State of New Jersey
Department of Environmental Protection

Christine Todd Whitman
Governor

Robert C. Shinn, Jr.
Commissioner

February 14, 1995

Honorable Joan Bramhall, Director
Morris County Board of Chosen Freeholders
County Administration Building
Morristown, New Jersey 07960

Dear Freeholder Director Bramhall:

Enclosed please find the certification of the solid waste management plan amendments which the Morris County Board of Chosen Freeholders adopted on October 12, 1994 and November 22, 1994.

The October 12, 1994 amendments included within the County Plan the Riverdale Quarry Company recycling center for Class B materials and the Randolph Township drop-off convenience center for municipal waste. The November 22, 1994 amendment proposed inclusion of an expanded strategy for addressing the State requirements concerning source reduction, recycling, and regionalization planning, as well as a long-term solid waste management disposal strategy. The cornerstone of this disposal strategy is the August 23, 1994 Memorandum of Understanding (MOU) between the Morris County Municipal Utilities Authority and the Essex County Utilities Authority. Due to the complexity of the MOU, this component of the November 22, 1994 amendment will be the subject of a subsequent certification. The expanded strategy aspect of the amendment is in response to deficiencies identified in the Department's August 25, 1993 certification of the County's March 10, 1993 amendment.

Concerning the October 12, 1994 amendments, the certification approves the inclusion of the Riverdale Quarry Company recycling center and the Randolph Township drop-off convenience center. Regarding the November 22, 1994 amendment, the certification approves the County's responses to the deficiencies relative to source reduction and recycling. However, the certification notes that the County failed to address one deficiency pertaining to the development of a procurement policy. Therefore, the certification directs the County to address this issue in letter form, as well as report back to the DEP on the results of certain specified tasks as they are completed. Finally, the certification notes that the Department defers any action relative to regionalization pending certification of the County's long-term disposal strategy since regionalization is an integral component of this strategy through the Morris/Essex MOU.

I look forward to working with Morris County in the continued development of its solid waste management plan.

Sincerely,

Robert C. Shinn, Jr.
Commissioner

RCS:GM
Enclosure

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IN THE MATTER OF CERTAIN AMENDMENTS TO THE ADOPTED AND APPROVED SOLID WASTE MANAGEMENT PLAN OF THE MORRIS COUNTY SOLID WASTE MANAGEMENT DISTRICT

CERTIFICATION OF THE OCTOBER 12, 1994 AND NOVEMBER 22, 1994 AMENDMENTS TO THE MORRIS 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 January 29, 1981, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Morris 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 Morris County Board of Chosen Freeholders (County Freeholders) completed such reviews and on October 12, 1994 and November 22, 1994, adopted amendments to its approved County Plan.

The October 12, 1994 amendments proposed County Plan inclusion of the Riverdale Quarry Company recycling center for Class B materials, located in the Borough of Riverdale, and the Randolph Township drop-off convenience site for municipal solid waste. The November 22, 1994 amendment proposed County Plan inclusion of an expanded strategy for addressing the State requirements concerning source reduction, recycling, and regionalization planning, as well as a long-term solid waste management disposal strategy. The cornerstone of this disposal strategy is a Memorandum of Understanding (MOU) signed August 23, 1994 by the Morris County Municipal Utilities Authority and the Essex County Utilities Authority. Due to the complexity of the MOU, this component of the November 22, 1994 amendment will be the subject of a subsequent certification. The expanded strategy aspect of the amendment is in response to deficiencies identified in the Department's August 25, 1993 certification of the County's March 10, 1993 amendment.

The amendments were received by the Department on October 31, 1994 and December 14, 1994, respectively, 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 October 12, 1994 and November 22, 1994 are approved as provided in N.J.S.A. 13:1E-24.

B. Findings and Conclusions with Respect to the Morris County District Solid Waste Management Plan Amendments

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the October 12, 1994 and November 22, 1994 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 are consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders and the applicants are notified of the issues of concern relative to the October 12, 1994 and November 22, 1994 amendments which are included below in Sections B.2. and B.4., respectively.

In conjunction with the review of the amendments, the Department circulated copies to fifteen 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 and without the Department. These agencies are the following:

Office of Air Quality Management, DEP
Division of Parks and Forestry, DEP
Division of Fish, Game and Wildlife, DEP
Division of Solid Waste Management, DEP
Division of Enforcement, DEP
Division of Water Quality, DEP
Green Acres Program, DEP
Land Use Regulation Element, DEP
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
U.S. Environmental Protection Agency

1. Agency Participation in the Review of the October 12, 1994 Amendments

The following agencies did not object to the proposed amendments:

Division of Parks and Forestry, DEP
Division of Fish, Game and Wildlife, DEP
Division of Enforcement, DEP
Green Acres Program, DEP
New Jersey Turnpike Authority
Department of Agriculture

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

Office of Air Quality Management, DEP
New Jersey Advisory Council on Solid Waste Management
Department of Health
Department of Transportation
Department of Community Affairs
U.S. Environmental Protection Agency

The following agencies provided substantive comments as shown in Section B.2. of the certification document:

Land Use Regulation Element, DEP
Division of Water Quality, DEP
Division of Solid Waste Management, DEP

2. Issue of Concern Relative to the October 12, 1994 Amendments

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 the release of odors and other air contaminants which interfere with the enjoyment of life and property. Also, the recycling of asphalt

may release organic substances to the air. The recycling equipment of any bituminous plant which uses the recycled asphalt may need an air pollution control apparatus to control organic substance emissions.

If any operation of a recycling center will discharge pollutants as defined in N.J.A.C. 7:14-1.9, said operation must secure a New Jersey Pollution Discharge Elimination System Permit and/or a Treatment Works Approval for pollution discharges prior to operation.

Freshwater Wetlands Permits and Stream Encroachment Permits may be needed for solid waste facilities that are located in or near freshwater wetlands, freshwater wetlands transition areas, or floodplains.

3. Agency Participation in the Review of the November 22, 1994 Amendment

The following agencies did not object to the proposed amendment:

Division of Fish, Game and Wildlife, DEP
Division of Enforcement
Green Acres Program, DEP
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Transportation

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

Office of Air Quality Management, DEP
Division of Parks and Forestry, DEP
Land Use Regulation Element, DEP
Division of Water Quality, DEP
Department of Health
Department of Community Affairs
U.S. Environmental Protection Agency

The following agency provided substantive comments as shown in Section B.4. of the certification document:

Division of Solid Waste Management, DEP

4. Issue of Concern Relative to the November 22, 1994 Amendment

Issue: County Response to the State Requirements Concerning Source Reduction, Recycling, and Regionalization

On March 10, 1993, the County adopted an amendment to address the State requirements concerning source reduction, recycling, and regionalization planning. The Department, in its certification of

August 25, 1993, approved the County's general strategy but noted deficiencies in certain areas relative to source reduction, recycling, and regionalization planning and directed the County to address these deficiencies within 180 days or by February 25, 1994 in a subsequent plan amendment submission. Specifically, the County was directed to provide greater detail regarding waste audits, pay-per-bag/container waste collection systems, yard waste management, household hazardous waste, designated recyclables, enforcement, procurement strategies, and regionalization. On November 22, 1994, the County adopted the required plan amendment.

The Department has reviewed the November 22, 1994 amendment within the context of the Solid Waste Management State Plan Update: 1993-2002 and relevant State law. The following is an overview of the County's response to the above noted deficiencies as well the Department's comments on the proposed plans and programs.

a. Waste Audits

Previously, the County submitted a schedule for requiring the completion of waste audits in the private sector. However, in the absence of providing such a schedule for the public sector, the County was directed to submit a schedule for the completion of waste audits for all municipal and county buildings. The County has provided the required schedule that directs the completion of waste audits for all municipal and county buildings by November 1, 1994 and December 1, 1994, respectively. As of the date of this certification, most of the municipalities had completed their waste audits and the County was finalizing its audit. Therefore, upon completion the County should submit in letter form the summary results of the waste audits conducted for all county and municipal buildings and periodically report to the Department the summary results of waste audits conducted in the private sector.

b. Pay-Per-Bag/Container Waste Collection Systems

Previously, the County indicated its intention to issue an evaluation report on the effectiveness of pay per bag disposal programs currently operating in certain Morris County municipalities. Since a schedule for the completion of this report was not indicated, the County was directed to submit this schedule. The County has provided the required schedule that anticipates the completion of the evaluation report by December 1, 1994. Since the adoption of this amendment, the County has notified the DEP that it completed the report on January 6, 1995. Therefore, the County should submit a copy of this evaluation report to the Department for its review.

c. Yard Waste Management

The County was directed to provide the specifics of its proposed "master composter program" and a schedule for implementation. The

County has provided specifics regarding the master composter program and the required schedule that indicated that the program was launched in September 1994. The County should periodically report back to the DEP in letter form on the effectiveness of the yard waste management program.

d. Household Hazardous Waste

Previously, the County indicated that it was investigating the establishment of a hazardous waste storage facility or a mobile collection system. Upon selection of a course of action, the County was directed to provide an implementation schedule. The County has provided the required schedule which calls for household hazardous collection facilities to be operational by October 1995 at both County transfer stations.

e. Designated Recyclable Materials

Due to timing concerns for the County's designation of additional mandated materials, the County was directed to provide a schedule for the phase-in of designated materials. The County has provided the required schedule which mandated the phase-in to be completed by October 1, 1994.

f. Enforcement

The County was directed to provide a schedule of tasks associated with the development of a countywide enforcement program. The County has provided the required schedule which culminates in a June 1995 target date to implement a countywide solid waste enforcement program.

g. Procurement

Previously, as part of its procurement policy, the County indicated that it would distribute sample bid specifications to governments and businesses. Since the County did not provide a schedule for accomplishing this task, the County was directed to submit the required schedule in a subsequent plan amendment. The November 22, 1994 amendment did not address procurement. Therefore, the County should provide in letter form by May 1, 1995 a schedule for the distribution of sample bid specifications to governments and businesses.

h. Regionalization

The County was directed to submit a detailed in-state disposal strategy including a time-line with specific milestones for siting and developing in-county disposal facilities or for entering into regional agreements for the shared use of existing or planned in-state disposal capacity. As part of the November 22, 1994 amendment, the County submitted the August 23, 1994 MOU for the

shared use of the Essex resource recovery facility. Due to the complexity of the MOU, this regionalization aspect of the November 22, 1994 amendment will be addressed in a separate certification.

C. Certification of the Morris 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 October 12, 1994 and November 22, 1994 amendments to the approved County Plan and certify to the County Freeholders that the October 12, 1994 and November 22, 1994 amendments are approved as further specified below.

1. October 12, 1994 Amendments

The County Plan inclusion of the Riverdale Quarry Company recycling center for Class B materials, located at Block 12, Lot 13 and Block 13, Lots 27, 28 and 29, in the Borough of Riverdale is approved. The facility will accept asphalt and concrete for recycling into raw materials (in place of virgin materials) for aggregate and concrete products. The average daily processing capacity for these materials will be 8,005 tons per day (TPD) with the maximum amount received to be 2,010 TPD.

The County Plan inclusion of the Randolph Township drop-off convenience site for municipal solid waste, located at Block 86, Lots 73 and 74, in Randolph Township, is approved. This collection depot provides a site (dumpster) for residents that need a facility to dispose of their solid waste between the scheduled once-a-week collections.

Pursuant to N.J.A.C. 7:26A-4.1(a)1.iii, Class A recyclable materials may be commingled only with other Class A recyclable materials. Class B recyclable materials may be commingled only with other Class B recyclable materials and only to the extent authorized in the general approval.

Any residue generated as a result of the operation of a recycling center handling only Class B materials shall be disposed of pursuant to the County Plan and the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26 et seq.).

The construction or operation of a recycling center which receives, stores, processes, or transfers Class B recyclable materials, as defined at N.J.A.C. 7:26A-1.3, shall be preceded by the acquisition of the necessary approvals pursuant to N.J.A.C. 7:26 et seq., and shall be in conformance with Department regulations and guidelines, including N.J.A.C. 7:26A-4.

This certification shall not be construed as an expression of the Department's intent to issue a recycling center approval to any recycling center for Class B recycling materials. A recycling center approval shall only be granted where the applicant has submitted an administratively complete application, as per N.J.A.C. 7:27A-3.5, where all substantive criteria for approval set forth in 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. November 22, 1994 Amendment

The County's responses to the deficiencies relative to source reduction and recycling, previously identified in the Department's August 25, 1993 certification, are approved. However, as noted within Section B., the County failed to address one deficiency pertaining to the development of a procurement policy. Therefore, the County is hereby directed to provide in letter form by May 1, 1995 a schedule for distribution of sample bid specifications as well as reporting back to the Department on the results of certain specified tasks as they are completed. Finally, regarding regionalization, the Department defers any action pending certification of the Essex/Morris MOU since regionalization is an integral component of Morris County's long-term solid waste management disposal strategy.

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 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 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 of the Amendments 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 C. of this certification, to the Morris County District Solid Waste Management Plan which were adopted by the Morris County Board of Chosen Freeholders on October 12, 1994 and November 22, 1994.

2/14/95
Date

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