



State of New Jersey  
Department of Environmental Protection and Energy

Office of the Commissioner

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Scott A. Weiner  
Commissioner

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 (HMDC) develop comprehensive plans for waste management in their respective districts. On August 13, 1980, the Department of Environmental Protection 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 included the Grasselli Point Industries, Inc. recycling center to be located in Linden within the County Plan. This facility is planned to recycle source separated concrete, brick, and similar construction material.

The amendment was received by the Department on September 3, 1991 and copies were distributed to various administrative review 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 September 3, 1991 is approved as provided in N.J.S.A. 13:1E-24. While the immediate plan amendment has been approved, deficiencies in the County Plan have been identified within Section C. of this certification.

**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 of Environmental Protection and Energy (DEPE or 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 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 were 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 June 20, 1991 Amendment

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

Division of Environmental Quality, DEPE  
Division of Parks and Forestry, DEPE  
Division of Fish, Game and Wildlife, DEPE  
Division of Solid Waste Management, DEPE  
Green Acres Program, DEPE  
New Jersey Turnpike Authority  
Department of Agriculture  
Department of Community Affairs  
U.S. Environmental Protection Agency

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

Division of Coastal Resources, DEPE  
Groundwater Quality Management Element, DEPE  
New Jersey Advisory Council on Solid Waste Management  
Department of Health  
Department of the Public Advocate

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

Department of Transportation  
Wastewater Facilities Regulation Element, DEPE

2. Issues of Concern Regarding the June 20, 1991 Amendment

**Issue: Permitting Requirements**

If access to a State Highway is required, an access application must be submitted and approved by the New Jersey Department of Transportation. Also, if the proposed recycling center will discharge pollutants as defined at N.J.A.C. 7:14A-1.9, said operation must secure a New Jersey pollutant discharge elimination system permit or a treatment works approval prior to operation.

These issues of concern are more appropriately addressed during the Department's technical phase of the approval review process. By copy of this certification, the County Freeholders and applicant are notified of these requirements.

C. Certification of the 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., 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 Grasselli Point Industries, Inc. recycling center to be located at Block 586, Lot 8, in the City of Linden, Union County, is approved. The facility will recycle source separated concrete, brick, and similar construction materials to be used for road construction, fill, and other aggregate uses. The facility will recycle approximately 2,600 tons per day of material. All vehicles entering the facility will travel through a road gate at the front of the DuPont plant for security and surveillance purposes. Any residue generated as a result of the operations of this facility shall be disposed of pursuant to the Union County Plan and the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6 et seq.). 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 applicable laws including a Class B recycling center approval pursuant to N.J.A.C. 7:26A.

2. Union County District Solid Waste Management Plan Deficiencies

On July 25, 1991, the December 13, 1990 amendment to the County Plan was certified. Within that certification, deficiencies in the County Plan were noted pertaining to an ambiguity regarding the use of the Linden and Elizabeth landfills, a lack of a transportation plan, a lack of a description of its methods of financing solid waste management, and the need to address the recommendations of the Governor's Emergency Solid Waste Assessment Task Force Final Report. The Department is presently reviewing the August 1, 1991 amendment to the County plan which addresses the Task Force recommendations. However, the County still needs to address the remaining deficiencies in the County plan within 180 days of the July 25, 1991 certification date or by January 22, 1992.

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

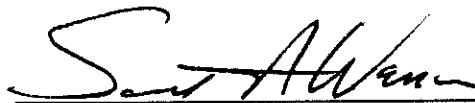
Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan. The Department has published a Statewide 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 and Notification of Deficiencies 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 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. I hereby also require, as noted in Section C., the Union County Board of Chosen Freeholders to address the noted deficiencies within the timeframe specified.

DATE

12/4/91



SCOTT A. WEINER

COMMISSIONER

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
AND ENERGY