



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF THE COMMISSIONER  
CN 402  
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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 AUGUST 11, 1988 AMENDMENT  
TO THE UNION COUNTY DISTRICT  
SOLID WASTE MANAGEMENT PLAN

BY ORDER OF THE COMMISSIONER:

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 Union 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 Union County Board of Chosen Freeholders completed such a review and on August 11, 1988, adopted an amendment to its approved district solid waste management plan.

The amendment establishes routes, as delineated in figure 9 of the proposed August 11, 1988 plan amendment, that are to be utilized by solid waste vehicles accessing and exiting the proposed Union County Resource Recovery Facility located on U.S. Routes 1 and 9 in the City of Rahway, Union County. The mandatory truck routes, as delineated in figures 10 and 11 of the proposed plan amendment also establish routes for accessing and exiting solid waste vehicles before and after the construction of the proposed realignment for U.S. Route 1 and 9.

The amendment was received by the Department of Environmental Protection on August 22, 1988 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 Union County District Solid Waste Management Plan, and has determined that the amendment adopted by the Union County Board of Chosen Freeholders on August 11, 1988, is approved in part and rejected in part 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 Union County District Solid Waste Management Plan Amendment

Pursuant to N.J.S.A. 13:1E-24a(1), I, Christopher J. Daggett, Acting Commissioner of the Department of Environmental Protection have studied and reviewed the August 11, 1988, amendment to the Union 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 the approved portions of this plan amendment are consistent with the Statewide Solid Waste Management Plan.

In addition, the Division of Solid Waste Management circulated the plan amendment to fourteen 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 and the Department of Transportation. Of these agencies, the following 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 the Green Acres Program; the State Departments of Agriculture, Transportation and the Board of Public Utilities, and the New Jersey Advisory Council on Solid Waste Management. 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, Community Affairs and the Public Advocate and the U.S. Environmental Protection Agency. The Divisions of Solid Waste Management and Parks and Forestry submitted substantive comments which are further addressed below.

The Division of Solid Waste Management, although finding the plan amendment consistent with the traffic plan for routing traffic to the proposed Union County Resource Recovery Facility has concerns about the proposed plan as it relates to the usage of Randolph Avenue, following the U.S. Routes 1 and 9 relocation.

At present, the portion of Randolph Avenue shown on figure 11 is incomplete and does not connect Routes 1 and 9 with Woodbridge Road. After the U.S. Routes 1 and 9 relocation is completed, the New Jersey Department of Transportation will only be providing ramp facilities connecting the new Routes 1 and 9 and Randolph Avenue. The proposed amendment assumes that a portion of the proposed roadway, on Randolph Avenue, connecting Woodbridge Road with the ramp facility, will be built by others.

The Division has previously indicated this concern to the applicant, Union County Utilities Authority and Ogden Martin Systems of Union, Inc. during the permit application review process for the proposed Union County Resource Recovery Facility, application number 2013C1. The applicant had responded by stating that, Middlesex County, Union County, Woodbridge Township, Rahway City and the New Jersey Department of Transportation are involved with implementation of the Randolph Avenue extension.

Although to date, there are no definite commitments from any of the involved agencies for the construction of the Randolph Avenue extension, the Union County Utilities Authority will be held as the primary governmental agency responsible for implementation of this extension for routing of the solid waste vehicles to the facility at the time the Route 1 and 9 relocation is completed.

The Division of Solid Waste Management also expressed concerns in regard to the need for interdistrict agreements for the utilization of out-of-district roadways and related this concern to the county via the permit review of the proposed resource recovery facility's application.

A determination was made by the Department that in the case of utilization of out-of-district roadways which are either interstate or state highways, no interdistrict agreements would be required. In the case of utilization of out-of-district roadways which are either county or local roadways, the need for interdistrict agreements would be made by the Department based on the evaluation of alternate roadways and the degree of significant adverse impact associated with the out-of-district roadway usage. In addition, this determination will be made based on an evaluation of the notification procedures undertaken by the proposing district to notify the impacted district(s) during the plan amendment proposal process.

In this particular case, the Union County Utilities Authority has sufficiently evaluated alternate roadways and has provided adequate notification to the impacted district. Therefore, interdistrict agreements for out-of-district county/local roadway usage will not be required.

Finally, the Division of Solid Waste Management stated that the Department and the Board of of Public Utilities, in its Findings and Conclusions on Remand of the Appeal regarding the certification of the April 1, 1987 amendment to the Morris County Plan, have found merit on the part of the appellant's claim that waste collection vehicles cannot conform to the requirements of the Federal Bridge Formula. This formula establishes the axle weight load limits for vehicles utilizing interstate and state highways, and while an exemption exists from the axle load limits in the New Jersey Statutes for solid waste vehicles on state, county or local roadways, (N.J.S.A. 39:3-20), this exemption does not apply to interstate highways.

Given this finding, the Department cannot approve that portion of the mandatory routes utilizing Interstate 78. The Department is thereby rejecting that portion of the mandatory truck route related to usage of Interstate 78 and orders Union County to either demonstrate that the vehicles utilizing this route will meet the weight restrictions as set forth by the Federal Bridge Formula or to develop alternative routes for those impacted municipalities.

The Division of Parks and Forestry commented that it was concerned that one of the truck routes may present a conflict with the State Register for Historic Districts. The subject route originates in the City of Plainfield along Park Avenue through the North Avenue Historic District.

In response, the only vehicles directed through this route will be 8 solid waste vehicles originating in the City of Plainfield. The route, Park Avenue, is presently utilized by trucks accessing this area. The delineation of the Park Avenue portion of the City of Plainfield route, as noted on figure 9 of the proposed plan amendment, is simply to indicate a point of origin within the City of Plainfield. The origin of this local route, since it is specifically for the City of Plainfield's solid waste vehicles, in order to access Inman Avenue, is not limited solely to Park Avenue. Solid waste vehicles from the City of Plainfield may access Inman Avenue from any appropriate local roadway. The specific route through the City of Plainfield, to access Inman Avenue will depend on the solid waste hauler collection route through this area.

With the above clarification of the selected City of Plainfield route it is anticipated that the proposed route will have no significant adverse impact to the North Avenue Historic District or the two immediately adjacent historic districts, Van Wyck Brooks Historic District and the Crescent Area Historic District. However, in order to insure the minimization of impacts of these areas, the Department will require the Union County Utilities Authority, upon distribution of these routes to the respective Union County solid waste collector/haulers, to notify the City of Plainfield's collector/haulers to make all attempts as appropriate to avoid these historic areas for other than routine solid waste collections.

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

I, Christopher J. Daggett, Acting 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 contents of the district solid waste management plans, have reviewed the August 11, 1988, amendment to the approved Union County District Solid Waste Management Plan and certify to the Union County Board of Chosen Freeholders that the August 11, 1988 amendment is approved in part and rejected in part as further specified below.

The inclusion of the mandatory routes to be utilized by solid waste vehicles, as delineated in figure 9 of the proposed August 11, 1988 plan amendment, accessing and exiting the proposed Union County Resource Recovery Facility located on U.S. Route 1 and 9 in the City of Rahway, Union County, is approved in part and rejected in part. That portion of the mandatory

truck routes which utilize Interstate 78, as delineated in figure 9, are rejected. All other routes are approved. The inclusion of the mandatory truck routes, as delineated in figures 10 and 11 of the proposed August 11, 1988 plan amendment for solid waste vehicles accessing and exiting the proposed facility before and after the construction of the proposed re-alignment for U.S. Route 1 and 9, is approved.

Union County is hereby ordered to either develop a plan amendment of alternative routes for that portion of the mandatory truck routes rejected above, or to demonstrate that the vehicles utilizing this route will meet the weight restrictions as set forth by the Federal Bridge Formula.

The Union County Utilities Authority is the primary governmental agency responsible for the implementation of this amendment at the time the Route 1 and 9 relocation is completed. In this capacity, while the Union County Utilities Authority will not be directly responsible for the construction of this roadway, they will be responsible for coordinating with the Department the planning and the phased implementation of the project with the appropriate agencies. Should the roadway not be completed, the Union County Utilities Authority will be responsible for developing a suitable alternative for the vehicles directed to the proposed facility, and insuring that the Union County Solid Waste Management Plan and any permits issued thereto are appropriately modified in accordance with applicable procedures.

In addition, as noted in Section B. above, the Union County Utilities Authority, upon distribution of the mandatory routes to the collector/haulers who will utilize the proposed Union County Resource Recovery Facility, will be responsible for notifying the collector/haulers of their responsibilities to minimize usage of routes through identified historic districts.

Finally, the Department has reviewed the entire Union 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 is as follows:

N.J.S.A. 13:1E-21b(3) requires a site plan which shall include all existing solid waste disposal facilities located within the Solid Waste Management District and sufficient additional available suitable sites to provide solid waste facilities to treat and dispose of the actual and projected amounts of solid waste contained in the report accompanying the plan. Although Union County has previously designated sites for proposed sanitary landfills in the October 13, 1983 and the September 11, 1986 Union County District Solid Waste Management Plan amendments for the handling of unprocessable, residual and by-pass waste, which were subsequently certified as approved, the Department is concerned about the timely completion of these facilities. This issue was expressed as a concern during the Union County Resource Recovery Facility permit application review. Therefore, Union County is hereby ordered to develop an implementation schedule for the construction and operations of the unprocessable, residual and by-pass sanitary landfills for submission to the Department for review and approval, as soon as possible.

Further, as directed in the August 5, 1988 Emergency Redirection of Solid

Waste Flow Order, and in accordance with N.J.A.C. 7:26-6.7(b)3, Union County is required to submit a plan amendment to the Department which incorporates the modifications to the waste flow as delineated in the Order. Since the Department has not received the required plan amendment to date, Union County is hereby ordered to develop a plan amendment for directing county waste flows, to conduct a public hearing to include the waste flows from the Union County municipalities to the designated facilities for processing and transport to out-of-state disposal facilities, and to submit the adopted amendment to the Department for review.

D. Other Provisions Affecting the Plan Amendment

1. Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent within the amendment to the Union County District Solid Waste Management 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 of Environmental Protection and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the Union County District Solid Waste Management Plan if such renegotiations are 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 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 Union County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Union 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 Union 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 Union 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 amendment contained 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 N.J.A.C. 7:26-1.4 and -2.13.

6. Effective Date of Amendment

The amendment to the Union 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 Union 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 in Part and Rejection in Part of the Amendment 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 in part and reject in part 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 August 11, 1988. Further, I direct Union County to resolve the deficiencies as outlined in Section C.

1/18/89  
DATE

Michael J. Catania for  
CHRISTOPHER J. DAGGETT  
ACTING COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION