



## State of New Jersey

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Robert C. Shinn, Jr.  
Commissioner

IN THE MATTER OF CERTAIN AMENDMENTS  
TO THE ADOPTED AND APPROVED SOLID  
WASTE MANAGEMENT PLAN OF THE  
PASSAIC COUNTY SOLID WASTE  
MANAGEMENT DISTRICT

CERTIFICATION  
OF THE AUGUST 11, 1998  
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 August 11, 1998, adopted an amendment to its approved County Plan.

The August 11, 1998 amendment includes within the County Plan an expansion of the existing ACS Services Transfer Station/Materials Recovery Facility (TS/MRF) located in the City of Paterson.

Although the amendment was adopted on August 11, 1998, it was not considered administratively complete for review by the Department until November 2, 1998. Copies of the amendment 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 August 11, 1998 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 August 11, 1998 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 August 11, 1998 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 Water Quality Management, DEP  
Division of Parks and Forestry, DEP  
Division of Fish, Game and Wildlife, DEP  
Division of Compliance and Enforcement, DEP  
Division of Solid and Hazardous Waste, DEP  
Office of Air Quality Management, DEP  
Green Acres Program, DEP  
Land Use Regulation Element, DEP  
New Jersey Turnpike Authority  
New Jersey Advisory Council on Solid Waste Management  
Department of Agriculture  
Department of Health  
Department of Transportation  
Department of Community Affairs  
U.S. Environmental Protection Agency

1. Agency Participation in the Review of the August 11, 1998 Amendment

The following agencies did not object to the proposed amendment:

Division of Compliance and Enforcement, DEP  
Division of Fish, Game and Wildlife, 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 Water Quality Management, DEP  
Division of Parks and Forestry, 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 August 11, 1998 Amendment

**Issue: Historical Background**

ACS Services, Inc., was initially included in the County Plan via an amendment adopted by Passaic County on October 19, 1983, and certified by the Department on March 22, 1984. The certification approved the acceptance of up to 150 tons per day (TPD) of waste. Pursuant to a subsequent plan amendment adopted by Passaic County on February 15, 1995, and certified by the Department on July 15, 1995, the subject facility was approved to accept, in addition to the 150 TPD of waste, up to 200 TPD of source separated Class A materials, including: paper, plastic, metal, corrugated, cardboard and glass; and Class B recyclable materials, including: concrete, asphalt, brick, block, wood, asphalt shingles and tires.

In a letter dated September 10, 1998 from Passaic County, the County requested to amend its County Plan to allow the facility to utilize its overall permitted capacity to accept any combination of recyclables and solid waste up to 350 TPD. This action was

approved by the Department on October 2, 1998, as an Administrative Action pursuant to N.J.A.C. 7:26-6.11(f).

**Issue: Regulatory Requirements**

If any operation of a TS/MRF 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 station/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.

**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 August 11, 1998 amendment to the approved County Plan and certify to the County Freeholders that the August 11, 1998 amendment is approved as further specified below.

The County Plan inclusion of an increase in capacity of the existing ACS Services, Inc. transfer station/materials recovery facility/Class A and B recycling center located at the intersection of River and Fulton Streets, Block 558, Lot 9, in the City of Paterson, Passaic County, is approved. Specifically, the facility proposes an increase in capacity from 350 tons (150 tons per day of solid waste and 200 tons per day of recyclables) to 500 tons (200 tons per day of solid waste and 300 tons per day of recyclables) while maintaining the current weekly capacity of 2,100 tons.

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.S.A. 13:1E-1 et seq., and all other applicable laws. This certification shall not be construed as an expression of the Department's intent to issue a solid waste facility permit for any proposed facility or operation. The issuance of operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the DEP and the Attorney General of the State of the New Jersey to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126.

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.

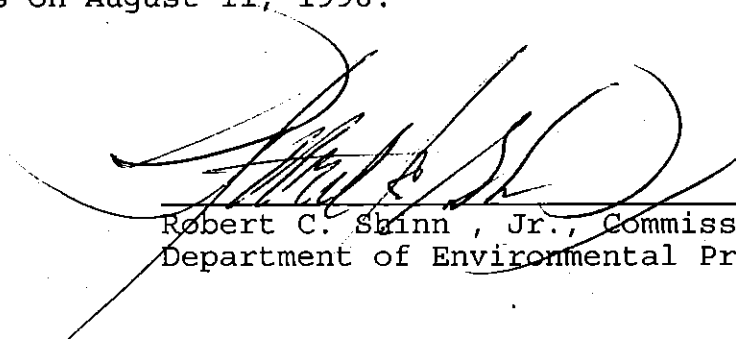
7. Reservation of Authority

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 August 11, 1998.

1/4/99  
Date

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