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STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
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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 THE MARCH 7, 1990  
AMENDMENT 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 modifications, 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 a review and on March 7, 1990, adopted an amendment to its approved district solid waste management plan.

The March 7, 1990 amendment, identified as 1-1990, provides for the expansion of the Pen Pac, Inc., Totowa Transfer Station to 1000 tons per day and provides for a waste flow redirection of additional solid waste to that facility. Furthermore, the amendment also proposes to redirect all non-putrescible type 10 (medical waste), type 13 (large bulky waste) and type 27 (plastics, rags, bulk powders, and containers with tar and paint residue waste) currently generated in Passaic County to the Pen Pac, Inc., Iowa Avenue Transfer Station.

The amendment was received by the Department of Environmental Protection on March 29, 1990, and copies were distributed to various state level agencies for review and comment, as required by law. The Department has reviewed this amendment and has determined that the amendment adopted by the Passaic County Board of Chosen Freeholders on March 7, 1990, is 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 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 March 7, 1990, amendment to the Passaic County 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 fifteen 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 N.J.D.E.P. Divisions of Water Resources, Fish, Game and Wildlife, and Parks and Forestry, the Green Acres Program, the Board of Public Utilities and the State Department of Agriculture. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Division of Coastal Resources, the State Departments of Health, Community Affairs and the Public Advocate, the New Jersey Turnpike Authority, the New Jersey Advisory Council on Solid Waste Management and the U.S. Environmental Protection Agency. The Department of Transportation and the N.J.D.E.P. Divisions of Solid Waste Management and Environmental Quality submitted substantive comments which are further addressed below.

The Department of Transportation (DOT) commented that they would conduct a review of the existing and proposed traffic volume counts if these studies were made available to them. The Department appreciates DOT's comment and DOT will have an opportunity to review these studies when they are submitted to the Department as part of the solid waste facility application for the expansion of the Totowa Transfer Station.

The Division of Environmental Quality (DEQ) commented that transfer stations 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. DEQ also commented that transfer stations 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. The Department concurs with DEQ's comments and notifies the county and the applicant of these requirements.

The Division of Solid Waste Management (DSWM) commented that the expansion will result in additional traffic at the intersection of Riverview Drive and West End Road and, therefore, recommends that additional truck traffic routes be studied prior to implementation of the waste flow redirection to the Totowa Transfer Station. Also, any additional routes should be included in the Passaic County Plan or engineering application which will be made part of the facility permit. DSWM commented further that a modification of the Pen Pac, Inc., Iowa Avenue Transfer Station permit would be required pursuant to N.J.A.C. 7:26-3A.18, should the facility desire to accept regulated medical waste. The Department concurs with the DSWM's comments and hereby notifies the county and the applicant of these requirements.

Further, the DSWM commented that the plan amendment appeared to contain a typographical error in that waste type 11 was designated in the proposed waste flow to be sent to the Totowa Transfer Station facility. DSWM also questioned the designation of waste types 13R and 27R (Residual) in the proposed waste flow. In an effort to clarify these items, DSWM met with the Passaic County Utilities Authority (PCUA) on July 2, 1990 and was advised that the designation of waste type 11 should have been waste type 13. Also, the PCUA indicated that 13R and 27R were included as such to assure that the waste processed at the transfer stations would be accepted at the permitted out-of-state disposal facilities where it is classified as residual waste. In response, since this designation is inconsistent with existing waste type designations of the DSWM, for purposes of clarity, Section C. of the certification provides examples of acceptable waste types directed to each transfer station consistent with the intent of the waste flow proposed in the amendment.

Finally, DSWM commented that the amendment did not specifically prohibit leaves, a part of waste type 23, from being disposed of at these facilities. In response, Section C. of this certification states that leaves will not be accepted at any of the three Pen Pac, Inc., facilities.

C. Certification of Passaic County 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 March 7, 1990 amendment to the approved Passaic County District Solid Waste Management Plan and certify to the Passaic County Board of Chosen Freeholders that the March 7, 1990 amendment is approved as further specified below.

1. The expansion of the capacity at the Pen Pac, Inc., Transfer Station, facility number 1612B1SP01, located in Totowa Borough, Passaic County, not to exceed 1000 tons per day is approved. The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq. and all other applicable laws. Issuance of operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department and the Attorney General to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126 et seq.
2. The following waste flow redirection of Passaic County's solid waste to the Pen Pac, Inc., transfer stations for processing prior to out-of-state disposal is approved. However, please note that leaves will not be accepted at any of the Pen Pac, Inc. transfer stations.

All solid waste types 10 (except medical wastes), 13 (except large bulky wastes including such items as cable larger than six feet, foam insulation, tires, etc.), 23 (except leaves), 25 and 27 (except dry industrial waste such as plastics, rags, bulk powders, and containers with tar and paint residues, etc.) generated from within the Passaic County municipalities of Haledon, Hawthorne, North Haledon, Passaic, Prospect Park, and Paterson shall be directed to the Pen Pac, Inc., Fulton Street Transfer Station, DEP number 1608H2, located on Fulton Street in the City of Paterson, Passaic County. Waste received at this facility will be transported to permitted out-of-state disposal facilities as approved by the N.J.D.E.P.

All solid waste types 10 (except medical waste), 13 (except large bulky wastes including such items as cable larger than six feet, foam insulation, tires, etc.), 23 (except leaves), 25 and 27 (except dry industrial wastes such as plastics, rags, bulk powders, and containers with tar and paint residues, etc.), generated from within the Passaic County municipalities of Bloomingdale, Clifton, Little Falls, Pompton Lakes, Ringwood, Totowa, Wanaque, Wayne, West Milford, and West Paterson shall be directed to the Pen Pac, Inc., Totowa Transfer Station, DEP number 1612B1 located on Maltese Drive, Totowa Borough, Passaic County. Waste received at this facility will be transported to permitted out-of-state disposal facilities approved by the N.J.D.E.P.

Only solid waste types 10, 13 and 27 which are prohibited from the Fulton Street and Totowa Transfer Stations as indicated above, generated from all Passaic County municipalities shall be directed to the Pen Pac, Inc., Iowa Avenue Transfer Station, DEP number 1608A1, located in the City of Paterson, Passaic County. Waste received at this facility will be transported to permitted out-of-state disposal facilities as approved by the N.J.D.E.P.

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 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 this amendment 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 amendment contained herein shall operate in compliance with this amendment 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, and 12 and all other applicable laws.

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

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).

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 Passaic County 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 contained 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 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.

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 Passaic County District Solid Waste Management Plan which was adopted by the Passaic County Board of Chosen Freeholders on March 7, 1990.

DATE

8/23/90



JUDITH A. YASTIN  
COMMISSIONER

DEPARTMENT OF ENVIRONMENTAL PROTECTION