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Scott A. Weiner
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
MARCH 20, 1991 AND APRIL 3, 1991
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 of Environmental Protection and Energy (Department or DEPE) 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 plan at any time and, if found inadequate, a new plan must be adopted. The Passaic County Board of Chosen Freeholders (County Freeholders) completed such a review and on March 20, 1991 and April 3, 1991, adopted amendments to its approved County Plan.

Amendment 1-1991, as adopted on March 20, 1991, proposes the District's new goal for recycling 60% of the total solid waste stream by the year 1995 including interim recycling targets. The amendment also includes a listing of designated recyclable materials, a recycling program strategy, a mandatory municipal recycling ordinance requirement and an enforcement policy on recycling. In order to achieve the waste recovery goals, the County's program strategy includes development of procurement guidelines, direct municipal assistance, implementation of source reduction and recycling programs at all County facilities, a curbside recycling service, establishment of a consolidation center for selected recyclable materials, establishment of a bulky waste processing facility, composting program, special materials collection program, and an education program.

Further, Amendments 2-1991, 3-1991, 4-1991 and 5-1991, as adopted on April 3, 1991, propose the inclusion of DuJets Tree Experts, Inc., Paper Board Specialties and Recycled Paper Board, Inc., as recycling centers and the Hoffmann LaRoche, Inc. private solid waste incinerator into the County Plan. Specifically, DuJets Tree Experts, Inc. located in West Paterson, is an existing log splitting and wood chipping operation which generates approximately ten (10) tons of split logs and wood chips per day for firewood and landscaping. Paper Board Specialties is an existing, upgraded paper processing plant, located in Paterson, which handles primarily newspapers but is capable of recycling all types of waste paper. Recycled Paperboard, Inc. is a newly renovated paper processing facility located in Clifton which recycles a variety of paper grades for the production of paperboard. The Hoffmann LaRoche incinerator with a capacity of 9.6 tons per day located in Clifton will replace two existing incineration units on site to handle only company generated nonhazardous medical and industrial waste. The inclusion of the three existing recycling facilities within the County Plan at this time will correct a historical planning deficiency. The inclusion of the Hoffmann LaRoche upgraded, replacement incinerator in the County Plan also corrects a historical planning deficiency, but was requested by the Department in a letter dated February 1, 1991 to clarify the confusion of the location of the facility, since the Hoffmann LaRoche complex borders both Passaic and Essex Counties.

The amendments were received by the Department on April 26, 1991 and May 3, 1991 respectively 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 County Plan, and has determined that the amendments adopted by the County Freeholders on March 20, 1991 and April 3, 1991 are approved as provided in N.J.S.A. 13:1E-24. While the immediate plan amendments have been approved, deficiencies in the County Plan have been identified within Section C. of this certification.

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, Scott A. Weiner, Commissioner of the Department, have studied and reviewed the March 20, 1991 and April 3, 1991 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 conjunction with the review of these amendments, the Department circulated copies to fifteen 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 as well as the Board of Public Utilities (Board) which merged with the Department on August 26, 1991. In this regard, comments from the Board's Division of Solid Waste have been included under the Division of Solid Waste Management's comments. The following are the review agencies.

Division of Environmental Quality, DEPE
Division of Water Resources, DEPE
Division of Coastal Resources, DEPE
Division of Parks and Forestry, DEPE
Division of Fish, Game and Wildlife, DEPE
Division of Solid Waste Management, DEPE
Green Acres Program, DEPE
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
Department of the Public Advocate
U.S. Environmental Protection Agency

1. Agency Participation in the Review of the March 20, 1991 Amendment

The following agencies did not object to the proposed plan amendment:

Division of Water Resources, DEPE
Green Acres Program, DEPE
New Jersey Turnpike Authority
Department of Agriculture
Department of Community Affairs

The following agencies did not respond to the Department's requests for comments:

Division of Coastal Resources, DEPE
Division of Parks and Forestry, DEPE
Division of Fish, Game and Wildlife, DEPE
New Jersey Advisory Council on Solid Waste Management
Department of Health
Department of the Public Advocate
U.S. Environmental Protection Agency

The following agencies submitted substantive comments which are further addressed below:

Division of Environmental Quality, DEPE
Division of Solid Waste Management, DEPE
Department of Transportation

2. Agency Participation in the Review of the April 3, 1991 Amendments

The following agencies did not object to the proposed plan amendment:

Division of Parks and Forestry, DEPE
Green Acres Program, DEPE
Department of Agriculture
Department of Community Affairs

The following agencies did not respond to the Department's requests for comments:

Division of Coastal Resources, DEPE
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Health
Department of the Public Advocate
U.S. Environmental Protection Agency

The following agencies submitted substantive comments which are further addressed below:

Division of Environmental Quality, DEPE
Division of Fish, Game and Wildlife, DEPE
Division of Water Resources, DEPE
Division of Solid Waste Management, DEPE
Department of Transportation

3. Comments Received for the March 20, 1991 Amendment

Comment: The Division of Environmental Quality commented that recycling centers 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. Further, recycling centers are considered solid waste facilities, which 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. Further, stationary conveying equipment which causes fugitive emissions of air contaminants requires air pollution control permits pursuant to the provisions of N.J.A.C. 7:27-8.2(a)11.

Also, the Division of Environmental Quality commented that the use of chippers may necessitate the control of particulate emissions to the air. Pursuant to N.J.A.C. 7:27-8.2(a), 7, 11, 15 and 16, air pollution control permits to construct, install or alter control apparatus or equipment may be required. Chippers must also comply with the noise control code at N.J.A.C. 7:29-1.

Response: The facilities approved for inclusion in the plan must receive all approvals required by law, including those referenced above. By copy of this certification, the County, and Passaic County Utilities Authority (PCUA) are notified of these comments and this response.

Comment: The Division of Solid Waste Management (DSWM) submitted numerous comments which are further outlined below. In general, the proposed amendment designates specific recovery targets for recycling by year, increases the list of designated materials requiring source separation within the residential, commercial and institutional sectors, and provides a program strategy necessary to meet the waste recovery goals. The majority of the DSWM comments pertain to the need for schedules to implement the components of the program strategy, as well as identifying future requirements which will be applicable.

- a. **Source Reduction** - No schedule has been provided for development and adoption of the proposed educational program for source reduction. Further, no schedule was provided for the development of waste surveys/audits which will be administered throughout departments of County government. The plan should be modified to incorporate these schedules.
- b. **Procurement Guideline** - No schedule has been provided for the development and distribution of the proposed procurement guideline and the plan should be modified in this regard. In addition, the guideline should embody a requirement for County and local governments to adhere to current and future State procurement goals.
- c. **County Government Recycling and Procurement** - The amendment indicates that a recycling and procurement program is currently being implemented for all County facilities. However, a description of the program was not provided as part of the amendment submission and should be submitted as soon as possible.
- d. **Curbside Recycling Service** - The proposed amendment indicates that regional curbside recycling services will be expanded under municipal contracts with Straight and Narrow, Inc. of Paterson. However, the amendment fails to identify the scope of expanded services, the timeframes for implementing expanded service by municipality or any details regarding contract provisions. These issues should be clarified in a subsequent plan amendment. In addition, information concerning the procurement approach used by the County in contracting with Straight and Narrow, Inc., should be described in order for the Department to assure that competition was encouraged.

- e. **Consolidation Center** - The amendment includes a policy under which the County will contract to establish a consolidation center for selected recyclable materials if, after calendar year 1991, recycling goals are not being achieved. Should the County determine to pursue the consolidation center, a future plan amendment will be needed to designate a site(s) and applicable approvals obtained from the Department. In addition, it may be necessary to identify a system of municipal drop-off centers which will provide interim storage of designated materials prior to transport to the consolidation center.
- f. **Bulky Waste Processing Facility** - The County has proposed a bulky waste processing facility toward achieving the 60% recycling rate. This facility will require plan inclusion once a specific site has been identified, as well as a solid waste facility permit from the Department. Prior to sizing this proposed facility, the County should estimate specific tonnages of construction and demolition waste for processing, inventory existing facilities located within the County which may already be providing processing services, and identify markets for processed materials. In addition, the County should evaluate opportunities for regionalizing the bulky waste processing facility to accept material from outside of Passaic County pursuant to an interdistrict agreement.
- g. **Composting** - A strategy has been proposed toward expanding organic material composting to include brush by April 15, 1993 and grass by April 15, 1994. However, an inventory of existing arrangements for the composting of leaves by all Passaic County municipalities was not provided and should be submitted in a subsequent plan amendment. DEPE permitted or approved compost facilities, as well as agriculture/horticultural leaf mulching facilities, should be included within this list. Additional facilities needed for composting will require plan inclusion and DEPE permitting as appropriate for the type of operation proposed.
- h. **Special Materials Collection** - The County has proposed the development of a collection program for household batteries, small quantity generator hazardous waste and appliances. However, no schedule was provided for the development of this program. Further, details regarding the interrelationship of the proposed County collection system and existing municipal collection systems need to be addressed in narrative form. Consideration should be given to the establishment of a permanent collection facility with designated drop-off days on a rotating basis for each municipality. Both small quantity generator and household hazardous waste collection should be included. In addition, in order to establish a needed program data base, the County should consider preparing an inventory of small quantity generators from the nonresidential sector showing the amount and type of waste generated.
- i. **Education Program** - No details have been provided regarding the expansion of existing education programs, associated timeframes or the scope of activities. Program specifics should be included within a subsequent plan amendment and address educational/promotional needs in the areas of source reduction,

recycling, procurement of recycled products, household hazardous waste management and County/municipal enforcement. The education strategy should also consider approaches necessary to reach different sectors of the County, including individuals, commercial establishments, industry and community groups.

- j. **Designated Recovery Targets** - The County has identified annual goals toward reaching the 60% total solid waste stream recycling rate. The County should supplement these rates toward achievement of at least a 50% recycling rate for the municipal waste stream, including yard waste, by December 31, 1995.
- k. **General Comments** - In addition to the above comments regarding specific sections of the County's amendment, the DSWM identified additional areas of source reduction and recycling planning which should be given further consideration by the County. These areas are as follows:
 1. The development of per container rate systems on a pilot project basis;
 2. Amend the plan to incorporate an explicit ban on the acceptance of designated recyclable materials at transfer stations, landfills and incinerators within Passaic County;
 3. Expand the existing service station collection of used motor oil to identify a network of County or municipally sponsored collection sites. The feasibility of incorporating used oil collection into curbside collection programs of recyclable materials should also be considered;
 4. Blanket plan inclusion policies for recycling centers, recycling markets and compost facilities which will establish procedures by which needed facilities and markets can gain expedited County plan inclusion;
 5. Strategies for recycling in multi-family dwellings, including identification of responsibility for providing services;
 6. Incentive systems for community groups and the private sector toward achievement of the established recycling goals;
 7. Modifications to existing Pen Pac, Inc. transfer station facility permits to provide for the implementation of recycling activities. These facilities were exclusively permitted for the transfer of solid waste; and
 8. Establishment of a guidance document which will be distributed to each municipality in the County and outline a model municipal permit program for construction and demolition activities. Such a municipal permit program would guide construction/demolition work toward maximizing source separation and recycling. The program could also be used to complement the operations of the planned bulky waste processing facility.

Response: As noted in Section C. of this certification, the proposed March 20, 1991 amendment is approved. However, the above mentioned areas of source reduction and recycling need to be further refined by the County as outlined within Section C. in a subsequent plan amendment to be submitted within 180 days of this certification. Further, staff at the DSWM will be available to discuss the preceding comments and to work with the County to structure the required plan amendment submission. By copy of this certification, the County and the PCUA are hereby notified of the comments of the DSWM, these requirements and this response.

Comment: The Department of Transportation (DOT) commented that if any proposed facility requires ingress or egress to a state highway, the County must file for an access permit and possibly a drainage application.

Response: If the construction of any of the proposed County facilities requires access to a state highway, then the proper permit must be applied for and approved prior to the construction and operation of the facility. By copy of this certification, the County and the PCUA are notified of the DOT's comment and this response.

4. Comments Received for the April 3, 1991 Amendments

Comment: The Division of Environmental Quality (DEQ) commented that incinerators are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." Incinerators are also regulated under N.J.A.C. 7:27-11, "Incinerators," which defines the construction, operation, and emission standards for all incinerators. Additionally, incinerators are subject to the provisions of N.J.A.C. 7:27-8.2(a)14, which require permits and certificates for any incinerator. New and modified equipment which emits air contaminants must incorporate advances in the art of air pollution control. For incineration, this usually includes scrubbing for hydrochloric acid control, a baghouse for particulate control, and burners in a secondary combustion zone for hydrocarbon control. At this time, the Department requires that, at a minimum, scrubber air pollution control shall be installed achieving less than 0.03 grains of particulates per dry standard cubic foot (gr/dscf), adjusted to 7% oxygen, and at least 90% reduction in hydrochloric acid emissions. If feasible, new incineration facilities are required to install more advanced control technologies, such as spray driers and baghouses, to achieve 0.015 gr/dscf at 7% oxygen. Also, after issue of EPA guidance, the DEP will be proposing a regulation to require retrofit for better air pollution control of existing waste incinerators.

At this time any permit application for waste incineration should include air quality modelling and an evaluation of downwash, which demonstrate sufficient stack height; cancer risk assessment for metals and dioxin, demonstrating low cancer risk on and off site; continuous emission monitoring and recording for carbon monoxide, oxygen, and secondary chamber temperature; extensive stack testing after construction; and compliance with the Department's "Air Pollution Control Guidelines for Resource Recovery Facilities and Incinerators" March 1983, Amended November 1, 1984, Amended April 1987, if over 800 pounds per hour.

Furthermore, the inclusion of small-scale medical and certain industrial waste incinerators in solid waste management plans is consistent with the plans and programs administered by the DEQ if these incinerators comply with all air pollution control requirements.

The DEQ further commented that recycling centers 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. Recycling centers are considered solid waste facilities, which 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.

Comment: The Division of Solid Waste Management (DSWM) commented that the operation conducted by DuJets Tree Experts, Inc., requires Departmental approval as a recycling center, per N.J.S.A. 13:1E-99.34b. The DSWM also commented that the proposed Hoffmann LaRoche, Inc. solid waste incinerator is required to obtain a solid waste facility permit.

Comment: The Division of Water Resources (DWR) commented that if any of these proposed facilities will discharge pollutants as defined in N.J.A.C. 7:14A-1.9, said facilities must secure New Jersey Pollutant Discharge Elimination System permit(s) and/or Treatment Works Approval(s) for pollutant discharges prior to operation.

Comment: The Department of Transportation (DOT) commented that if any of the proposed solid waste facilities require ingress or egress to a state highway, the applicant must file for an access permit and possibly a drainage application.

Response: By copy of this certification, the County, PCUA and facility owner/operators are notified of the above comments regarding future permit requirements from the DEQ, DSWM, DWR and DOT.

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

I, Scott A. Weiner, Commissioner of the Department, in accordance with N.J.S.A. 13:1E-1 et seq., and specifically N.J.S.A. 13:1E-21, which establishes specific requirements regarding the contents of the district solid waste management plans, have reviewed the March 20, 1991 and April 3, 1991 amendments to the approved County Plan and certify to the County Freeholders that the March 20, 1991 and April 3, 1991 amendments are approved with a directive to modify the County plan, as further specified below.

1. March 20, 1991 Amendment

a. Designated Recovery Targets:

The inclusion in the County Plan of the County's goal to recycle 60% of the district's total waste stream by December 31, 1995, inclusive of the following designated recovery targets is approved. However, as noted within Section B.3.j. of this certification, the County should supplement these recovery rates to address achievement of at least 50% of the municipal waste stream, including yard waste, by December 31, 1995.

- 1991 - 40% of solid waste stream
- 1992 - 45% of solid waste stream
- 1993 - 50% of solid waste stream
- 1994 - 55% of solid waste stream
- 1995 - 60% of solid waste stream

b. Designated Recyclable Materials:

The following comprehensive listing of designated recyclable materials to be source separated in the residential, commercial and institutional sectors of each municipality is approved.

Residential: Newspaper*
Glass food and beverage containers*
Aluminum beverage containers*
Tin and bimetallic cans
Plastic containers (PET and HDPE)
Corrugated
Mixed paper (magazines, junk mail and unsoiled scrap)
White goods
Ferrous and nonferrous scrap metals by
January 1, 1992
Construction and demolition debris recyclable
components: concrete, brick, block, asphalt,
asphalt-based roofing scrap and tree stumps/trunks
by January 1, 1992
Tires
Used motor oil
Automotive batteries
Leaves
Brush by April 15, 1993
Grass by April 15, 1994

Commercial:

All businesses -

- Newspaper
- Glass food and beverage containers*
- Aluminum beverage containers*
- Tin and bimetallic cans
- High grade paper
- Corrugated*

Mixed paper (magazines, junk mail and unsoiled scrap)
Plastic containers and film (PET and HDPE)
by January 1, 1994
Ferrous and nonferrous scrap metals by
January 1, 1992
Construction and demolition debris recyclable
components: concrete, brick, block, asphalt,
asphalt-based roofing scrap and tree stumps/trunks
by January 1, 1992
Tires
Used motor oil
Automotive batteries
Leaves
Brush by April 15, 1993
Grass by April 15, 1994

Restaurants and taverns --

All the above and food waste by
January 1, 1993

Institutional: Newspaper

Glass food and beverage containers*
Aluminum beverage containers*
Tin and bimetallic cans
Plastic containers (PET and HDPE)
Corrugated
Mixed paper (magazines, junk mail and unsoiled scrap)
Ferrous and nonferrous scrap metals by
January 1, 1992
Construction and demolition debris recyclable
components: concrete, brick, block, asphalt,
asphalt-based roofing scrap and tree stumps/trunks
by January 1, 1992
Tires
Used motor oil
Automotive batteries
Leaves
Brush by April 15, 1993
Grass by April 15, 1994

* Previously approved recyclables.

Additional recyclable components of the construction and demolition debris waste stream will be included as markets are found.

As noted in Section B.3.k., Passaic County should consider modifying the district plan to include a policy statement that the above designated source separated recyclable materials are banned from transfer stations, landfills and incinerators.

c. County Program Strategy:

Source Reduction: The County policy to promote source reduction through the adoption of an educational program and waste surveys by all public and private sectors is approved. However, as noted in Section B.3.a., the County Plan should be modified to include a schedule for development and adoption of the proposed educational program for source reduction. Also included should be a schedule for the development of waste surveys/audits which will be administered throughout the departments of County government.

Procurement Guideline: The County policy to develop a general procurement guideline for use by local governments is approved. However, as noted in Section B.3.b., the County Plan should be modified to include a schedule for the development and distribution of the proposed procurement guideline. The guideline should embody a requirement for County and local governments to adhere to current and future State procurement goals.

Direct Municipal Assistance: The County's policy to continue assistance to municipalities subject to the availability of grant funds for purchase, lease or loan of equipment for recycling activities is approved.

County Government Recycling and Procurement: The County program which is currently being implemented for all County facilities to set an example for countywide recycling, source reduction and procurement is approved. However, as noted in Section B.3.c., the County should forward a detailed description of this program to the Department as soon as possible.

Curbside Recycling Service: The expansion of the County's Regional Curbside Recycling Service to provide collection of designated recyclables in small business sectors under municipal contracts with the Straight and Narrow, Inc. recycling service of Paterson is approved. However, as noted in Section B.3.d., the County Plan should be modified to identify the scope of expanded services, the timeframes for implementing expanded service by municipality or any details regarding contract provisions. In addition, information concerning the procurement approach used by the county in contracting with Straight and Narrow, Inc. should be described in order for the Department to assure that competition was encouraged.

Consolidation Center: The County policy to contract to establish a consolidation center for selected recyclable materials if, after calendar year 1991, recycling of certain materials by individual municipalities has not reached the County's overall goal, is approved. However, as noted in Section B.3.e., should the County pursue the consolidation center, a future plan amendment will be needed to designate a site(s) and applicable approvals obtained from the Department. In addition, it may be necessary to identify a system of municipal drop-off centers which will provide interim storage of designated materials prior to transport to the consolidation center.

Bulky Waste Processing Facility: The County policy to establish a bulky waste processing facility which will segregate recyclable, processible and nonprocessable portions of the waste stream not readily captured under normal municipal program operations is approved. However, as noted in Section B.3.f., this facility will require plan inclusion once a specific site has been identified, as well as a solid waste facility permit from the Department. Prior to sizing this proposed facility, the County should estimate specific tonnages of construction and demolition waste for processing, inventory existing facilities located within the County which may already be providing processing services, and identify markets for processed materials. The County should also evaluate opportunities for regionalizing this facility as noted in Section B.3.f.

Composting: The County policy to pursue alternatives for either securing a compost site or facilitating interlocal municipal contracts with private owners, including an education program for residents is approved. However, as noted in Section B.3.g., the County Plan should be modified to include an inventory of existing arrangements for the composting of leaves by all Passaic County municipalities. DEPE permitted or approved compost facilities, as well as agricultural/horticultural leaf mulching facilities, should be included within this list. Additional facilities needed for composting will require plan inclusion and DEPE permitting as appropriate for the type of operation proposed.

Special Materials Collection Program: The County policy to develop a collection program to reduce waste which contains mercury including household batteries, small generator hazardous waste and appliances is approved. However, as noted in Section B.3.h., no schedule was provided for the development of this program and the County Plan should be modified in this regard. Further, details regarding the interrelationship of the proposed County collection system and existing municipal collection systems need to be addressed in narrative form. Consideration should be given to the establishment of a permanent collection facility with designated drop-off days on a rotating basis for each municipality. Both small quantity generator and household hazardous waste collection should be included. In addition, in order to establish a needed program data base, the County should consider preparing an inventory of small quantity generators from the nonresidential sector showing the amount and type of waste generated.

Education Program: The County policy to expand the district's existing education program to more fully support municipal outreach efforts, the public at large, the private sector and the County school system is approved. However, as noted in Section B.3.i., the County plan should be modified to include details regarding the expansion of existing education programs, associated timeframes or the scope of activities. Program specifics should be addressed within a subsequent plan amendment and address educational/promotional needs in the areas of source reduction,

recycling, procurement of recycled products, household hazardous waste management and County/municipal enforcement. The education strategy should also consider approaches necessary to reach different sectors of the County, including individuals, commercial establishments, industry and community groups.

d. Municipal Responsibilities

Passaic County's policy to require each municipality to adopt an ordinance within 60 days of their certification (if it has not already done so) to adjust their local mandatory recycling ordinances in order to meet the recovery targets as specified in the plan amendment and noted in Section C.1.A. is approved. This approval also includes the County's specifications in which the municipalities will be responsible for waste audits, source reduction practices, recycling recovery targets, increased fines for noncompliance and other items as specified in the amendment.

e. Enforcement

The County's policy to continue its County inspection system, institute an education and inspection program to support and expand local enforcement efforts to target generator violations and assist development of waste reduction and recycling alternatives is approved. Additionally, the County's policy to proceed with the development of a program to require municipalities to pay a penalty surcharge for disposal of municipal solid waste if they fail to meet the Municipal Recycling Certification subject to existing laws is also approved. However, when developed further, a specific program plan amendment proposal must be adopted by the County Freeholders and submitted to the Department for review and certification.

f. Additional Requirements

In addition to the requests for supplemental information outlined within Section C.1. above, Section B.3.k. of this certification listed general areas of source reduction and recycling planning which were not addressed by the County within the proposed amendment. The County is hereby directed to consider these comments, as well as those outlined in Section C.1. above, and to submit a subsequent plan amendment within 180 days of this certification to further refine the County's source reduction and recycling plans.

2. April 3, 1991 Amendments

- a. The inclusion within the County Plan of DuJets Tree Experts, Inc., located at Notch Road, West Paterson, on Block 113, Lots 21C, 21D, 21H, and 21G, which is an existing recycling center, including a log splitting and wood chipping operation, is approved.

- b. The inclusion within the County Plan of Paper Board Specialties, located at 177 Third Avenue in Paterson, on Block 455, Lot 1, which is an existing recycling center, handling all types of waste papers, is approved.
- c. The inclusion within the County Plan of Recycled Paper Board, Inc., located at 1 Ackerman Avenue, Clifton, on Block 415, Lot 1, which is an existing recycling center, processing a variety of paper grades for the production of paperboard, is approved.

As noted in Section A., the inclusion of the above recycling centers into the Passaic County Plan is necessary to correct a historical planning deficiency.

- d. The formal inclusion within the County Plan of the Hoffmann LaRoche, Inc. replacement solid waste incinerator located on Route 3 in Clifton, on Block 80-2 and Lots 1 & 4, to dispose of nonhazardous medical and industrial solid waste generated on site is approved. As noted in Section A., the Department requested that this replacement incinerator be formally included in the County Plan by a letter dated February 1, 1991 to the County to clarify the confusion of the facility's location, since the Hoffmann LaRoche complex borders both Passaic and Essex Counties.

The construction and 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 Department and the Attorney General to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126. Also, the above mentioned recycling centers and the solid waste incinerator must comply with the requirements stated in Section B. of this certification.

3. Passaic County District Solid Waste Management Plan Deficiencies

I have reviewed the entire County Plan, including this amendment, 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:

- a. 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.

Passaic County currently relies on private transfer stations to process waste generated within the district for out-of-state disposal. Further, viable long-term disposal capacity within New Jersey has not been identified within the County Plan. As a result, Passaic County does not have long-term in-county capacity or an interdistrict agreement with another district to provide for disposal of the County's solid waste. Therefore, the Passaic County plan is deficient with respect to N.J.S.A. 13:1E-21b(3).

- b. 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 not yet submitted a complete financing plan to provide for solid waste management within the District. Therefore, the Passaic County plan remains deficient with respect to the requirements of N.J.S.A. 13:1E-21b(c).

4. Passaic County Response to the Solid Waste Task Force Final Report

Finally, I have reviewed the County Plan to determine whether the plan fulfills the recommendations of the Emergency Solid Waste Assessment Task Force Final Report accepted by the Governor on November 16, 1990. As noted earlier, the March 20, 1991 amendment addressed the County's source reduction and recycling plans. In this regard, Section C.l.f. directs the County to submit a subsequent amendment to further define the source reduction and recycling plans in response to the comments outlined by the Department's DSWM. However, the March 20, 1991 and April 3, 1991 amendments did not address the subject of regionalization. Therefore, the County is hereby directed to submit a subsequent plan amendment within the same 180 day period outlined in Section C.l.f. above to address the following provisions regarding regionalization.

- a. Regionalization: The County shall determine the extent to which it can undertake long-term regionalization of its solid waste facilities and programs with other districts to provide regional solutions to solid waste management. Consideration should be given to regional plans for materials processing, recycling, transfer and disposal facilities.

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 the within amendments to the County Plan and which was 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 this amendment 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. 7:26-6.

4. Certification to Proceed with the Implementation of 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 and N.J.A.C. 7:26-1.4 and -2.13.

6. Effective Date of 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. The Department has published a 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, Directive to Modify the Plan and Notification of Deficiencies by the Commissioner of the Department of Environmental Protection and Energy

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 March 20, 1991 and April 3, 1991. I hereby also direct the Passaic County Board of Chosen Freeholders to modify the County Plan as noted within Sections B. and C. and address the noted deficiencies in Section C. This certification memorializes the determinations made by me on or before September 21, 1991.

Sept 27 / 1991
DATE


SCOTT A. WEINER

COMMISSIONER

DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND ENERGY