



STATE OF NEW JERSEY
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 OFFICE OF THE COMMISSIONER
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(IN THE MATTER OF THE ADOPTED AND)
 (MODIFIED SOLID WASTE MANAGEMENT)
 (PLAN OF THE PASSAIC COUNTY)
 (SOLID WASTE MANAGEMENT DISTRICT)

CERTIFICATION OF APPROVAL
 WITH MODIFICATION OF 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. as amended by C. 326, Laws of 1975) determines, among other things, "...that the management of solid waste in New Jersey consists largely of piecemeal, uncoordinated activities developed to meet the immediate needs of local government with little, if any, regard for regional planning and coordination..." and that "...the solid waste planning and management process is adversely affected by the absence of area-wide structures...." The Act addressed these and other findings by establishing "...a statutory framework within which all solid waste collection, disposal and utilization activity..." in New Jersey would be coordinated. This framework includes the designation of each of New Jersey's twenty-one counties and the Hackensack Meadowlands District as a Solid Waste Management District. Each District is authorized, either singly or jointly with one or more other Districts, to formulate and develop a comprehensive Solid Waste Management Plan. Following development, the resulting Plan is submitted by the District to the public for comment at an informational hearing. Thereafter, the District must adopt or reject, in whole or in part, the Solid Waste Management Plan.

After adoption of a Plan in whole or in part by a District, the Plan is then submitted to the Commissioner of the Department of Environmental Protection for review and final approval. The Commissioner has authority to modify, reject or approve such Plans and, in the final analysis, the Commissioner is authorized to adopt and promulgate any modification or replacement she deems necessary with respect to the Solid Waste Management Plan.

In order to establish a meaningful and responsible role for the State in the solution of solid waste problems, the Act grants broad powers to the Department of Environmental Protection. This includes the power "...to regulate and supervise all solid waste collection and disposal facilities and operations...", "...to register all persons engaged in the collection or disposal of solid waste...", "...to develop through a Statewide solid waste management plan objectives, criteria and procedures to assure the orderly preparation and evaluation of the [district] solid waste management plans...", "...to approve, modify or reject such solid waste management plans on the basis of their conformity with such objectives, criteria and

procedures...", and "...to develop and implement such a plan where none is approved or forthcoming from any solid waste management district..."

Specifically, the solid waste planning process includes five stages. These include the promulgation of guidelines by the Department of Environmental Protection, Plan formulation by the Districts, public hearings on the Plans developed by the Districts, adoption of the Plan by the District, and approval, rejection or modification of the Plan by the Department of Environmental Protection.

At the beginning of the planning process, the Department of Environmental Protection set forth guidelines for the formulation and development of District Solid Waste Management Plans.* The guidelines contain planning objectives, planning schedules and specific tasks to be addressed in the planning process. The objectives identified in the guidelines include the protection and enhancement of environmental quality and the conservation of natural resources. Through these objectives, the Department encouraged District Plans which would provide for the termination of existing solid waste disposal operations which cannot be upgraded to meet environmental standards, the provision of alternative services and facilities capable of meeting environmental standards and conservation of natural resources by the implementation of waste reduction techniques and resource recovery systems.

In order to achieve these objectives, the Department of Environmental Protection has and continues to encourage the development of a comprehensive regional scheme to ensure recovery systems and environmentally sound disposal facilities. To this end, the Commissioner of the Department of Environmental Protection, after study and review, issued a Certification of Modification to the Adopted Solid Waste Management Plan of the Passaic County Solid Waste Management District on December 13, 1979. The Certification required the Passaic County Solid Waste Management District to, among other things, develop a schedule for resource recovery implementation and negotiate interdistrict agreements with other Solid Waste Management Districts for the use of disposal capacity.

On July 16, 1980, the Passaic County Board of Chosen Freeholders formally adopted modifications to the District's Plan. The modifications adopted by the Board of Chosen Freeholders were received by the Department of Environmental Protection on July 21, 1980. The Department of Environmental Protection has studied and reviewed the Plan and its modifications in accordance with the Solid Waste Management Act. Based on the results of this review and evaluation, I have determined that the Passaic County District Solid Waste Management Plan be granted approval as amended by the modifications adopted herein and promulgated by me (see N.J.S.A. 13:1E-24).

B. Solid Waste Management Plan Accomplishments

The Passaic County District Solid Waste Management Plan has been reviewed by the Department of Environmental Protection and other State-level agencies

*"Guidelines for the Development and Formulation of District Solid Waste Management Plans," New Jersey Department of Environmental Protection, Solid Waste Administration (Trenton, August 1977).

and, with the District's adopted modifications along with the replacement modifications herein set forth, provides for environmentally sound solid waste management in Passaic County. I am confident that with the implementation of this Plan, a comprehensive solid waste management program will be established.

The Plan contains a resource recovery implementation schedule that projects a resource recovery facility to be on line by January, 1985 in Paterson with a capacity of 1100 tons per day. Also the Plan recommends the development of a resource recovery facility by the Lakeland Solid Waste Authority serving the Passaic County communities of Pompton Lakes, Bloomingdale, and Ringwood. The Lakeland facility is scheduled to be operational by July, 1983.

The Plan contains provisions for a cost analysis to determine the viability of implementing a transfer station to serve the northern Passaic communities. The analysis will begin following final site selection of the Paterson facility and final determination of the Lakeland Authority's plan. The analysis is to be completed concurrent with facility design in 1982.

The Passaic County Board of Chosen Freeholders have directed the County Planning Board to be responsible for the biannual review and update. The staff of the Planning Board will gather information and data on solid waste on a continuing basis, analyze the plan's effectiveness in meeting the County's needs and monitor changes in federal and/or state rules and regulations impacting solid waste management. An agency will be designated in early 1981 to be responsible for implementation of the Plan.

C. Approved Passaic County District Solid Waste Management Plan

I, Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq., do hereby approve the following key elements of the adopted Passaic County District Solid Waste Management Plan and the Modifications adopted by the Passaic County Board of Chosen Freeholders on July 16, 1980:

1) Data Base

The basic data utilized in the Plan is approved. However, as further data, particularly in the area of solid waste generation and composition becomes available as part of the District's resource recovery feasibility studies, such data will supplement existing data, and be made part of any Plan revision or update.

2) Schedule For Resource Recovery Implementation

The Plan's schedule for the implementation of resource recovery is approved. The Department of Environmental Protection will monitor the progress of the District in meeting the milestones of this implementation schedule. The District shall make quarterly status reports to the Department of Environmental Protection concerning its progress in meeting these milestones. The first status report shall be submitted to the Department's Solid Waste Administration by January 1, 1981.

3) Public Participation Program

The Plan's public participation program is approved.

4) Sludge and Septage

The Plan shall conform with any Rules and Regulations of the Department concerning sludge and septage.

5) Transfer Station Strategy/Schedule

The Plan's transfer station strategy/schedule is approved. The District shall make quarterly status reports to the Department of Environmental Protection concerning its progress in meeting this schedule. The first status report shall be submitted to the Department's Solid Waste Administration by January 1, 1981.

D. Modifications Adopted and Promulgated By The Commissioner Pursuant To N.J.S.A. 13:1E-1 et seq. and Made An Approved Part of The Passaic County District Solid Waste Management Plan

I, Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq., do hereby adopt and promulgate the following modifications to the Passaic County District Solid Waste Management Plan and certify to the Board of Chose Freeholders that the modifications contained herein are hereby made a final approved part of the Passaic County District Solid Waste Management Plan.

1) Modifications Adopted and Promulgated by the Commissioner

The following modifications are adopted and promulgated by me and shall take effect on November 1, 1980.

- a) The Lakeland Regional Solid Waste Management Authority comprised of six (6) municipalities, Pompton Lakes, Ringwood, and Bloomingdale within Passaic County and Butler, Kinnelon and Pequannock within Morris County, completed a solid waste management plan in July of 1978. The plan recommends the construction of a resource recovery facility with a capacity of 240 tons per day to accomodate wastes generated by its six member municipalities. Both the adopted Passaic and Morris County Solid Waste Management Plans acknowledge the planning efforts accomplished by the Lakeland Authority and have recommended that the resource recovery facility be on line by 1983. The Department is in agreement with these recommendations.

Assuming that the Lakeland Authority has its resource recovery facility in operation on or about July 1, 1983, all processable* solid wastes generated from within the aforementioned municipalities shall be disposed of at this facility. Residues and nonprocessable** solid wastes

*Processable solid waste is that part of the solid waste stream which can be processed through a resource recovery facility.

**Non-processable solid waste includes that part of the waste stream which cannot be processed through a given resource recovery facility and solid wastes resulting from emergency back-up procedures.

shall be disposed of at landfills designated in the first two year update of the Passaic County Solid Waste Management Plan. In the event that the Lakeland Authority's proposed resource recovery facility does not come on line as scheduled the aforementioned Passaic County municipalities shall dispose of their wastes in accordance with modification d. below.

- b) All solid wastes, with the exception of those noted in Section 2.c. herein, generated from the Passaic County municipalities of Bloomingdale, Pompton Lakes, Ringwood, Wanaque, and West Milford shall be disposed of at the Hamm's Sanitation, Inc. landfill, facility number 1913A, located in Lafayette, Sussex County, N.J. When disposal operations cease at the Hamm's landfill (operations are expected to cease on December 31, 1980), the aforementioned Passaic County municipalities will utilize the Combe Fill Co. landfill,* facility number 1427A, located in Mount Olive, Morris County, N.J. The re-direction of the waste stream identified in this section will be evaluated by the Department upon the completion of Passaic County's landfill siting study (see section e herein). Waste generated within the aforementioned Passaic County municipalities which are presently being disposed of at the Combe Fill landfill, facility number 1427A, shall continue to do so.
- c) All solid wastes, with the exception of those noted in Section 2.c. herein, generated from within the Passaic County municipalities of Clifton, Haledon, Hawthorne, Little Falls, North Haledon, Passaic, Paterson, Prospect Park, Totowa, Wayne, and West Paterson shall be disposed of at the P & M Sanitation landfill, facility number 0239C, located in North Arlington. When disposal operations cease at the P & M landfill (operations are expected to cease on December 31, 1980), the aforementioned Passaic County municipalities will utilize the H.M.D.C. Baler, facility number 0239C, located in North Arlington. Wastes generated from within the aforementioned Passaic County municipalities which are presently being disposed of at the H.M.D.C. Baler, facility number 0239C, shall continue to do so.
- d) When the Passaic County resource recovery facility scheduled to be on line by January 1, 1985 becomes operational, all processable solid wastes generated from within all of Passaic County's municipalities shall be directed to the resource recovery facility. Residue and nonprocessable solid waste shall be disposed of at a disposal facility(ies) designated in the first two year update of the Passaic County Solid Waste Management Plan.

*The use of the Combe Fill Co. landfill is subject to a permit review process which has not been completed. If this facility is not available for Passaic County solid waste, the District shall designate another solid waste disposal facility.

e) The Passaic County Solid Waste Management Plan notes that "a new county landfill capable of receiving all of Passaic County's waste could be implemented as early as 1981. However,landfills are rapidly decreasing in economic feasibility due to the rising cost of environmental safeguards...and the loss of energy/material revenues. Importantly, the siting of a landfill large enough to accept all of Passaic County's solid waste would be difficult due to lack of space in the county." Regarding the implementation of a county landfill the Plan recommended "this alternative should be deleted from further consideration." The Department concludes that in the event of unanticipated landfill closings and other events which would reduce existing landfill capacity, it may become necessary for Passaic County to locate and develop additional landfill capacity. The above statement by Passaic County does not have conclusive evidence for its support since a landfill siting study has not been conducted in Passaic County as part of the C. 326 planning process. Therefore, Passaic County shall perform a landfill siting study to be completed by January 1, 1982. The following milestones shall be used as an outline for completing such a study.

- On or before March 1, 1981, a detailed analysis of the County's solid waste disposal capacity needs for the period 1980 through 1990 shall be performed.
- On or before May 1, 1981, a detailed geologic and hydrologic mapping of all of Passaic County shall be completed. By this time a designated number of sites shall be selected for further study.
- On or before November 1, 1981, more detailed research shall be completed, including permeability testing, soil logging and an overall environmental assessment.
- On or before January 1, 1982, a site(s), or lack thereof, shall be rationally determined from the evidence compiled in the landfill siting study. Should a suitable site(s) be identified, a schedule shall be developed by January 1, 1982 to ensure the implementation of the landfill(s) by January 1, 1983.

The District shall make status reports to the Department of Environmental Protection concerning its progress in meeting these milestones. Status reports shall be submitted to the Department's Solid Waste Administration on March 1, 1981, May 1, 1981, November 1, 1981 and January 1, 1982

f) The Plan shall include a more comprehensive and implementable program for extracting the maximum practicable amount of recoverable materials via recycling, waste exchanges, and similar source separation programs. Therefore, the Passaic County Solid Waste Management District shall develop a comprehensive source separation/recycling program. This program shall be developed by June 1, 1981 and scheduled for implementation during the second half of 1981. The District shall make quarterly status reports to the Depart-

ment of Environmental Protection concerning its progress in meeting this schedule. The first status report shall be submitted to the Department's Solid Waste Administration by March 1, 1981.

- g) The Department recognizes the long term potential problems such as gas buildup, the re-surfacing of previously buried materials, and the instability of the landfill mass that may result in unpredictable settling that may impact the use of terminated landfill sites. Therefore, the Department recommends that terminated landfills be designated as "open space" and that any proposed use of terminated landfill sites be carefully investigated and the results incorporated into any application for a construction permit or site plan approval.
- h) The Passaic County Board of Chosen Freeholders shall designate a Plan implementation agency on or before February 1, 1981.

2) Other Provisions Effecting the Plan Modifications

a) Contracts

Nothing contained in these Modifications shall be construed as to interfere with, or in any way modify, the provisions of any contract for solid waste collection or solid waste disposal in force in any solid waste management district upon the effective date of this Act (July 29, 1977); provided, however, as set forth at N.J.S.A. 13:1E-29 no renewal of any such contract upon the expiration or termination of the original term thereof, and no new contract for solid waste collection or solid waste disposal, shall be entered into after the effective date of this act, unless such renewal or such new contract shall conform with the applicable provisions of the approved solid waste management plan, as set forth herein, of the relevant solid waste management district or unless such contract is approved by the Commissioner.

Any contract renewal or new contract for solid waste collection or solid waste disposal which was executed prior to the approval of the within modifications to the Passaic County District Solid Waste Management Plan and subsequent to the effective date of the Solid Waste Management Act (July 29, 1977), and which shall further be for a term in excess of one year, shall immediately be renegotiated in order to bring same into conformance with the terms and provisions herein set forth. Any solid waste collection operation or disposal facility registered by the Department of Environmental Protection and operating pursuant to a contract as herein described, shall be deemed to be in violation of these Modifications and of the Passaic County District Solid Waste Management Plan if such renegotiation is not completed by the effective date of these Modification (November 1, 1980); 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.

b) Compliance

All solid waste facility operators registered with the Department of Environmental Protection and operating within Passaic County and effected by the Modifications contained herein shall operate in compliance with these Modifications and all other approved provisions of the Passaic County District Solid Waste Management Plan. Any facility operator 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 issued thereunder by the Department of Environmental Protection and shall be subject to the provisions and penalties of N.J.S.A. 13:1E-9, 10 and 12 and all other applicable laws.

c) Types of Solid Wastes Covered by the Passaic County District Solid Waste Management Plan Modifications

The Modifications contained herein shall apply to all "solid wastes" generated within the identified Passaic County municipalities, as defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-2.5.27 and with the exceptions of liquid wastes, sewage sludge, septage, hazardous wastes, oil spill clean-up waste, infectious waste and those wastes separated and recovered at the point of generation.

d) Certification to Proceed with the Implementation of Plan Modifications

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

e) Definitions

For the purpose of these Modifications 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 -2.5.27.

f) Effective Date of Modifications


The adopted and promulgated Modifications to the Passaic County District Solid Waste Management Plan contained herein shall take effect on November 1, 1980.

g) 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 shall conform with the Statewide Solid Waste Management Plan. The Statewide Solid Waste Management Plan includes the Department's Planning Guidelines and rules, regulations, and orders of the Department, and will include the compilation of individual District Plans and modifications as they are approved. The Statewide Solid Waste Management Plan for Group I and II Districts will be published this summer.*

*The Commissioner may adopt modifications to the approved District Plans in the Statewide Solid Waste Management Plan when it is promulgated.

E. Certification of Approval and Adoption and Promulgation of Modifications
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 Passaic County District Solid Waste Management Plan and its adopted modifications, subject to the modifications and replacements contained and adopted herein.


JERRY FITZGERALD ENGLISH
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION

August 13, 1980

Date