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 February 15, 1995 Amendments

The following agencies did not object to the proposed amendments:

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

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

Office of Air Quality Management, DEP
Land Use Regulation Element, DEP
New Jersey Advisory Council on Solid Waste Management
Department of Health
U.S. Environmental Protection Agency

The following agencies provided substantive comments as shown in Section B. of the certification document:

Division of Solid and Hazardous Waste, DEP
Division of Water Quality, DEP
Division of Fish, Game and Wildlife, DEP

2. Issues of Concern Regarding the February 15, 1995 Amendments

Issue: Regulatory Requirements

The Passaic Crushed Stone, Inc. recycling center is located in proximity to the Pequannock River which is a trout stocked and trout production stream. Therefore, there is concern for any discharge/run-off to the Pequannock River originating from the facility site. Compliance with the Surface Water Quality Regulations for FW-2, Trout Production Category I Waters, must be addressed by the applicant.

If any operation of a solid waste facility will discharge pollutants as defined in N.J.A.C. 7:14A-1.9, said operation must secure a New Jersey Pollutant Discharge Elimination System Permit and/or a Treatment Works Approval for pollutant discharges prior to construction and/or operation.

Solid waste facilities are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits odors and other air contaminants which interfere with the enjoyment of life or property. Also, solid waste facilities are subject to N.J.A.C. 7:27-8.2(a)16 which requires air pollution control permits for any equipment which vents a solid waste facility directly or indirectly into the outdoor atmosphere. Such vents may require devices to control odors and other air contaminants.

Issue: State Requirements for Source Reduction

On April 26, 1994, the Department certified an October 23, 1993 amendment to the County Plan. This amendment represented the latest submission of the County to address outstanding deficiencies pertaining to the State requirements for source reduction. Within that certification the DEP approved the County's responses to the deficiencies pertaining to adopting source reduction goals and conducting waste audits but noted the need to complete additional tasks pertaining to these deficiencies as specified in a Department Order of October 7, 1993. Specifically, the County was directed to submit an analysis of population and generation trends to indicate the impact of source reduction programs and quarterly progress reports for conducting waste audits at County and municipal buildings. Also, the County was directed to report on the development of a permanent household hazardous waste collection facility and the pursuit of regionalization options.

The Department has reviewed amendment #4-1995 within the context of the adopted Solid Waste Management State Plan Update: 1993-2002, Section I: Municipal and Industrial Solid Waste, and the October 7, 1993 Order, as further outlined below:

a. Source Reduction

The County was directed to provide an analysis of population and generation trends relative to recycling and disposal. The February 15, 1995 amendment addresses this deficiency in both tabular and narrative form. The data show that there will be a 4.0% per capita increase in solid waste generation from 1990 to 1995; however, after 1995 no per capita increase is expected. The County also indicated in the amendment that it will continue to aggressively promote source reduction programs throughout the County in order to meet the State's source reduction goals. Therefore, as noted within Section C. of the certification, this component of the County Plan is approved.

b. Household Hazardous Waste Collection Facility

The County was directed to commit to the establishment of a permanent household hazardous waste collection facility, an ongoing mobile collection program, or to identify arrangements to utilize a collection facility within another New Jersey county. The

February 15, 1995 amendment indicates that a study of the cost effectiveness of these existing options as well as alternative funding sources by a consultant resulted in the recommended establishment of a pilot project to evaluate the actual costs associated with administering a mobile household hazardous waste collection program subject to securing research grant funding. Since adoption of the February 15, 1995 amendment, the County applied for a grant from the EPA to fund the pilot project. However, the EPA denied the application and the County is not currently pursuing development of the project. Notwithstanding this denial, the County must still pursue the development of a permanent household hazardous waste collection facility on either a regional or individual basis. The HMDC is planning to develop a regional permanent household hazardous waste collection facility and is seeking other counties to become regional partners. Therefore, as noted within Section C., while the Department approves the concept of developing a pilot mobile collection program, the County is directed to contact the HMDC relative to becoming a partner in the development of a regional permanent household hazardous collection facility to be located within the HMDC.

c. Waste Audits

The County was directed to have waste audits completed in all county and municipal office buildings by December 31, 1994 and to submit quarterly progress reports by June 30, 1994 and September 30, 1994. These reports, which have been submitted to the Department, indicate that the County utilized a grant from the Department to contract with a consultant to perform waste audits at all County and municipal office buildings. These audits, which are ongoing, are anticipated to be completed by December 1995. Also, it should be noted that the County is on schedule for having waste audits for the private sector completed by December 1995. Therefore, as noted within Section C., this component of the County Plan is approved.

C. Certification of the Passaic County District Solid Waste Management Plan Amendments

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 February 15, 1995 amendments to the approved County Plan and certify to the County Freeholders that the February 15, 1995 amendments are approved as further specified below.

1. Amendment #1-1995

The County Plan inclusion of the blanket inclusion policy for vegetative waste compost facilities is approved. The purpose of this plan amendment is to encourage and facilitate the development

of certain vegetative waste compost facilities by curtailing some of the more complicated and time consuming aspects of the County Plan inclusion process.

The blanket inclusion policy is restricted to any new vegetative waste compost facility with an annual capacity less than 1,000 cubic yards, or up to 20,000 cubic yards for State approved farm land for leaf land application or composting. Pursuant to the blanket inclusion policy, any application for a vegetative waste compost facility with an annual capacity of less than 1,000 cubic yards accepting residential leaves and grass clippings or vegetative waste from farms, plant nurseries, and greenhouses produced from the raising of plants which include such crop residue as plant stalks, hulls, leaves, and tree waste produced through a wood chipper, or up to 20,000 cubic yards for State approved farm land accepting leaves for land application or composting, is consistent with the Passaic County Solid Waste Management Plan subject to procedures as authorized below and no further plan amendment is required.

For such compost facilities to be included within the County Plan pursuant to the blanket inclusion policy, the following procedures must be followed:

- a. A facility description containing the following information, submitted first to the host municipality and then the county:
 - 1) The corporate name, address, and telephone number of the person seeking to own and operate the proposed vegetative waste compost facility;
 - 2) The name of the individual serving as contact person for the compost facility;
 - 3) The location of the proposed vegetative waste compost facility, including lot and block, and generally recognized address of the site;
 - 4) The acreage of the site and/or square footage of the vegetative waste compost facility;
 - 5) The zoning of the site;
 - 6) A description of the material(s) to be composted;
 - 7) A description of the compost facility operation in a narrative form;
 - 8) A map delineating the actual location of the facility in relation to the host municipality and neighboring community;
 - 9) A description of the operation methods addressing environmental impacts such as odors, noise, dust, and visual impacts; and
 - 10) A full copy of the complete application as submitted to the DEP including all engineering design reports, maps, etc.

- b. The applicant shall publish two notices of the proposed application, once each week for two consecutive weeks, in the designated official paper of the host municipality or, in the absence thereof, a newspaper of general circulation within the host municipality. The notices shall set forth:
- 1) The nature of the project;
 - 2) The block and lot numbers of the site location;
 - 3) The generally recognized address of the site;
 - 4) The location of the depositories (which in all cases shall be the municipal building and the County Department of Planning) for inspection of the complete application and supporting documents; and
 - 5) A statement that written comments on the proposed application will be accepted by the County Department of Planning for a period of 30 days from the date of the first notice.
- c. The applicant shall submit written documentation that all applicable local approvals and permits have been secured.

Applications for County Plan inclusion will be reviewed by the County in the same manner as recycling centers where, upon favorable review and after public notice procedures, the facility will by freeholder resolution be included within the Passaic County Plan and such resolution shall be submitted to the DEP.

For compost facilities processing in excess of an annual capacity of 1,000 cubic yards, or 20,000 cubic yards for State approved farm land accepting leaves for land application or composting, the applicant shall follow the formal County Plan amendment procedures pursuant to N.J.S.A. 13:1E-23 and 24.

2. Amendment #3-1995

The County Plan inclusion of ACS Services, Inc. transfer station/materials recovery facility located at 178 River Street, Block 558, Lot 9 in the City of Paterson as a recycling center for Class A and B materials is approved. The applicant proposes to accept approximately 200 tons per day (TPD) of Class A and B materials at this facility and, therefore, increase its existing permitted capacity from 150 TPD to 350 TPD. Class A materials are to include paper, plastic, metal, corrugated cardboard, and glass. Class B materials are to include concrete, asphalt, brick, block, wood, asphalt shingles, and tires. It is noted for purposes of clarification that although the amendment narrative refers to the site as Block D0558, the site plan included within the amendment includes the correct block for the existing facility as Block 558. This site was previously included within the County Plan as a transfer station/materials recovery facility in an amendment dated October 19, 1983 which was certified by the DEP on March 22, 1984. Following the necessary modification to its existing solid waste

facility permit, ACS Services, Inc. will be restricted to the acceptance of 150 TPD of solid waste and 200 TPD of source separated or source separated and commingled recyclables for the types of materials noted above.

Pursuant to N.J.A.C. 7:26A-4.1 (a) 1.iii, Class A recyclable materials may only be commingled with other Class A recyclable materials. Class B materials may be commingled only with other Class B recyclable materials.

As previously noted, the applicant must apply to the DEP for a modification of its existing solid waste facility permit to authorize a capacity expansion and the acceptance of Class A and B recyclable materials. This certification shall not be construed as an expression of the Department's intent to issue a solid waste facility permit modification for any proposed facility or operation.

The construction and operation of any solid waste facility permit 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 Department 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.

Any residue generated as a result of the operation of this facility shall be disposed of pursuant to the County Plan and the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26 et seq).

3. Amendment #4-1995

The County's strategy for addressing source reduction deficiencies is approved. However, as noted within Section B., while the DEP approves the concept of developing a pilot mobile household hazardous waste collection program, the County is directed to contact the HMDC relative to becoming a partner in the development of a regional permanent household hazardous waste collection facility to be located within the HMDC.

4. Amendment #5-1995

The County Plan inclusion of Passaic Crushed Stone Company, Inc., located on Broad Street, Pompton Lakes as a recycling center for Class B materials is approved. The subject site includes lots and blocks comprising two municipalities. Specifically, the site comprises Block 1000, Lot 20; Block 1000.1, Lot 20.01; Block 1800, Lot 19; and Block 2701, Lots 1 and 3 in Pompton Lakes Borough and Block 60, Lots 65, 66.01, 66.02, 66.03, and 67-73 in Bloomingdale Borough. The facility proposes to accept 1,100 TPD of concrete

(with or without rebar) and asphalt.

Pursuant to N.J.A.C. 7:26A-4.1 (a) 1.iii, Class B recyclable materials may only be commingled with other Class B recyclable materials.

This certification shall not be construed as an expression of the Department's intent to issue a recycling center approval to any recycling center for Class B materials. A recycling center approval shall be only granted where the applicant has submitted an administratively complete application, as per N.J.A.C. 7:26A-3.5, where all substantive criteria for approval set forth in N.J.A.C. 7:26A-3.2, 3.3, and 3.4 are satisfied, where a fee has been paid in accordance with N.J.A.C. 7:26A-2, and where none of the criteria for denial of a recycling center approval are met, as per N.J.A.C. 7:26A-11 and 12.

Any residue generated as a result of the operation of this facility shall be disposed of pursuant to the County Plan and the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26 et seq).

D. 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 County Plan and which were executed prior to the approval of these amendments 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 these amendments and of the County Plan if such renegotiation is not completed within ninety (90) days of the effective date of these amendments 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 amendments contained herein shall operate in compliance with these amendments 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 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. 7:26A-1 et seq.

4. Certification to Proceed with the Implementation of the Plan Amendments

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 approved amendments certified 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 -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 Amendments

The amendments to the County Plan contained herein shall take effect immediately.

7. Reservation of Authority

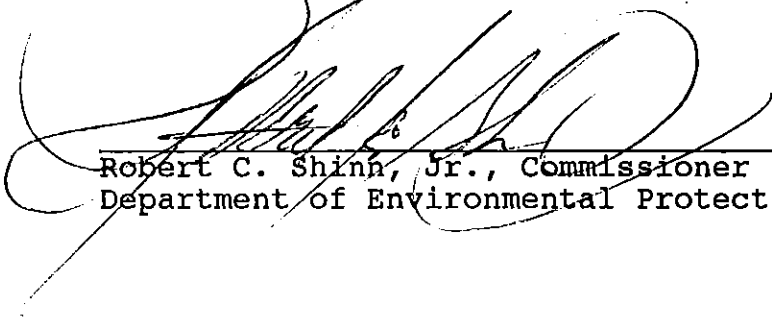
Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan, with appendices, which includes the Department's 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 Amendments 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 C. 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 15, 1995.

Date

7/13/95


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