



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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**IN THE MATTER OF CERTAIN AMENDMENTS
TO THE ADOPTED AND APPROVED SOLID
WASTE MANAGEMENT PLAN OF THE
UNION COUNTY SOLID WASTE
MANAGEMENT DISTRICT**

**CERTIFICATION
OF THE JUNE 20, 1991
AMENDMENT TO THE UNION 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 Union 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 Union County Board of Chosen Freeholders (County Freeholders) completed such a review and on June 20, 1991 adopted an amendment to its approved County Plan. The June 20, 1991 amendment proposed the inclusion of the Union County Utilities Authority (UCUA) recycling facility in Linden.

The June 20, 1991 amendment was received by the Department on June 21, 1991 and copies were distributed to various state level agencies for review and comment, as required by law. The Department has reviewed this amendment, as well as the entire County Plan, and has determined that the amendment adopted by the County Freeholders on June 20, 1991 is approved as provided in N.J.S.A. 13:1E-24.

B. Findings and Conclusions with Respect to the Union County District Solid Waste Management Plan Amendment

Pursuant to N.J.S.A. 13:1E-24a(1), I, Scott A. Weiner, Commissioner of the Department, have studied and reviewed the June 20, 1991 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 conjunction with the review of the amendment, the Department circulated copies to sixteen 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. These agencies were the following:

Division of Environmental Quality, DEP
Division of Water Resources, DEP
Division of Coastal Resources, DEP
Division of Parks and Forestry, DEP
Division of Fish, Game and Wildlife, DEP
Division of Solid Waste Management, DEP
Green Acres Program, DEP
Board of Public Utilities
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 June 20, 1991 Amendment

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

Division of Coastal Resources, DEP
Division of Parks and Forestry, DEP
Division of Fish, Game and Wildlife, DEP
Division of Solid Waste Management, DEP
New Jersey Turnpike Authority
Department of Agriculture
Department of Community Affairs

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

Board of Public Utilities
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, DEP
Division of Water Resources, DEP
Green Acres Program, DEP
Department of Transportation

2. Comments Received for the June 20, 1991 Amendment

Comment: The Division of Environmental Quality (DEQ) commented that recycling facilities 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 facilities are also 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 air contaminants.

Response: By copy of this certification, the County Freeholders and the UCUA are notified of this requirement and the DEQ of this response.

Comment: The Department of Transportation (DOT) commented that if the UCUA recycling facility requires ingress or egress to a State highway, an access permit and possibly a drainage permit must be obtained.

Response: By copy of this certification, the County Freeholders and the UCUA are notified of this requirement and the DOT of this response.

Comment: The Division of Water Resources (DWR) commented that, if the proposed recycling facility will discharge pollutants as defined in N.J.A.C. 7:14A-1.9, said facility must secure a Pollutant Discharge Elimination System Permit and/or a Treatment Works Approval for pollutant discharge prior to operation.

Response: By copy of this certification, the County Freeholders and the UCUA are notified of this requirement and the DWR of this response.

Comment: The Green Acres Program (GAP) noted that three City of Linden parks are located in the immediate vicinity of the planned Union County Utilities Authority recycling facility. These parks are the 8th Ward Park, the 8th Ward Recreation Center, and the McGilluray Place Park. All three parks are governed by Green Acres contract and N.J.A.C. 7:36-1 et seq. The GAP is concerned about how increased vehicular traffic to the planned recycling facility will impact upon the pedestrian traffic to and from the parks and recommends that vegetative screenings be planted around the recycling facility to minimize any aesthetic impact.

Response: The site of the planned recycling facility is a vacant building formerly used for fabricating metal and is zoned industrial. Therefore, the operation of a recycling facility at this location is a consistent land use. Also, this facility must comply with all applicable rules and regulations during construction and operation. Furthermore, the operation of this facility will be essential if Union County is to achieve the 60% recycling rate mandated by the Governor's Emergency Solid Waste Assessment Task Force Final Report. Therefore, as noted in Section C. of this certification, I have approved the inclusion of this planned recycling facility. By copy of this certification, I notify the County Freeholders and the UCUA of these comments and the GAP of this response.

C. Certification of the June 20, 1991 Union County District Solid Waste Management Plan Amendment

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 June 20, 1991 amendment to the approved County Plan and certify to the County Freeholders that the June 20, 1991 amendment is approved as further specified below.

1. June 20, 1991 Amendment

The district plan inclusion of the UCUA recycling facility to be located at 2400 Bedle Place, on Block 478, Lot 2, in the City of Linden, Union County, is approved. The facility will include provision for storage, processing, the drop off and loading of recyclables, overnight vehicle parking and administrative offices. The facility will process newspaper, glass containers, aluminum cans, corrugated cardboard, plastic bottles and steel cans, and additional designated recyclables.

2. Union County District Solid Waste Management Plan Deficiencies

On July 25, 1991, I certified the December 13, 1990 amendment to the County Plan. In that certification, I noted deficiencies within the County Plan. Specifically, these deficiencies pertain to an ambiguity regarding the use of the Linden and Elizabeth landfills, a lack of transportation and financing plans, and the need to address the

recommendations of the Governor's Emergency Solid Waste Assessment Task Force Final Report relative to source reduction, recycling, and regionalization. The County was directed to address these deficiencies within 180 days of the July, 1991 date of the certification, or by January 22, 1992. By copy of this certification, I am reminding the County of this directive.

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 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 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 and N.J.A.C. 7:26-1.4 and -2.13.

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. 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 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 Union County District Solid Waste Management Plan which was adopted by the Union County Board of Chosen Freeholders on June 20, 1991.

8-1-91
DATE


SCOTT A. WEINER
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION