

**IN THE MATTER OF CERTAIN AMENDMENTS
TO THE ADOPTED AND APPROVED SOLID
WASTE MANAGEMENT PLAN OF THE
NEW JERSEY MEADOWLANDS COMMISSION
SOLID WASTE MANAGEMENT DISTRICT**

**CERTIFICATION
OF THE NOVEMBER 28, 2006
AMENDMENT TO THE NEW JERSEY
MEADOWLANDS COMMISSION 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 (now known as the New Jersey Meadowlands Commission or NJMC) develop comprehensive plans for waste management in their respective districts. On July 31, 1980, the Department of Environmental Protection (Department or DEP) approved, with modifications, the NJMC District Solid Waste Management Plan (District 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.

The Act further provides that a district may review its District Plan at any time and, if found inadequate, a new District Plan must be adopted. The NJMC Commissioners completed such a review and on November 28, 2006 adopted an amendment to its approved District Plan. The November 28, 2006 amendment proposes District Plan inclusion of the District Plan Update in response to the updated Statewide Solid Waste Management Plan.

The amendment was considered administratively complete for review by the Department on December 1, 2006 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this amendment, and has determined that the amendment adopted by the NJMC Commissioners on November 28, 2006 is approved as provided in N.J.S.A. 13:1E-24.

On April 13, 2002, New Jersey Department of Environmental Protection Commissioner Bradley M. Campbell signed Administrative Order No. 2002-10, which requires, among other things, that the Department revise, update and readopt the Statewide Solid Waste Management Plan. On January 3, 2006, New Jersey Department of Environmental Protection Commissioner Lisa P. Jackson formally adopted the updated Statewide Solid Waste Management Plan

The updated Statewide Solid Waste Management Plan reaffirms the state's goal of recycling 50% of the MSW stream. The overall strategy for achieving this ambitious goal starts with a quantification, on a statewide basis, of the increased tonnage of recycled materials needed. This is further calculated on a per county basis, with an analysis of current MSW recycling tonnages by county, and the necessary increases required by each county. The statewide increase needed is also expressed in terms of increased recycling tonnage by material, such as newspaper, corrugated, food waste, etc. Additionally, the plan targets specific classes of generators (schools, multi-family housing complexes, small and medium-sized businesses) that need to be focused on in terms of expanded recycling opportunities for the materials identified.

The state, through this Solid Waste Management Plan update, establishes the overall policy objectives and goals for solid waste management in New Jersey. The counties and the NJMC shall have the responsibility for developing their respective district solid waste management plans consistent with the state's goals and objectives. Therefore, as noted in the State Plan, each district shall, within one year of the adoption of the updated Statewide Solid Waste Management Plan or January 3, 2007, adopt and submit to the Department, an updated district solid waste plan. This district plan update shall demonstrate consistency with the State Plan. Further, the district plans shall reiterate the district plan requirements contained in N.J.S.A. 13:1E-21. Specifically, revised district plan updates shall include, but not be limited to the following components:

- 1) Designation of the department, unit or committee of the county government (or district in the case of the NJMC) to supervise the implementation of the district plan;
- 2) An inventory of the quantity of solid waste generated within the district for the ten-year period commencing with the adoption of updated district solid waste management plan;
- 3) An inventory of all solid waste and recycling facilities (lot and block and street address) including approved waste types and amounts, hours of operation and approved truck routes;
- 4) An outline of the solid waste disposal strategy to be utilized by the district for a ten-year planning period;
- 5) A procedure for the processing of applications for inclusion of solid waste and recycling facilities within the district solid waste management plans. The procedure shall state the applicant requirements for inclusion into the district plan and the specific county review

process/procedures, including time frames for county approvals or rejections and subsequent submittals to the Department. **Note-** the criteria for inclusion shall **not** include a requirement that local zoning or planning board approval(s) be obtained as a condition for inclusion within the district solid waste management plan, nor shall such a requirement be made a condition for subsequent construction or operation of any facility; and

- 6) Identification of the additional tonnage of recycled materials in the MSW stream (by material commodity types) required by each county to meet the mandated MSW recycling goal, a strategy for the attainment of the recycling goals as outlined above. The strategy shall include, as necessary:
 - a) the designation of the currently mandated recyclable materials and additional materials, if any, to be source separated in the residential, commercial and institutional sectors;
 - b) a listing of those entities providing recycling collection, processing and marketing services for each of the designated recyclable materials;
 - c) the communication program to be utilized to inform generators of their source separation and recycling responsibilities;
 - d) a comprehensive enforcement program that identifies the county and/or municipal entity(ies) responsible for enforcement of the recycling mandates, specifies the minimum number of recycling inspections that will be undertaken by these entities on an annual basis and details the penalties to be imposed for non-compliance with the municipal source-separation ordinance and county solid waste management plan. Additionally, the updated district plan shall include copies of each municipal source separation ordinance.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the November 28, 2006 amendment to the District Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that the amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the NJMC is notified of the elements of the November 28, 2006 amendment which are included below.

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. All agencies contacted are as follows:

Division of Water Quality, DEP
 Division of Parks and Forestry, DEP
 Division of Fish and Wildlife, DEP
 Solid and Hazardous Waste Program, DEP
 Green Acres Program, DEP
 Land Use Regulation Program, DEP

Office of Local Environmental Management, DEP
Office of Air Quality Management, DEP
Bureau of Solid Waste Compliance and Enforcement, DEP
Department of Community Affairs
Department of Transportation
Department of Agriculture
Department of Health and Senior Services
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
U.S. Environmental Protection Agency

Elements of the November 28, 2006 Amendment

Element: Designation of District Plan Implementation Agency

The NJMC is considered to be its own Solid Waste Management District and because of its unique situation is also considered the implementing agency of its District Plan.

Element: Inventory of the Quantity of Solid Waste Generated Within The District for the Next Ten Years

The NJMC is made up of fourteen municipalities, ten of which are located within Bergen County (Borough of Carlstadt, Borough of East Rutherford, Borough of Little Ferry, Township of Lyndhurst, Borough of Moonachie, Borough of North Arlington, Borough of Ridgefield, Borough of Rutherford, Township of South Hackensack, and Borough of Teterboro), with the remaining four municipalities (City of Jersey City, Town of Kearny, Township of North Bergen, and Town of Secaucus) located within Hudson County. As the Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) created the NJMC District as a recipient of solid waste as opposed to a generator of solid waste, an inventory of the quantity of solid waste generated within the municipalities within the NJMC District for the next ten-years is therefore more appropriately addressed in the District Plans of Bergen and Hudson Counties, respectively.

Element: Inventory of Solid Waste and Recycling Facilities

The below facilities are identified in the November 28, 2006 amendment to the District Plan as being included in the District Plan.

Solid Waste Facilities

- Keegan Landfill – This facility, located on Block 205, Lots 18, 19.02, 24, 27-33 off of Bergen Avenue in the Town of Kearny, is included in the District Plan to accept up to 3,000 tons per day (tpd) of solid waste types 13, 13C, 23, and 27. The District Plan includes the facility’s operating hours as 6:00 am – 4:00 pm, Monday through Friday and 6:00 am – 1:00 pm, Saturday. The November 28, 2006 District Plan amendment notes that the height of the Keegan Landfill will be

limited to 60 feet above mean sea level (msl) and that it is anticipated that the facility will operate between January 1, 2009 and December 31, 2015.

- 1-E Vertical Expansion Landfill – This facility, located on Block 149, Lot 10 in the Town of Kearny and Lot 1 of Blocks 176-178, 180-183, and 185-189 in the Borough of North Arlington at 100 Baler Boulevard, is included in the District Plan to accept solid waste types 13, 13C, 23, and 27. The November 28, 2006 District Plan amendment notes that the height of the 1-E Vertical Expansion Landfill will be limited to 160 feet above msl and that it is anticipated that the facility will accept solid waste for another three years.
- Allegro Sanitation Corporation Transfer Station/Material Recovery Facility (TS/MRF) – This facility is located on Block 62, Lot 7.01 at 278 Secaucus Road in the Town of Secaucus and has a total capacity of 500 tpd of material, including up to 300 tpd of Class A and Class B recyclables. This facility is included in the District Plan to accept solid waste types 10, 13, 13C, 23, and 27; however, is only permitted to receive a maximum of 95 tpd of solid waste types 10, 13, and 13C. The District Plan includes the facility’s operating hours as 4:00 am – 2:00 am, Monday through Friday and 8:00 pm – 6:00 pm, Saturday.
- J. Pyskaty Disposal, Inc. TS/MRF – This facility is located on Block 9, Lot 7 at 800 Castle Road in the Town of Secaucus and has a capacity of 135 tpd (600 tons per week) of solid waste types 10, 13, 13C, and 27. The District Plan includes the facility’s operating hours as 6:00 am – 4:00 pm, Monday through Saturday.
- Waste Management of New Jersey, Inc. (WMNJI) Transfer Station/Materials Recovery Facility (TS/MRF) – This facility is located on Block 175, Lot 1 (partial) and Block 177, Lot 1 (partial) in the Borough of North Arlington at 100 Baler Boulevard and is included in the District Plan for the acceptance of solid waste types 10, 13, 13C, 23, 25, and 27. The WMNJI TS/MRF is included in the District Plan to average its daily tonnage of solid waste. Specifically, the facility’s daily tonnage limit is 2,750 tons so long as the facility does not receive more than 12,000 tons of solid waste per week. The facility accepts solid waste from 6:00 am – 4:30 pm, Monday through Friday, and from 6:00 am – 3:30 pm on Saturdays. Material is processed and loaded no later than 10:00 pm, Monday through Saturday; however, no waste is accepted at the facility prior to or after the above noted operational hours.
- S&L Zeppetelli TS/MRF – This facility, located at 191 Moonachie Road on Block 38, Lot 3 in the Borough of Moonachie, is included in the District Plan for the acceptance of a total of 20 tpd of solid waste (types 13, 13C, and 27). The District Plan includes the facility’s operating hours as 6:00 am – 4:00 pm, Monday through Saturday.

Recycling Centers

- JAM Paper Recycling Class B Recycling Center – This recycling center is located at 800 Page Avenue on Block 235, Lot 23 in the Township of Lyndhurst and is included in the District Plan for the receipt of 100 tpd of source-separated Class B recyclables, including concrete, asphalt, brick, block, and source-separated materials resulting from construction, remodeling, repair, and demolition operations on houses, commercial buildings, pavements, and other structures. The operating hours for this facility will be determined during the permitting process.

- Redrock Land Development Class B Recycling Center – This recycling center is located at Page & Schuyler Avenues on Block 235, Lots 4 and 5 in the Township of Lyndhurst. This facility is included in the District Plan for the receipt, storage, and processing of 250 tpd of source-separated Class B recyclables, including concrete, asphalt, asphalt millings, brick, block, ceramic tile, porcelain, plaster, and terra cotta. The District Plan includes the facility’s operating hours as 7:00 am – 5:00 pm, Monday through Friday, and 7:00 am – 3:00 pm on Saturdays.
- Resource Management Technologies Class B Recycling Center – This recycling center is located at 25-31 94th Street on Block 480, Lots 1 (partial), 3, and 5-8 (partial) in the Township of North Bergen. This facility is included in the District Plan for the receipt of 950 tpd of source-separated Class B recyclables, including concrete, brick, block, asphalt, ceramic, stumps, brush, tree limbs, tree branches, wood, and leaves; however, the General Approval for this recycling center limits the capacity to 750 tpd. The District Plan includes the facility’s operating hours as 7:00 am – 5:00 pm, Monday through Friday, and 7:00 am – 3:30 pm on Saturdays.
- NJMC Vegetative Waste and Brush Transfer and Processing Facility – This recycling center is located adjacent to the 1-E Landfill on Block 149, Lot, 10 in the Town of Kearny. This facility is included in the District Plan for the receipt, processing, and transfer of leaves, grass clippings, brush, and tree parts. The District Plan includes the facility’s operating hours as 7:00 am – 4:00 pm, Monday through Friday, and 7:00 am – 1:00 pm on Saturdays.

Element: Solid Waste Facilities to be Deleted From The District Plan

The November 28, 2006 District Plan amendment proposes District Plan deletion of:

- 1) Crossroads Recycling, Inc. TS/MRF – This facility, which was to be located at 25-31 94th Street, Block 480, Lots 1 (part), 1C, 2, 8 (part), and 9 in the Township of North Bergen, was included in the District Plan through an October 2, 2002 District Plan amendment for the receipt of a maximum of 600 tpd of waste types 10, 13, 13C, and 27. This amendment was certified as approved by the Department on February 14, 2003. Crossroads Recycling, Inc. has never been issued a Solid Waste Facility Permit from the Department for this facility.
- 2) Pesce Brothers Sanitation, Inc. TS/MRF – This facility, which was to be located at 47 Lewis Avenue, Block 662, Lots 1-3, 11-15, 217, and 218 in the City of Jersey City, was included in the District Plan through an November 25, 2002 District Plan amendment for the receipt of a maximum of 100 tpd of waste types 10, 13, and 13C. This amendment was certified as approved by the Department on January 30, 2003. Pesce Brothers Sanitation, Inc. has never been issued a Solid Waste Facility Permit from the Department for this facility.

Element: Solid Waste Disposal Strategy to be Utilized by the District for the Next Ten Years

As the Solid Waste Management Act (13:1E-1 et seq.), created the NJMC District as a recipient of solid waste as opposed to a generator of solid waste, the solid waste disposal strategy for solid waste generated within the municipalities of the NJMC District for the next ten-years is therefore more appropriately addressed in the District Plans of Bergen and Hudson Counties, respectively.

Element: District Plan Inclusion Process

To ensure consistency during the process of inclusion in to the District Plan, the NJMC employs a standard application. It seeks to include that application and process in to the District Plan.

First, the NJMC reviews all District Plan inclusion requests for administrative and technical completeness and begins the review process once said application is determined to be complete. From the date that the application is deemed complete and within 45 days, the NJMC publishes a Legal Notice in the Bergen Record and the Jersey Journal two times, once each week for two consecutive weeks and complying with all of the requirements at N.J.A.C. 7:26-6.10(c) and holds the public hearing. Following the public hearing, the NJMC Solid Waste Division reviews the transcript of the public hearing and based on that review then drafts a recommendation and Resolution to the NJMC Commissioners regarding inclusion of the proposed amendment to the District Plan. The NJMC Commissioners then act on the matter at one of their regularly scheduled public hearings. From the date of the public hearing, this part of process will occur within 90 days. If the NJMC Commissioners approve the inclusion of the proposed amendment to the District Plan, the transcript, copies of legal notices, Resolution, findings, etc. are then forwarded to the Department within 30 days for our review and action pursuant to N.J.A.C. 7:26-6.10(d).

The NJMC's Application for District Plan inclusion of a solid waste facility or recycling center requires specific information about the proposes operation. This information includes, but is not limited to:

- Name that the facility will do business under;
- Contact information of the owner(s) of the business and operator(s) of the proposed facility;
- Copy of the deed or record establishing ownership of the facility property or a legal agreement to use the property in question for the proposed purpose;
- Type of facility, including a list of the materials to be accepted at the facility and capacity of those materials;
- Geographical location of the proposed facility, including a tax map outlining the lot and block numbers of the facility site and all adjacent properties and a 7.7 minute USGS Quadrangle map which includes the boundary of the facility plotted on the map;
- Description of the existing property use;
- Specific information about the process design and operation, including a site plan which identifies the placement of all equipment, buildings, and material stockpiles. Additional information required about the operation includes site access controls, interior traffic circulation, surface water movement, and locations and types of scales to be employed;
- Traffic study;
- Ingress and egress details;
- Materials handling and process flow;
- Market/residue information, including contact information of all planned markets for materials/residue;
- Record keeping procedures;
- Environmental issues, including floodplains, wetlands, dust control, stormwater, odors,

- noise, wastewater, etc;
- Benefits and needs analysis

Element: Recycling

Recycling education and compliance and enforcement within the municipalities of the NJMC District is more appropriately addressed in the District Plans of Bergen and Hudson Counties, respectively.

C. Certification of the NJMC District Solid Waste Management Plan Amendment

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 November 28, 2006 amendment to the approved District Plan and certify to the NJMC Commissioners that the November 28, 2006 amendment is approved as further specified below.

The District Plan inclusion of the District Plan Update In Response to the updated Statewide Solid Waste Management Plan is approved.

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 District 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 District 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 District and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the District 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 Plan

The provisions of the District 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 including waste types 10, 13, 23, 25, and 27 and all applicable subcategories and shall not apply to liquid and hazardous wastes. All nonhazardous materials separated at the point of generation for sale or reuse are subject to regulation in accordance with N.J.A.C. 7:26A-1 et seq.

4. Certification to Proceed with Implementation of Amendment

This document shall serve as the certification of the Commissioner of the Department to the NJMC Commissioners and pursuant to N.J.S.A. 13:1E-24c. and f., the NJMC Commissioners shall proceed with the implementation of the approved components of the 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, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of Amendment

The approved components of the amendment to the District 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 District 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, and also includes the compilation of individual district plans and amendments as they are approved.

E. Certification of Approval of the Amendment by the Commissioner of the Department of Environmental Protection

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve the amendment, as outlined in Section C. of this certification, to the NJMC District Solid Waste Management Plan which was adopted by the NJMC Commissioners on November 28, 2006.

April 10, 2007

Date

Lisa P. Jackson, Commissioner
Department of Environmental Protection