



State of New Jersey

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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 9, 1999
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 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.

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 March 9, 1999 adopted an amendment to its approved County Plan.

The March 9, 1999 amendment (Amendment #2-1999) proposes a capacity expansion of the existing Gaeta Recycling Company, Inc. transfer station located in the City of Paterson in Passaic County.

The amendment was considered administratively complete for review on May 4, 1999, 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 County Freeholders on March 9, 1999 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 have studied and reviewed the March 9, 1999 amendment 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 this plan amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders and the applicant are notified of the issues of concern relative to the March 9, 1999 which are included in Section B.2. below.

In conjunction with the review of the amendment, the Department circulated copies to fifteen 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 Compliance and Enforcement, DEP
Division of Water Quality, 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 March 9, 1999 Amendment

The following agencies did not object to the proposed amendment:

Division of Parks and Forestry, DEP
Division of Fish, Game and Wildlife, DEP
Division of Water Quality, DEP
Green Acres Program, DEP
New Jersey Turnpike Authority
Department of Agriculture
Department of Transportation
Department of Community Affairs

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

Division of Compliance and Enforcement, DEP
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 agency provided substantive comments as shown in Section B. of the certification document:

Division of Solid and Hazardous Waste, DEP

2. Issues of Concern Regarding the March 9, 1999 Amendment

Issue: Historical Background of the Gaeta Transfer Station

The Gaeta Transfer Station was initially included within the County Plan in an amendment adopted on February 21, 1985 which was certified as approved by the Department on July 15, 1985. This amendment identified a site for the transfer station (278-281 West Railway Avenue, Block K-1305, Lots 1 and 2 in Paterson) but did not identify a specific capacity. However, the transfer station has been operating with a capacity of 95 tons per day (570 tons per week based on a 6-day week) which was established during DEP's technical permitting phase culminating in the issuance of an initial solid waste facility permit on May 18, 1988.

A 35 ton per day (inclusive within the 95 tons per day approval) Class A recycling center operation was added to the initial transfer station site (278-281 West Railway Avenue, Block K-1305, Lots 1 and 2) in 1993 pursuant to the County's blanket inclusion

policy for recycling centers. This additional operational activity was approved by the Department as an administrative action on September 30, 1993. Gaeta subsequently expanded its building housing the transfer station and recycling operations but did not expand beyond the initial facility site. The street address of this expansion was listed as 196-198 Genesse Avenue.

On June 23, 1995 the Department approved by letter a request by the Passaic County Planning Department to provide for a minor modification to the County Plan allowing Gaeta Recycling Company, Inc. to increase its daily capacity to 117 tons per day (not to exceed the weekly capacity of 570 tons). A solid waste facility permit issued on November 9, 1995 approved this capacity increase.

On January 14, 1999 the Department received Amendment 5-1998 which noted that the site of the Class A recycling center was relocated from 278-281 West Railway Avenue (Block K-1305, Lots 1 and 2) to 192-198 Genesse Avenue (Block K-1305, Lots 2 and 3), 189-195 Genesse Avenue (Block K-1304, Lot 2) and adjacent Conrail property at West Railway Avenue (Block 7117, Lot 6) in the City of Paterson, and that the capacity of the recycling operation was increased from 35 tons per day to 200-300 tons per day. This latter amendment was approved by the Department as an administrative action on March 5, 1999.

Upon submission of the March 9, 1999 amendment, further review of Amendment 5-1998 reveals that this earlier amendment erroneously described the location of Gaeta's various operations. Specifically, the transfer station operations occur at 278-281 West Railway Avenue (Block K1305, Lots 1 and 2), and 192-198 Genesse Avenue (Block K1305, Lots 2 and 3), and Gaeta is using property owned by Conrail on West Railway Avenue (Block 7117, Lot 6) as staging and queuing for transfer station operations. Also, the Class A recycling center operations occur at 189-195 Genesse Avenue (Block 1304, Lot 11-not Lot 2).

The purpose of the March 9, 1999 amendment is to increase the capacity of the existing transfer station to 3,600 tons per week with a daily maximum of 720 tons on any given day. It should be noted that the Gaeta Transfer Station was previously permitted by the Department as a transfer station/materials recovery facility and Passaic County has informed the DEP that it has no objection to continued permitting of the Gaeta facility as a transfer station/materials recovery facility.

Issue: Regulatory Requirements

If any operation of a transfer station/materials recovery

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

Transfer stations/materials recovery 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. Also, transfer stations/materials recovery 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 atmosphere.

C. Certification of the Passaic County 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 March 9, 1999 amendment to the approved County Plan and certify to the County Freeholders that the March 9, 1999 amendment (Amendment #2-1999) is approved as further specified below.

The County Plan inclusion of an increase in capacity of the existing Gaeta Recycling Company, Inc. transfer station/materials recovery facility located at 278-281 West Railway Avenue (Block K1305, Lots 1 and 2), 192-198 Genesee Avenue (Block K1305, Lots 2 and 3) and West Railway Avenue (Block 7117, Lot 6) in the City of Paterson, Passaic County to 3,600 tons per week with a daily maximum of 720 tons on any given day 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.A.C. 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.

The applicant must apply to the Department for a modification of its existing solid waste facility permit to authorize a capacity expansion. 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.

Any solid waste/residue transferred/generated as a result of the operation of a transfer station/materials recovery facility shall be disposed of pursuant to the County Plan.

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 County 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 County 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 County and affected by the amendment contained herein shall operate in compliance with this amendment 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 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 the Implementation of the Plan Amendment

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 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 the Amendment

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

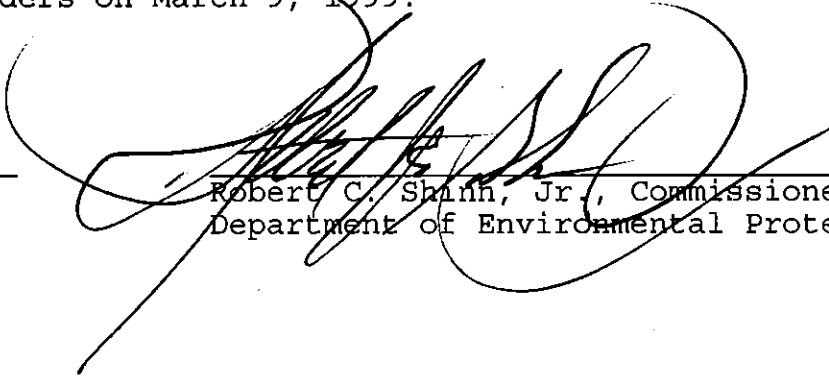
7. Reservation of Authority

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, 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 9, 1999.

9/10/99
Date


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