



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
CHRISTOPHER J. DAGGETT, COMMISSIONER
CN 402
TRENTON, N.J. 08625-0402
(609) 292-2885
Fax: (609) 984-3962

(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 30, 1988 AND MARCH 15, 1989
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 approved, with modifications, the Passaic County District Solid Waste Management 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 the 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 the 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 completed such a review and on December 30, 1988 and March 15, 1989 adopted amendments to its approved district solid waste management plan. As adopted, the December 30, 1988 amendment provides for the inclusion of truck routes to the PenPac, Inc. Transfer Station facility located in the Borough of Totowa. The March 15, 1989 amendment provides for the inclusion of Block 558, Lots 3 and 4, and Block 559, Lot 14, located in the City of Paterson, for use by the PenPac, Inc. Fulton Street transfer station, as queuing and staging areas.

The December 30, 1988 and March 15, 1989 amendments were considered complete by the Department of Environmental Protection on April 3, 1989 and April 20, 1989, 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 Passaic County District Solid Waste Management Plan, and has determined that the amendments adopted by the Passaic County Board of Chosen Freeholders on December 30, 1988 and March 15, 1989 are approved as provided in N.J.S.A. 13:1E-24. With regard to the district plan, while the requirements of the Act concerning the report have been met, the district's plan remains deficient in some important ways.

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, Christopher J. Daggett, Commissioner of the Department of Environmental Protection, have studied and reviewed the December 30, 1988, and March 15, 1989 amendments to the Passaic County District Solid Waste Management 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 addition, the Division of Solid Waste Management circulated each plan amendment to fifteen review agencies and solicited their review and recommendations. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various agencies, bureaus, and divisions within the Department of Environmental Protection as well as the Board of Public Utilities. Also among these agencies were the Department of Community Affairs, the Department of the Public Advocate, the Department of Health, the Department of Agriculture, the Department of Transportation, and the New Jersey Turnpike Authority. The results of these requests for comments are as follows:

1. December 30, 1988 Amendment:

The following did not object to the proposed plan amendment: the N.J.D.E.P. Divisions of Water Resources, Fish, Game and Wildlife and Parks and Forestry; the State Departments of Agriculture and Community Affairs; the Board of Public Utilities and the Green Acres Program. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Division of Coastal Resources; the State Departments of Health and the Public Advocate; the New Jersey Turnpike Authority, the New Jersey Advisory Council on Solid Waste Management and the U.S. Environmental Protection Agency. The N.J.D.E.P. Divisions of Environmental Quality and Solid Waste Management, and the State Department of Transportation provided substantive comments which are further addressed below.

The Division of Environmental Quality (DEQ) indicated that the proposed truck routes appear to be consistent with the plans and programs which they administer. However, DEQ noted that, if feasible, the trucks utilizing

these proposed mandatory truck routes should avoid those hot spots identified in the 1982 State Implementation Plan if improvements have not yet been completed. In response, the certification of this plan amendment represents the initial planning stage of the Department's review process. Since the proposed truck routes will require the modification of the Solid Waste Facility Permit for the PenPac, Inc. Totowa Transfer Station (see Division of Solid Waste Management comments), additional technical review of these routes will be necessary before they become effective. The issue raised by DEQ must be addressed during this subsequent permit review phase of the Department's review process.

The Department of Transportation indicated that since the proposed routes do not require the use of a State highway, the county and municipal planning and engineering departments should be contacted to ensure that their roadway systems can manage the additional traffic that will be generated by the transfer station. In response, the proposed plan amendment was subjected to the public notice requirements of N.J.S.A. 13:1E-23. In this regard, the record for this plan amendment does not include any formal objections to the proposed truck routes from any of the above referenced agencies. Further, as stated above, additional traffic impact analysis will be necessary as part of the required permit modification.

The Division of Solid Waste Management (DSWM) noted that the quantity of waste referenced in the proposed plan amendment is consistent with the approved tonnage for the PenPac, Inc. Totowa Transfer Station. However, the proposed truck routes are not consistent with Condition #12, Waste Delivery Haul Routes, contained within the Totowa Transfer Station's Solid Waste Facility Permit. The routes as prescribed in the permit require that all waste delivery trucks access the facility using Riverview Drive to West End Road to Maltese Drive. The proposed amendment would grant a "free" or discretionary route to all waste delivery trucks from the Borough of Totowa and Wayne Township. This translates into approximately 37 trucks per day, which is more than half of the total number of collection vehicles accessing the facility. In light of this inconsistency, DSWM believes that additional traffic studies are warranted for any intersections that trucks from Totowa and Wayne might follow in accessing the transfer station. Such evaluations must be completed before a modification to the existing solid waste facility permit can be granted. The Department concurs with DSWM's assessment that additional traffic studies are required prior to permit modification.

2. March 15, 1989 Amendment:

The following review agencies did not object to the proposed plan amendment: the N.J.D.E.P. Divisions of Environmental Quality, Water Resources, Fish, Game and Wildlife and Parks and Forestry; the State Departments of Agriculture and Community Affairs; the Board of Public Utilities and the Green Acres Program. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Division of Coastal Resources; the State Departments of Health, Transportation, and the Public Advocate; the New Jersey Turnpike Authority, the New Jersey Advisory Council on Solid Waste Management and the U.S. Environmental Protection Agency. The N.J.D.E.P. Division of Solid Waste Management submitted substantive comments which are further addressed below.

The Division of Solid Waste Management (DSWM) noted that PenPac, Inc. currently uses Block 558, Lot 3, and Block 559, Lot 14, for its transfer station operations. Block 559, Lot 4 will only be used in the event that the lease agreement for Block 558, Lot 3 between PenPac, Inc. and the state Department of Transportation is terminated. By way of this certification, Passaic County is notified of DSWM's comment.

C. Certification of Passaic County District Solid Waste Management Plan Amendment

I, Christopher J. Daggett, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq. and N.J.S.A. 13:1E-21, which established specific requirements regarding the content of the district solid waste management plans, have reviewed the December 30, 1988, and March 15, 1989 amendments to the approved Passaic County District Solid Waste Management Plan and certify to the Passaic County Board of Chosen Freeholders that the amendments are approved as further specified below.

1. December 30, 1988 Amendment:

The following truck routes are approved for inclusion within the Passaic County Solid Waste Management Plan:

- a) Trucks from Bloomingdale, Pompton Lakes, Ringwood, Wanaque and West Milford will access the PenPac, Inc. Totowa Transfer Station via Route 23 to Route 46 to Riverview Drive to West End Drive to Maltese Drive to the facility. Trucks exiting the facility will travel the same route in the reverse order.
- b) Trucks from Totowa and Wayne may use any route to and from the PenPac, Inc. Totowa Transfer Station, due to the proximity of the collector/haulers to the facility.

However, as indicated in Section B., the designated truck routes for Totowa and Wayne are not consistent with the routes contained within the Solid Waste Facility Permit for the PenPac, Inc. Totowa Transfer Station. Therefore, the Department notes that the change in truck routes cannot be implemented until a permit modification of the existing truck routing provision has been obtained. By copy of this plan amendment, the Department notifies PenPac, Inc. of this change in truck routing and the need for a permit modification. Additional traffic studies will be necessary due to the significant number of vehicles which have been granted a discretionary route. Until the appropriate permit modification has been obtained, all solid waste vehicles must continue to access the facility via the routes specified in the Solid Waste Facility Permit for the PenPac, Inc. Totowa Transfer Station.

2. March 15, 1989 Amendment:

The inclusion of Block 558, Lots 3 and 4, and Block 559, Lot 14, located in the City of Paterson, for use by the PenPac, Inc., Fulton Street transfer station as a queuing and staging area is hereby

approved. However, as indicated by the Division of Solid Waste Management in Section B. of this certification, Block 558, Lot 3 may only be used in the event that the lease agreement between PenPac, Inc. and the state Department of Transportation is terminated.

The Department has reviewed the entire Passaic County District Solid Waste Management 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 indicates that Passaic County remains deficient with respect to the requirements of N.J.S.A. 13:1E-21b(3) and (6). These deficiencies relate to the absence of a primary landfill system for the disposal of residual, bypass and non-processible waste after 1992, and the failure to adequately address financing. Passaic County was notified of these deficiencies by way of the Certification of the November 23, 1989 plan amendment, which directed the County to address the deficiencies, in writing, by June 16, 1989. This directive was reiterated in the Certification of the December 21, 1988 plan amendment. The deficiency regarding properties to be utilized by the Passaic County Resource Recovery Facility, which was also noted in the above referenced certifications, has been successfully addressed by the county. However, to date, the Department has not received any other responses to the above noted deficiencies.

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 the within amendments to the Passaic County District Solid Waste Management 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 of Environmental Protection and operating pursuant to a contract as herein described, shall be deemed to be in violation of these amendments and of the Passaic County District Solid Waste Management 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 of Environmental Protection, and for good cause shown, obtain an extension of time to complete such renegotiation.

2. Compliance

All solid waste facility operators and collector/haulers registered with the Department of Environmental Protection and operating within Passaic County and affected by the amendments contained herein shall operate in compliance with these amendments and all other approved provisions of the Passaic County District Solid Waste Management Plan. Any facility operator or collector/hauler 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 of Environmental Protection 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 Plans

The provisions of the Passaic County District Solid Waste Management 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. Also, all non-hazardous 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 (N.J.A.C. 7:26-6).

4. Certification to Proceed with the Implementation of Plan Amendment

This document shall serve as the certification of the Commissioner of the Department of Environmental Protection to the Passaic County Board of Chosen Freeholders and pursuant to N.J.S.A. 13:1E-24c. and f., the county shall proceed with the implementation of the approved amendments contained 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 N.J.A.C. 7:26-1.4 and -2.13.

6. Effective Date of Amendment

The amendments to the Passaic County District Solid Waste Management Plan contained herein shall take effect immediately.

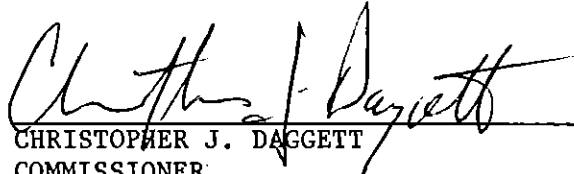
7. Reservation of Authority

Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Passaic County District Solid Waste Management 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 and rules, regulations, and orders of the Department, including the 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 December 30, 1989 and March 15, 1989 Amendments and Notification of Deficiencies 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 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 30, 1988 and March 15, 1989. I once again direct the Passaic County Freeholders to immediately remedy those deficiencies outlined in Section C. of this certification.

AUGUST 25, 1989
DATE


CHRISTOPHER J. DAGGETT
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION