



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
 OFFICE OF THE COMMISSIONER
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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 NOVEMBER 23, 1982 AMENDMENTS
 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 approved, with modifications, the Union County District Solid Waste Management Plan.

The Act requires that all district plans must 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 requires that each Solid Waste Management Plan must be reviewed by the district at least once every two years, and if found inadequate, a new plan must be adopted. The Union County Board of Chosen Freeholders completed this mandatory review and on November 23, 1982, adopted Amendments to its approved District Solid Waste Management Plan. The Amendments were received by the Department of Environmental Protection on January 17, 1983 and copies were distributed to various state level agencies for review and comment, as required by law.

The Department has reviewed these Amendments and they are approved in accordance with N.J.S.A. 13:1E-24. While the requirements of the Act regarding the report have been met, the District's Plan remains deficient in several impor-

tant ways. The status of the report and plan are addressed in Section B of this document.

B. Certification of Union County District Solid Waste Management Plan Amendments

I, Robert E. Hughey, 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 November 23, 1982 Amendments to the approved Union County District Solid Waste Management Plan and certify to the Union County Board of Chosen Freeholders that the November 23, 1982 Amendments are an approved part of the Union County District Solid Waste Management Plan.

The Department has reviewed the entire Union County District Solid Waste Management Plan, including these Amendments, 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.

Report

- 1) N.J.S.A. 13:1E-21a.(1) requires an inventory of the sources, composition, and quantity of solid waste generated within Union County.

Union County has complied with this requirement and this section of the November 23, 1982 Amendments is approved and made part of the Union County District Solid Waste Management Plan.

- 2) N.J.S.A. 13:1E-21a.(2) requires projections on the amounts and composition of solid waste for a ten year period.

Union County has complied with these requirements and this section of the November 23, 1982 Amendments is approved and made part of the Union County District Solid Waste Management Plan.

- 3) N.J.S.A. 13:1E-21a.(3) requires an inventory and appraisal of all solid waste disposal facilities...and the identity of every person engaged in solid waste collection or disposal within the District.

Union County has complied with this requirement and this section of the November 23, 1982 Amendments is approved and made part of the Union County District Solid Waste Management Plan.

- 4) N.J.S.A. 13:1E-21a.(4) requires an analysis of existing solid waste collection systems and transportation routes within the Solid Waste Management District.

Union County has complied with this requirement and this section of the November 23, 1982 Amendments is approved and made part of the Union County District Solid Waste Management Plan.

Plan

- 5) N.J.S.A. 13:1E-21b.(1) requires the designation of a department, unit, or committee of County government...to supervise the implementation of

the County's Solid Waste Management Plan.

Union County has complied with the requirements of N.J.S.A. 13:1E-21b.(1) and the Union County Department of Engineering and Planning, acting under the direction of the Union County Board of Chosen Freeholders and County Manager is the approved solid waste implementation agency in Union County to carry out implementation of the approved Union County Solid Waste Management Plan.

- 6) N.J.S.A. 13:1E-21b.(2) requires a statement of the solid waste disposal strategy to be applied...which strategy shall include the maximum practicable use of resource recovery procedures and a plan for using terminated landfill disposal sites...in the Solid Waste Management District.

Union County has developed a solid waste disposal strategy which will utilize in-county landfilling and high technology resource recovery. This section of the November 23, 1982 Amendments is approved and made part of the Union County District Solid Waste Management Plan.

The Office of Recycling has reviewed the November 23, 1982 Amendments and prepared recommendations concerning recycling which, if implemented by the Union County District could enhance recycling efforts throughout the County. In light of the critical shortage of disposal capacity in the District, the District should utilize its authority to ensure that the maximum amount of recyclable material is recovered prior to disposal. Therefore, the Union District shall review and consider for inclusion in its Plan, the Office of Recycling's recommendations. The Statewide Solid Waste Management Plan, which incorporates the State Recycling Plan, states that a goal of 25% recycling shall be achieved by 1986 for all districts.

The Department of Environmental Protection will monitor the progress of the District in meeting the milestones of its approved solid waste implementation plan. The Union District shall continue to submit quarterly status reports to the Department of Environmental Protection concerning the District's progress in meeting these milestones. The next status report shall be submitted to the Department's Division of Waste Management by July 1, 1983, and include the period from the District's last quarterly report (August 20, 1982) to July 1, 1983.

Union County has not developed a plan for utilizing terminated landfill disposal sites. While the Plan recommends various uses for terminated landfills, no specific plan has yet been identified for the Linden landfill and John E. Runnells' landfill.

Therefore, I find the Union County District Solid Waste Management Plan deficient in that the District has not adequately addressed its role in recycling or developed a plan for using terminated landfill disposal sites as required by N.J.S.A. 13:1E-21b.(2).

- 7) 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.

- a) Although the Linden landfill (2009A), Linden City was included in the November 23, 1982 Amendments as an existing operating facility, it does not constitute an "existing" facility according to the Solid Waste Management Act. While the Linden landfill was in operation prior to the effective date of the Act, the engineering design for the facility has never been approved and the landfill has never received an operating permit from the Department. Further, it is the determination of the Department that the Linden landfill is currently operating beyond the limits of its engineering design of record.
- b) The John E. Runnells landfill (2001A), Berkeley Heights, is an approved part of the Union County District Solid Waste Management Plan. Because this facility was designated by the County for the sole use of the County Department of Public Works, it has not been included in the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6 et seq.).
- c) The following solid waste transfer station facilities are an approved part of the Union County District Solid Waste Management Plan. While transfer stations were not assigned specific solid waste flows under the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6 et seq.), wastes processed by these facilities shall be disposed of in conformance with these rules based on the municipality in which the wastes are generated.

The existing facilities include the Plainfield Transfer Station (2012A), Plainfield; Summit Transfer Station (2018A), Summit; Browning Ferris Industries Transfer Station (2004A and 2004F), Elizabeth; and Waste Disposal, Inc. Transfer Station (2004D), Elizabeth.

The proposed facilities include the Elizabeth Transfer Station, Elizabeth, and Industrial Disposal Service/Peter Usa and Son, Inc. Transfer Station, Elizabeth and are included in the approved Union County District Solid Waste Management Plan.

- d) The following solid waste compost facilities are an approved part of the Union County District Solid Waste Management Plan.

These facilities include the Cranford Conservation Center Compost (2003A), Cranford; Boxwood Hall Historic Site Commission Compost (2004E), Elizabeth; Summit Compost (2018B), Summit; and Conservation Center Compost (2020A), Westfield.

The Union County Plan proposes development of the Resource Recovery facility in the general location of the Merck Company in Rahway, and development of the Linden landfill expansion in an area adjacent to the Linden landfill. The November 23, 1982 Amendments to the Union Plan do not include the specific location of either of these sites by block and lot.

While Union County has reaffirmed proposal of two solid waste facilities, the Department, after reviewing the 1982 Amendments, finds that Union County has still not identified and designated sufficient existing or

additional disposal capacity to meet the County's solid waste disposal needs.

The Department has in the past modified the relevant plans to accommodate Union County's immediate disposal needs, but finds that the County continues to rely, in part, on three facilities located in other districts. Union County has not entered into an agreement for the use of landfill capacity in Middlesex or the Hackensack Meadowlands District.

Therefore, I find the Union County District Solid Waste Management Plan deficient in that the Plan has not designated sufficient suitable sites by block and lot, nor has the District reached agreements for disposal capacity in other districts.

- 8) N.J.S.A. 13:1E-21b.(4) requires a survey of proposed collection districts and transportation routes with projected transportation costs from collection districts to existing or available suitable sites for solid waste disposal facilities.

Recognizing that the Union District has surveyed collection districts and transportation routes and costs, and will be required to complete more detailed studies of proposed collection districts and transportation routes and costs as necessary, this section of the November 23, 1982 Amendments is approved and made part of the Union County District Solid Waste Management Plan.

- 9) N.J.S.A. 13:1E-21b.(5) requires procedures for coordinating all activities related to the collection and disposal...within the Solid Waste Management District, which procedures shall include the agreements entered into as provided herein between the Board of Chosen Freeholders... and every such person, and the procedures for furnishing the solid waste facilities contained in the Solid Waste Management Plan.

Union County does not presently have available existing solid waste facilities within its borders to provide for the solid waste disposal needs of each of its municipalities. Further, the Union District has not entered into an interdistrict agreement with Middlesex County or the Hackensack Meadowlands District to provide for its disposal needs prior to the development of the Union County resource recovery facility.

Therefore, the Union County Solid Waste Management Plan is deficient in that the Plan does not contain formal interdistrict waste flow agreements between the Union District and Middlesex County and the Hackensack Meadowlands District in accordance with the requirements of this section.

- 10) N.J.S.A. 13:1E-21b.(6) requires a method or methods of financing solid waste management in the Solid Waste Management District pursuant to the Solid Waste Management Plan.

While the November 23, 1982 Amendments indicate that the overall method of financing the proposed resource recovery facility to be located in Rahway, Union County, will be through private financial arrangements, the Amendments do not provide a detailed plan for financing solid waste management.

Therefore, I find the Union County District Solid Waste Management Plan deficient in that the Plan does not provide the method or methods of financing solid waste management.

C. Other Provisions Affecting the Plan Amendments

1) Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with the within Amendments to the Union 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 Union 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 Union County and affected by the Amendments contained herein shall operate in compliance with these Amendments 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, 10, 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, hazardous wastes, oil spill cleanup wastes, and infectious waste.

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) which are part of the Union County District Solid Waste Management Plan.

4) Certification to Proceed with the Implementation of Plan Amendments

This document shall serve as the Certification of the Commissioner of the Department of Environmental Protection to the Union County Board of Chosen Freeholders, as provided for by N.J.S.A. 13:1E-24f., to proceed with the implementation of the 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 Amendments

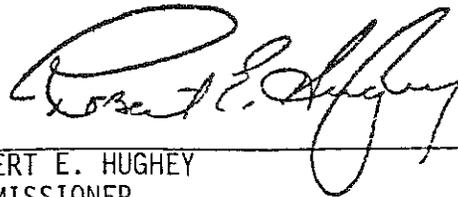
The approved Amendments to the Union County District Solid Waste Management Plan contained herein shall take effect immediately.

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 Amendments 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 intra-district waste flow rules, and also includes the compilation of individual District Plans and Amendments as they are approved.

D. Certification of Approval of 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 B of this Certification, to the Union County District Solid Waste Management Plan which were adopted by the Union County Board of Chosen Freeholders on November 23, 1982. Notwithstanding said approval, the significant deficiencies included herein must be resolved.



ROBERT E. HUGHEY
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION

6/14/83
DATE