



State of New Jersey
Department of Environmental Protection and Energy
CN 402
Trenton, NJ 08625-0402

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 DECEMBER 18, 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 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 December 18, 1991, adopted three amendments to its approved County Plan.

The December 18, 1991 amendments included amendment 7-1991, which proposed R.A. Hamilton Corporation Concrete Recycling Center as a recycling center; amendment 8-1991, which proposed Stone Industries, Inc. as a recycling center; and amendment 9-1991, which proposed the use of Bird Composting Management, Inc., of Doylestown, Pennsylvania as a vegetative waste composting facility and market.

Specifically, R.A. Hamilton Corporation Concrete Recycling Center of Clifton will receive reinforced concrete, stone, asphalt, brick and block for crushing, remove and recycle reinforcement rods and manufacture aggregate to the specifications of the New Jersey Department of Transportation. Stone Industries, Inc. of Haledon receives, processes and stores asphalt, concrete and bituminous concrete for use as recycled aggregate. Lastly, Bird Composting Management, Inc., of Doylestown, Pennsylvania is a facility and market for source separated material such as leaves, grass, brush, stumps, yard waste, pallets and lumber.

The amendments were received by the Department of Environmental Protection and Energy (Department or DEPE) on January 7, 1992 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed these amendments, and has determined that the amendments adopted by the County Freeholders on December 18, 1991 are 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 Amendments

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the December 18, 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 the amendments, the Department circulated copies to sixteen 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. These agencies are the following:

Division of Environmental Quality, 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
Groundwater Quality Management Element, DEPE
Wastewater Facilities Regulation Element, 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 December 18, 1991 Amendments

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

Division of Parks and Forestry, DEPE
Division of Fish, Game and Wildlife, DEPE
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Community Affairs
Department of Health
U.S. Environmental Protection Agency

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

Division of Environmental Quality, DEPE
Division of Coastal Resources, DEPE
Green Acres Program, DEPE
Groundwater Quality Management Element, DEPE
Wastewater Facilities Regulation Element, DEPE
Department of the Public Advocate

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

Division of Solid Waste Management, DEPE
Department of Transportation

2. Issues of Concern Regarding the December 18, 1991 Amendments

Issue: Permit Requirements

All recyclable materials to be received by Bird Composting Management, Inc. from New Jersey sources must be source separated at the point of generation. Also, pallets and lumber sent to Bird Composting Management, Inc. must be non-chemically treated. Vehicles transporting source separated stumps and non-chemically treated wood waste to Bird Composting Management, Inc. are not required to be registered by the DEPE. However, if grass is transported in the same vehicle as stumps and non-chemically treated wood waste, the vehicle will be required to be registered with the DEPE. The County and the applicants are notified of these requirements relating to the facility's permit.

The Stone Industries, Inc. processing capacity of 5,000 tons per day appears high for this type of operation because of the potential for significant truck traffic on and off site, product storage on site and the

facility's ability to process the stated capacity. The County, the applicant and the Division of Solid Waste Management (DSWM) Engineering Element are notified of this comment that the processing and storage capacity will be addressed during the technical review process.

Further, 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. Furthermore, 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.

Finally, in the event access onto a State Highway is required by R.A. Hamilton Corporation Concrete Recycling Center or Stone Industries, Inc., an Access Application must be filed with the DEPE and a Drainage Application may also need to be filed.

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

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 December 18, 1991 amendments to the approved County Plan and certify to the County Freeholders that the December 18, 1991 amendments are approved as further specified below.

1. Amendment 7-1991

The inclusion of R.A. Hamilton Corporation Concrete Recycling Center at 650 Valley Road, Clifton, on Block 44.01, Lot 1; Block 38.01, Lots 9,10,11, and 22 in Clifton and Block 113, Lots 5,6,12 and 12A in West Paterson is approved. The facility will receive reinforced concrete, stone, asphalt, brick and block for crushing, remove and recycle reinforcement rods and manufacture aggregate to the specifications of the New Jersey Department of Transportation. The facility has the capacity to process approximately 750 tons per day.

Because this recycling center will be handling Class B recyclable materials, as defined at N.J.A.C. 7:26-1.3, it must obtain a recycling center approval from the Department pursuant to N.J.A.C. 7:26A-3 prior to operation. The construction and operation of all recycling centers which receive, store, process or transfer Class B recyclable materials, as defined at N.J.A.C. 7:26A-1.3, shall be preceded by the acquisition of the necessary approval as per N.J.A.C. 7:26A-3 et seq., and shall be in conformance with Department regulations and guidelines, including N.J.A.C. 7:26A-4.

2. Amendment 8-1991

The inclusion of Stone Industries, Inc. on Block 58.01, Lot 1 and Block 59, Lot 1, in the Borough of Haledon is approved. The facility will receive, process and store asphalt, concrete and bituminous concrete for use as recycled aggregate. The amendment indicates the company has the

capacity to process and store approximately 5,000 tons per day. As noted in Section B., the processing and storage capacity will be determined during the technical review process conducted by the DSWM's Engineering Element.

Because this recycling center will be handling Class B recyclable materials, as defined at N.J.A.C. 7:26-1.3, it must obtain a recycling center approval from the Department pursuant to N.J.A.C. 7:26A-3 prior to operation. The construction and operation of all recycling centers which receive, store, process or transfer Class B recyclable materials, as defined at N.J.A.C. 7:26A-1.3, shall be preceded by the acquisition of the necessary approval as per N.J.A.C. 7:26A-3 et seq., and shall be in conformance with Department regulations and guidelines, including N.J.A.C. 7:26A-4.

3. Amendment 9-1991

The inclusion of Bird Composting Management, Inc., of Doylestown, Pennsylvania for use by Passaic County as an end market for source separated materials is approved. The facility receives leaves, grass, brush, stumps, yard waste, pallets and lumber. Grinders are also on site to process pallets and wood waste. Further, in accordance with the plan amendment, in order for Bird Compost to accept Passaic County waste, it must operate pursuant to applicable approvals and permits by the Pennsylvania Department of Environmental Resources and any other regulatory agencies exercising jurisdiction.

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 these 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 these amendments 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 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, but 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 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, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of the 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 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 December 18, 1991.

5-12-92

DATE



SCOTT A. WEINER

COMMISSIONER

DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND ENERGY