



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL  
PROTECTION AND ENERGY

CHRISTINE TODD WHITMAN  
Governor

ROBERT C. SHINN, JR.  
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  
DECEMBER 8, 1993 AMENDMENTS  
TO THE UNION COUNTY 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 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 County Plan at any time and, if found inadequate, a new County Plan must be adopted. The Union County Board of Chosen Freeholders (County

Freeholders) completed such a review and on December 8, 1993, adopted two amendments to its approved County Plan.

One multifaceted amendment proposed County Plan inclusion of:

- \* Bergen County/Union County interdistrict agreement;
- \* Waste flows to in-county disposal facilities;
- \* Ash disposal strategy;
- \* Modified truck routes to the Union County Resource Recovery Facility (UCRRF);
- \* County inclusion policies for solid waste facilities;
- \* Recycling Plan modifications;
- \* Resource Recovery Investment Tax (RRIT) Fund disbursement schedule; and
- \* Acceptable waste types at certain solid waste facilities.

The second amendment proposed the County Plan inclusion of the Queen City recycling center for Class A recyclables located in Plainfield, Union County. The amendments were received by the Department of Environmental Protection and Energy (Department or DEPE) on December 29, 1993 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed these amendments and has determined that the amendments adopted by the County Freeholders on December 8, 1993 are approved in part, modified in part, and rejected in part as provided in N.J.S.A. 13:1E-24. Also, 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 Amendments**

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the December 8, 1993 amendments 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 these plan amendments, as modified, are consistent with the Statewide Solid Waste Management Plan. In this regard, the Union County Freeholders are notified of the issues of concern relative to the December 8, 1993 amendments which are included in Section B.2. below.

In conjunction with the review of the amendments, 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 are the following:

Office of Air Quality Management, DEPE  
Division of Parks and Forestry, DEPE  
Division of Fish, Game and Wildlife, DEPE

Division of Solid Waste Management, DEPE  
Green Acres Program, DEPE  
Land Use Regulation 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  
Hackensack Meadowlands Development Commission

1. Agency Participation in the Review of the December 8, 1993 Amendments

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

Division of Parks and Forestry, DEPE  
Division of Fish, Game and Wildlife, DEPE  
Green Acres Program, DEPE  
Land Use Regulation Element, DEPE  
Department of Agriculture  
New Jersey Turnpike Authority  
Hackensack Meadowlands Development Commission

The following agencies did not respond to our requests for comment:

New Jersey Advisory Council on Solid Waste Management  
Department of Health  
Department of Transportation  
Department of Community Affairs  
Department of the Public Advocate  
U.S. Environmental Protection Agency

The following agencies provided substantive comments as shown in Section B. of the certification document:

Division of Solid Waste Management, DEPE  
Office of Air Quality Management, DEPE  
Wastewater Facilities Regulation Element, DEPE

2. Issues of Concern Regarding the December 8, 1993 Amendments

Issue: County Plan Inclusion Procedures

The amendment provides procedures for the submittal and review of applications for the inclusion of sites for solid waste and recycling facilities within the County Plan. While it is clear that the County has spent considerable effort in developing its own

internal procedure for reviewing such applications, the Solid Waste Management Act at N.J.S.A. 13:1E-21 specifically identifies the required components of a solid waste management plan. The Act, however, does not require the County Plan inclusion of procedures for the submittal and review of applications for the inclusion of sites. Therefore, there is no need for the Department to certify its approval, rejection or modification of this provision of the amendment.

**Issue: Bergen/Union Interdistrict Agreement**

The interdistrict agreement provides for the delivery of 192,000 tons per year of processible solid waste types 10, 23 and 27 generated within Bergen County to the UCRRF. On October 6, 1993, Bergen County adopted an amendment to include the agreement within the County Plan. On April 9, 1994, the Department approved with modification the amendment. Specifically, the certification noted that according to the Bergen amendment, the processible components of solid waste types 10, 23 and 27 generated within Bergen County which meet the definition of acceptable waste and are consistent with Department permits for the UCRRF are to be directed to the facility. However, the solid waste facility permit has been modified to exclude ID type 23 waste from the facility in accordance with the Department air permit which prohibits this waste from being burned at the facility. Also, ID 27 solid waste cannot be delivered to the Union incinerator until it is documented that both Bergen and Union counties have performed ID 27 waste surveys. Further, the certification noted that the Department issued an Emergency Redirection Order on February 4, 1994, which directed a total of 192,000 tons per year of processible waste type 10 generated from within Bergen County and processed at authorized transfer stations, consistent with the Bergen County Plan, to the UCRRF. Therefore, the April 9, 1994 certification approved with modification that portion of the amendment which included specific waste flows from Bergen County to the UCRRF to be consistent with the emergency redirection order issued on February 4, 1994 and the Department's permit conditions for the facility. Hence, to be consistent with the April 9, 1994 certification, the Bergen County waste flow to the UCRRF is approved with modification within Section C. restricting the waste type to be delivered to type 10 waste.

**Issue: Regulatory Requirements**

Recycling centers 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 centers are considered solid waste facilities and are 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 other air

contaminants.

If the construction or operation of a facility will result in the discharge of pollutants as defined in N.J.A.C. 7:14A-1.9, the appropriate operation must secure a New Jersey Pollutant Discharge Elimination System permit and/or a Treatment Works Approval for pollutant discharge prior to construction and/or operation.

**Issue: In-County Waste Flows**

The J&J Recycling Company operates two permitted transfer stations/materials recovery facilities within Union County. One facility is located on Amboy Avenue with a permitted capacity of 1,000 tons per day (tpd) and the other is located on Flora Street with a permitted capacity of 99 tpd. (It is anticipated that by June 1994 the DEPE will have approved a pending permit modification to expand the capacity at the Flora Street site to 450 tpd.) Prior to the adoption of the December 8, 1993 amendment, neither facility was assigned a waste flow.

The Linden Landfill, pursuant to an Administrative Consent Order with the DEPE, will remain open until 2000. Prior to adoption of the amendment, this facility accepted certain waste types generated within the City of Linden. The amendment provides that all solid waste types 13, 23, and 27 generated from within all Union County municipalities shall be directed to the J&J Amboy Avenue facility in an amount not to exceed 1000 tpd. All solid waste types 13 and 27 received at the Amboy Avenue facility in excess of its permitted capacity shall be directed to the J&J Flora Street facility. All residue generated from either J&J facility shall be directed to the Linden Landfill for disposal.

The amendment provides that in addition to accepting the residue generated by processing Union County waste at the J&J facilities, the Linden Landfill shall also accept the residue from processing out-of-district solid waste at these facilities. However, pursuant to the DEPE's mixed loads rule at N.J.A.C. 7:26-2B.9(b)3.i., all residue (or a like amount and type) from processing out-of-district waste delivered to J&J must be returned to the solid waste district in which it was generated for disposal in accordance with the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6.1 et seq.). Therefore, as noted within Section C., this provision of the amendment is rejected and the county must comply with the mixed loads rule.

It should also be noted that while waste type 10 is not part of the J&J waste flow for Union County, as described within the amendment, the Amboy Avenue facility is approved to accept type 10 waste as part of its materials recovery facility permit. J&J may accept type 10 waste generated as part of its own transporter operations in Union County in order to remove recyclable material provided the residue is directed to the UCRRF in accordance with the approved

waste flow. Further, pursuant to the mixed loads rule at N.J.A.C. 7:26-2B.9(b)3.i., J&J may accept type 10 waste from other districts in its approved tariff service area provided that it returns the same amount and type of solid waste less the amount of materials removed for recycling to the district in which the solid waste originated. It must be stressed that while these options exist for waste acceptance at the Amboy Avenue facility, all relevant permit conditions, particularly permit capacity, must be maintained at all times.

Finally, it must be noted that the solid waste facility permit issued by the DEPE to the UCRRF authorizes the acceptance of waste type 27 (exclusive of certain subcategories) after the completion of an industrial waste survey for the generators of this waste type regardless of the county of origin. However, the amendment only directs waste types 10 and 25 generated from within Union County to the UCRRF.

**Issue: Ash Residue Disposal**

The County has proposed a strategy for managing the ash residue from the operation of the UCRRF in the event that the ash is characterized as hazardous and, therefore, cannot be accepted at the designated disposal site, Pennsylvania's Empire Landfill. However, on February 15, 1994, I issued policy directive # 94-1 on solid waste residual ash. This policy allows for residual ash from municipal solid waste generated at New Jersey resource recovery facilities to be exported and disposed of in states which have classified residual ash as a "special waste". The decision to allow this movement of residual ash is based on the five years of operational data analyzed by the DEPE from residual ash generated by New Jersey resource recovery facilities, and research on the properties of residual ash performed by the USEPA and the International Ash Working Group. This data indicates that the average properties of the residual ash from municipal solid waste are not likely to fail the TCLP test. This is also based on recent county weighing and composition studies that demonstrate that the solid waste from county to county is more similar than previous studies indicated and, therefore, the average properties of the residual ash will also be similar. Further, counties have initiated programs to source separate and in some cases source reduce heavy metals in discarded products and packaging in the municipal solid waste stream which helps insure the non-hazardous properties of residual ash. Given this information, the Department, in accordance with its regulations, is allowing the generator to make the decision, based on their knowledge of the characteristics of the residual ash, to transport the residual ash off-site for disposal in a state which manages residual ash as a "special waste".

In addition, on March 21, 1994, Arthur Davis, Secretary of the Pennsylvania Department of Environmental Resources, and I signed a

Memorandum of Understanding (MOU) between the two states regarding solid waste management and, in particular, residual ash disposal. This MOU institutes the measures for the management of ash residue from resource recovery facilities between the two states. Specifically, the DEPE shall continue to require resource recovery facilities to implement a protocol for the periodic characterization of the ash residue generated by the facility through a residual ash monitoring program approved by the Department. During the first eight weeks of a facility start-up, representative composite samples shall be collected on a daily basis and further composited into representative weekly and monthly samples. After the start-up period, the facility shall implement a monthly sampling and analysis regimen. In light of the above, Section C. of the certification rejects the residual ash disposal policy adopted by the County since it is now superseded by the MOU entered by New Jersey and Pennsylvania.

Also, the Department's January 14, 1994 Order of Approval for Empire Sanitary Landfill indicated that the use of this out-of-state landfill is a short-term solution to the problem of ash residue disposal from the operation of the UCRRF. The Solid Waste Management State Plan Update 1993-2002, Section I: Municipal and Industrial Solid Waste, requires long-term in-state solutions to all waste disposal including ash residue. The Department approval of the Empire contract set forth a two-year approval with up to a three year extension conditioned on identifying a long-term in-state solution. As noted in Section C., within 120 days of this certification, Union County must adopt a plan amendment which sets forth a long-term in-state disposal strategy for managing ash residue from the UCRRF.

Further, the contract entered into between the Union County Utilities Authority (UCUA) and Empire Landfill stipulates that in the event that the Empire Landfill is prohibited from accepting the ash residue because it is determined by the relevant regulatory entity that ash may not be accepted consistent with Empire's landfill permit, then such ash shall be disposed of at a landfill designated by Empire as an alternate disposal facility in accordance with laws and regulations of the receiving state and its contract with the UCUA. The Department is cognizant of the fact that the Empire Landfill did not accept ash during initial start-up operations at the UCRRF and that the UCUA utilized emergency procurement procedures which resulted in short-term agreements to utilize a Browning Ferris Industries landfill located in Falls River, Massachusetts. Further, as of April 1994, the UCUA was continuing to utilize the Falls River landfill for ash disposal. The use of this facility has not been specifically identified in the plan amendment. Therefore, as noted in Section C., within 120 days of this certification, Union County must also adopt a plan amendment which identifies the use of the Falls River landfill, even if such inclusion reflects merely a historical documentation of an arrangement superseded by a replacement ash contract or the

actual use of the Empire landfill.

Finally, on May 2, 1994 the Supreme Court of the United States reached a decision in the case of City of Chicago et al v. Environmental Defense Fund regarding the disposal of ash from municipal resource recovery facilities. The DEPE is evaluating this decision and, if necessary, will revise its policy and regulations regarding the disposal of incinerator ash.

**C. Certification of the Union County District Solid Waste Management Plan Amendments**

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, I have reviewed the December 8, 1993 amendments to the approved County Plan and certify to the County Freeholders that the December 8, 1993 amendments are approved in part, modified in part, and rejected in part as specified below.

**1. Acceptable Waste Types at In-County Facilities**

**J&J Recycling Company, Inc.**

The County Plan inclusion of the J&J Recycling Company, Inc. facility located on Amboy Avenue, lot 152, block 4 in the City of Elizabeth, Union County, to accept all solid waste types 13, 23 and 27 generated from within all Union County municipalities in an amount not to exceed 1000 tpd is approved. Solid waste types 13 and 27 received at the Amboy Avenue facility in excess of its permitted capacity shall be directed to the J&J materials recovery facility located on Flora Street, lots 739 and 740, block 8, City of Elizabeth, Union County.

As noted in Section B., the J&J Amboy Avenue facility is approved to accept waste type 10, pursuant to its solid waste facility permit, even though this waste type is not included within the County waste flow program. Therefore, the J&J Amboy Avenue facility may accept type 10 waste generated from its own transporter operations from within Union County and from out-of-district sources. However, pursuant to the provisions of N.J.A.C. 7:26-2B.9(b)3.i., any residue (or a like amount and type) from waste received from out-of-district sources must be returned to the district in which it was generated for disposal in accordance with that district's waste flow rules.

**Linden Landfill**

The County Plan inclusion of the Linden Landfill for the disposal of residue generated by the J&J Recycling Company, Inc. facilities, as a result of processing Union County waste, is approved. The Linden Landfill must receive DEPE approval of its application to be



a certificated and tariffed solid waste facility prior to the acceptance of waste from the J&J Recycling Company, Inc. facilities.

**Ellesor, Inc.**

The County Plan inclusion of the solid waste facility owned and operated by Ellesor Inc., located on Block 8, lots 1401, 818, 819, 820, 1441, 1042 (a,b,c and d), 1042 and 542, as a materials recovery facility/transfer station and recycling facility for Class A and B materials with a daily capacity of 800 tpd is approved. The materials recovery facility/transfer station will accept waste types 10, 13, 23, 25, and 27 with a maximum capacity of 400 tpd. The maximum capacity of the recycling operation is 150 tpd for Class A materials including glass containers, plastic containers, aluminum cans, tin and bi-metal cans, newspaper, cardboard, and mixed paper and 250 tpd for Class B materials including wood, stumps, tree limbs, brush, grass, leaves, tires, metals, concrete, asphalt, brick and roofing shingles. The operation of the materials recovery facility and the recycling facilities for Class A and Class B materials shall be kept separate consistent with all permit conditions for the facility. It should be noted that Ellesor Inc. was previously included within the County Plan as a transfer station in the DEPE certification of July 21, 1987 and as a Class A facility in the DEPE certification of September 10, 1993.

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 other applicable laws. The issuance of operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department and the Attorney General of the State of New Jersey to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126. Further, this certification shall not be construed as an expression of the Department's intent to issue a solid waste facility permit or a recycling center approval.

A recycling center approval shall only be granted where the applicant has submitted an administratively complete application, as per N.J.A.C. 7:26A-3.5, where all substantive criteria for approval set forth in N.J.A.C. 7:26A-3.2, 3.3 and 3.4 are satisfied, where a fee has been paid in accordance with N.J.A.C. 7:26A-2, and where none of the criteria for denial of a recycling center approval are met, as per N.J.A.C. 7:26A-11 and 12.

**2. Bergen/Union Interdistrict Agreement**

The County Plan inclusion of the interdistrict agreement between the Union County Utilities Authority and the Bergen County Utilities Authority which directs up to 192,000 tons per year of processible Bergen County waste types 10, 23 and 27 to the UCRRF for a period of 20 years is approved with modification. This

interdistrict agreement has also been included within the Bergen County Plan in an amendment adopted on October 6, 1993. This amendment was approved with modification by the Department on April 9, 1994. As noted within Section B., the DEPE within the April 9, 1994 certification restricted to type 10 waste the waste types to be delivered to the UCRRF from Bergen County to be consistent with Department permits and the Emergency Redirection Order of February 4, 1994. Specifically, the facility is prohibited from accepting type 23 waste and may only accept type 27 waste after an industrial waste survey is performed by both Bergen and Union counties. Therefore, the Department again hereby modifies the redirection of waste flows from Bergen County to the UCRRF to be restricted to type 10 waste.

### 3. In-County Waste Flows

The County Plan inclusion of Union County's phase-in program for acceptance of waste at the UCRRF pending its full-scale operation is approved retrospectively as previously guided by the Department's February 4, 1994 Emergency Redirection Order. (It should be noted that the UCRRF phase-in program, which commenced on or about February 5, 1994, has concluded.)

During the start-up period of the facility, all processible waste types 10 and 25 generated within Union County continued to be delivered to the Automated Modular Systems (AMS), Ellesor and Summit/New Providence transfer stations. During the start-up period, waste was directed from the AMS and Ellesor transfer stations to the UCRRF on an as-needed basis.

The Department also approves Union County's plan to direct to the UCRRF all processible solid waste types 10 and 25 generated from within Union County over the life of the UCRRF. As noted within Section B., although the UCRRF is permitted to accept waste type 27 (exclusive of certain subcategories) after the completion of an industrial waste survey for the generators of this waste type, the amendment does not direct waste type 27 to the facility.

The Department further approves the direction of all solid waste types 13, 23 and 27 generated from within all Union County municipalities to the J&J materials recovery facility located on Amboy Avenue, Elizabeth City, Union County, New Jersey in an amount not to exceed 1000 tpd. Solid waste types 13 and 27 received at the Amboy Avenue facility in excess of its permitted capacity shall be directed to the J&J materials recovery facility located on Flora Street, Elizabeth City, Union County, New Jersey.

Finally, the Department approves the designation of the Linden Landfill to receive residue generated by J&J Recycling as a result of processing Union County waste. However, as noted in Section B., pursuant to the DEPE's mixed loads rule at N.J.A.C. 7:26-2B.9(b)3.i., all residue (or like amount and type) from processing

out-of-district waste delivered to J&J must be returned to the district in which it was generated for disposal in accordance with that district's waste flow rules. Therefore, the County's proposal to allow the Linden Landfill to accept for disposal residue generated by the J&J facilities as a result of processing out-of-district waste is rejected.

Since the start-up of operations at the UCRRF required a phase-in of waste and there was not sufficient time to complete the procedures for amending waste flows pursuant to N.J.A.C. 7:26-6.6, the Department used the regulatory procedures for the emergency redirection of solid waste flow, pursuant to N.J.A.C. 7:26-6.7, to ensure that a gradual phase-in of operations at the UCRRF would occur. On February 4, 1994, an Emergency Redirection Order was executed which established a phase-in program of waste delivery and set forth the waste flows described above.

#### 4. Ash Residue Disposal

The County Plan inclusion of Union County's strategy for managing the ash residue from the operation of the UCRRF is rejected. As noted in Section B., on March 21, 1994, the Secretary of the Pennsylvania Department of Environmental Resources and I signed an MOU regarding solid waste management and, in particular, the disposal of residual ash from municipal solid waste resource recovery facilities. This MOU institutes the measures for the management of ash residue from resource recovery facilities between the two states which supersedes any residual ash disposal policy adopted by Union County for the disposal of this material in Pennsylvania.

The designation of the Empire Landfill located in Taylor, Pennsylvania, as the facility to accept ash residue from the UCRRF and bypass waste was approved with modification in the Department's July 16, 1992 certification of Union County's December 5, 1991 plan amendment. As indicated in that certification, the Empire Landfill was to be used only on a short-term basis and/or as a backup facility, and the County was instructed to identify an in-state disposal site by June 6, 1992. To date, Union County has not submitted this important amendment to the Department. As indicated in Section B. of this certification, the State policy for self-sufficiency requires in-state solutions for all solid waste disposal, including ash residue, by December 31, 1999. Therefore, within 120 days of this certification, an amendment must be adopted which sets forth a long-term in-state strategy for managing ash residue from the UCRRF.

Finally, the Department is cognizant of the fact that the Empire landfill did not accept ash during initial start-up operations at the UCRRF and that the UCUA utilized emergency procurement procedures which resulted in short-term agreements to utilize a Browning Ferris Industries landfill located in Falls River,

Massachusetts. Further, as of April 1994, the UCUA was continuing to utilize the Falls River landfill for ash disposal. The use of this facility has not been specifically identified in the plan amendment. Therefore, as noted in Section B., within 120 days of this certification, Union County must also adopt a plan amendment which identifies the use of the Fall River landfill, even if such inclusion reflects merely a historical documentation of an arrangement superseded by a replacement ash contract or the actual use of the Empire landfill.

**5. Truck Route Modifications**

The County Plan inclusion of Union County's modifications to the traffic plan for delivery of waste to the UCRRF, which were previously included in the Department's March 22, 1990 certification of the County's September 28, 1989 amendment, are approved as follows:

Vehicles transporting waste from Berkeley Heights, Mountainside, Westfield and Plainfield shall not enter the New Providence Road and U.S. Route 22 Interchange prior to 8:00 a.m.

Vehicles delivering waste from the City of Plainfield will travel to Terrill Road, turn left and travel northwest to Route 22. Vehicles will then turn right onto Route 22 eastbound and travel Route 22 to Route 1&9 southbound. The vehicles will travel Route 1&9 southbound and merge with the existing traffic plan to the UCRRF.

Approximately 30 transfer trailer loads of waste will be delivered to the UCRRF daily from Bergen County. The vehicles will access the New Jersey Turnpike, travel south to Exit 13 and proceed to U.S. Route 278 west. The vehicles will access Route 1&9 southbound and merge with the existing traffic plan to the UCRRF.

**6. Recycling Plan Modification**

The County Plan inclusion of modifications to the district recycling plan are approved.

Pertinent modifications include the following requirements:

- \* The district recycling coordinator must conduct monthly meetings to provide assistance to municipalities and school districts with respect to recycling markets and recycling technologies;
- \* The mayor of each municipality must designate an individual and an alternate for participating in the monthly meetings;
- \* The superintendent of each school district must designate a representative and an alternate for participation in the

monthly meetings;

- \* Tenants, occupiers and owners of any place occupied as a residence must source separate mandated recyclables;
- \* Any entity which arranges for the collection of waste at a multi-family complex shall be responsible for establishing designated centrally located drop-off sites for the collection of recyclables;
- \* Mandated recyclable materials must be recycled in accordance with municipal ordinances;
- \* No solid waste hauler may collect for disposal solid waste containing the mandated recyclable materials unless an exemption approval has been obtained; and
- \* The Union County Regional Environmental Health Commission or its designee and the Union County Utilities Authority shall be empowered to enforce the provisions of the district recycling plan.

7. Resource Recovery Investment Tax

The County Plan inclusion of the modified use of and disbursement schedule for the Resource Recovery Investment Tax (RRIT) Fund is approved. As modified, the RRIT funds will offset contractor expenses related to the household hazardous waste collection and disposal program for Union County. The UCUA conducts household hazardous waste collection days that are held periodically in the spring, summer and fall and contracts with a private, licensed company to receive, recycle and properly dispose of materials collected through this program. Previously, RRIT funds were dedicated but never expended for the payment of debt service for the UCRRF. RRIT Funds allocated for the years 1989 through 1996 totalling \$691,353 will be disbursed in the years 1994-1997 for the specified use. The County should consider the development of a permanent household hazardous collection facility and investigate the regionalization of this facility, particularly in light of its 20 year interdistrict agreement with Bergen County.

8. Queen City Recycling, Inc.

The County Plan inclusion of the Queen City Recycling, Inc., recycling facility for Class A materials located at 1232 North Avenue, Lots 1-A-2E, 1-A-2C, Block 1005, in Plainfield, Union County, is approved. This facility will accept up to 40 tpd of corrugated cardboard, high grade office paper and scrap metal.

Recycling centers which will be handling only Class A recyclable materials, as defined in N.J.A.C. 7:26A-1.3, require no approval from the Department prior to operation. However, the recycling

centers must comply with the regulations at N.J.A.C. 7:26A-4.

9. Expanded Materials Separation Prior to Incineration

The Department has reviewed the County Plan focusing upon the existing incinerator operations and the need to remove additional constituents from the incoming waste stream to ensure a reduction in facility emissions, in particular mercury. The Department is committed to the use of best available air pollution controls at existing facilities, as well as the application of the most stringent standards within permits. The Department, as part of the "Task Force on Mercury Emissions Standard Setting" (Mercury Task Force), is currently working toward development of a statewide mercury emission standard for municipal solid waste incinerators, involving both air quality control technologies and identification and implementation of specific measures to reduce the content of mercury in the solid waste stream. The Mercury Task Force completed its preliminary report, which includes an evaluation of environmental and health issues as well as technical and regulatory issues, in August 1992 and distributed this document for public comment through November 1992. A public hearing on the preliminary report was held on October 26, 1992. The Department published the findings and recommendations of the Mercury Task Force in the final report on proposed mercury standards in July 1993. A public hearing on proposed regulations implementing the mercury standards was held on March 29, 1994. Following the review of the comments received at the public hearing, the DEPE expects to issue a final proposed rule implementing the proposed mercury standards by summer 1994. The Department will continue to work closely with incinerator operators to have system modifications installed to implement use of best available control technology.

The County planning process must complement the future installation of more advanced air pollution control equipment and intended permit modifications to ensure necessary reductions in mercury from the solid waste stream. As a result of the efforts of the Mercury Task Force and the referenced public hearing process, the Department, on February 22, 1994, proposed in the New Jersey Register an interim and final mercury emission standard for municipal solid waste incinerators of 65 and 28 mg/dscm and/or an 80% removal. From the Mercury Task Force's technical research, available air pollution control equipment can result in significant reductions (up to 80%) of mercury based upon current emission levels. A portion of this emission standard will be achieved through source reduction programs as manufacturer's redesign their products to eliminate or minimize mercury content. Source separation programs will also remove mercury from the processible waste stream. Therefore, in order to fully achieve interim (by 1995) and final (by 2000) standards of 65 and 28 mg/dscm, respectively, it will be necessary for counties that dispose of solid waste in incinerators to develop plans and schedules for the removal of sources of mercury from the waste stream.

Toward that goal, the County is hereby ordered to submit a report to the Department within 120 days of this certification which outlines plans and specific timetables for the removal of materials of concern from the incoming solid waste stream. At a minimum, the plan must address:

- \* Efforts already being used by the County for removal of discarded products which contain hazardous substances or constituents from the waste stream, particularly mercury;
- \* Specific plans and timeframes for the removal and separate management of dry cell batteries, fluorescent light bulbs, thermometers, mercury switches, CRT and TV tubes, and thermostats, all of which contain mercury and other heavy metals, particularly cadmium and lead;
- \* An inventory of potential generators of the above materials, such as jewelers, hospitals and large commercial/institutional/industrial buildings and plans for education and separate collection/drop-off of these materials;
- \* Specific plans and timeframes for the removal of wallboard, grass and other yard wastes from the incoming waste stream toward further reducing sulphur dioxide (SO<sub>2</sub>) and nitrogen oxide (NOX) emissions;
- \* An inventory of large generators of wallboard and plans for education and separate collection/drop-off and disposal (nonincineration) of this material;
- \* Plans for implementing a combination of the Department's "Grass: Cut-it and Leave-it" programs, backyard composting and/or compost facility development or expansion plans to include management of grass clippings. This must include an inventory of existing facilities which accept grass for composting, as well as a listing of all landscapers operating within the county;
- \* Specific plans and timeframes for developing comprehensive recycling and waste diversion programs which support the prohibition from acceptance at the incinerator of paints, tires, electronics and vehicular materials, such as batteries, from the residential, commercial, institutional and industrial sectors to further reduce the potential for toxic materials entering the facility; and
- \* Specific plans and schedules for expanding existing household hazardous waste collection programs and/or the development of a permanent household hazardous waste collection facility and management program for the County.

This report must be submitted within 120 days of this certification

and is not required to be submitted in plan amendment form. Department staff within the Division of Solid Waste Management will be available at any time to assist the County.

**10. Union County District Solid Waste Management Plan Deficiencies**

In the Department's February 18, 1992 certification of Union County's August 1, 1991 plan amendment, the County was directed to continue to actively pursue the development of in-state landfill capacity. Accordingly, a subsequent plan amendment identifying an in-state disposal facility for ash residue and nonprocessable waste was to be submitted to the Department by April 2, 1992. To date, Union County has not submitted the required amendment. Therefore, the Union County plan remains deficient, and the County is directed to submit within 120 days the required amendment.

**D. Other Provisions Affecting the Plan Amendments**

**1. Contracts**

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with these amendments to the County 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 and operating pursuant to a contract as herein described, shall be deemed to be in violation of these amendments and of the County 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, 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 amendments contained herein shall operate in compliance with these amendments 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. 7:26A-1 et seq.

4. Certification to Proceed with the Implementation of the Plan Amendments

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 portions of the amendments certified 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 -99.12, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of the Amendments

The approved portions of the amendments to the County Plan contained herein shall take effect immediately.

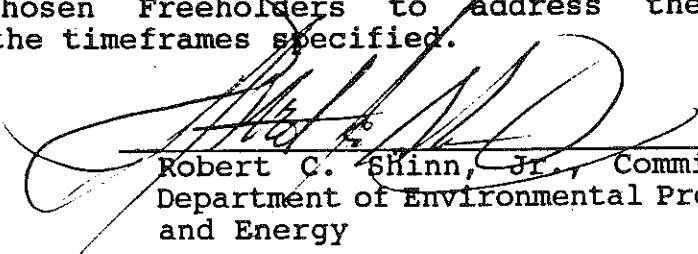
7. Reservation of Authority

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, 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 in Part, Modification in Part, and Rejection in Part of the Amendments 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 in part, modify in part, and reject in part the amendments, as outlined in Section C. of this certification, to the Union County District Solid Waste Management Plan which were adopted by the Union County Board of Chosen Freeholders on December 8, 1993. I hereby also require, as noted in Section C., the Union County Board of Chosen Freeholders to address the noted deficiencies within the timeframes specified.

5/18/94  
Date

  
Robert C. Shinn, Jr., Commissioner  
Department of Environmental Protection  
and Energy