

CHAPTER 7

SANITARY LANDFILL REGULATIONS FOR THE HACKENSACK MEADOWLANDS DISTRICT

Authority

Unless otherwise expressly noted, all provisions of this Chapter 7 were adopted by the Hackensack Meadowlands Development Commission, pursuant to authority delegated at N.J.S.A. 13:17-1 et seq. and were filed and became effective August 11, 1971 as R.1971, d.136.

Chapter Expiration Date

Chapter 7, Sanitary Landfill Regulations for the Hackensack Meadowlands District, expires on July 1, 2006.

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SUBCHAPTER 1. GENERAL PROVISIONS

19:7-1.1 General

(a) The disposal of solid waste within the Hackensack Meadowlands District shall be permitted only on sites hereinafter described and designated for such purposes on the map entitled "Hackensack Meadowlands Sanitary Landfill Sites, 1971", which is a part of this Chapter, and such other sites as shall be approved by the Commission pursuant to this Chapter:

PERMITTED SITES:

Site	Town	Block	Lot
1	Lyndhurst	224	21, 24A
			23 (West of Turnpike)
			27 (West of Turnpike)
2	Lyndhurst	224	32 (West of Turnpike)
			A
3	North Arlington	177	1 (West of Turnpike)
			178
			180
			181
			182
			183

Site	Town	Block	Lot
4	Kearny	149	10
5	Kearny	286	4 (West of Turnpike)
			33
			30 (Part of)
6	Kearny	285	2 (West of Turnpike and East of I-280)
			11
			284
			29
7	Secaucus	2	31
			1
			6
			14

(b) No sanitary landfill site shall be operated within the Hackensack meadowlands district without the express written consent of the commission. All sanitary landfills shall be conducted in strict accordance with the provisions of this chapter.

(c) All sanitary landfill operations shall comply with the provisions of Chapter VIII of the New Jersey State Sanitary Code (Refuse Disposal) and with appropriate laws, rules and regulations of the Board of Public Utilities Commissioners and the Department of Environmental Protection.

(d) The regulations of this chapter shall not apply to controlled landfills approved pursuant to the building code of the commission, and any amendments and supplements thereto. All sanitary landfill operations within the Hackensack meadowlands district shall be expressly subject to the provisions contained in this chapter.

(e) Only existing landfill operations at any of the sites shown on the Hackensack meadowlands sanitary landfill site map shall be deemed to be permitted temporary facilities. All operators of such sites, within 60 days from the date of adoption of these regulations, shall, in writing, submit an application as provided for in Section 1.2 (initial application) of this Chapter. If the operation is not in compliance with these regulations, the operator shall submit a schedule for bringing it into compliance. All such existing sanitary landfills must comply with said regulations no later than May 1, 1972.

(f) Any approval granted pursuant to this Chapter shall be valid for a maximum period of one year. Any such approval may be renewed for additional periods of time upon application, each period not to exceed one year. All renewal applications shall be submitted at least two months prior to the expiration date.

(g) No sanitary landfill operator shall accept for disposal, at a sanitary landfill within the Hackensack Meadowlands District, any solid waste originating or collected outside of the territorial limits of New Jersey.

(h) All operators of sanitary landfills within the Hackensack Meadowlands District shall submit to the Commission, together with their applications, as provided in Sections 3 and 4 of this Subchapter, a certification stating that no solid waste originating or collected outside of the territorial limits of New Jersey will be accepted for disposal.

(i) All sanitary landfill operations shall be permitted to operate only between the hours of 6:00 A.M. and 8:00 P.M. daily, except Sundays. No sanitary landfill operator shall accept solid waste for disposal other than between permitted hours of operation specified herein:

1. This regulation is not intended to preclude any constituent municipality from adopting and enforcing ordinances or regulations providing for permitted hours of operation other than those specified herein. Provided, however, that prior to taking any final action on such ordinance or regulation the constituent municipality shall submit a copy of the proposed ordinance or regulation to the Commission for its review and approval and shall not act thereon unless the Commission indicates its approval within 45 days of the reference of such matter to the Commission, or by a failure of the Commission to take action within said 45-day period.

2. The Office of the Chief Engineer is authorized to relax this provision upon a showing of good cause.

3. This regulation shall not be deemed to affect, modify or in any way alter the obligations existing under the terms of performance bonds presently in effect and applicable to sanitary landfills within the Hackensack Meadowlands District.

4. This resolution shall become effective upon final adoption as required by law.

As amended, R.1973 d.220, eff. September 1, 1973.

See: 5 N.J.R. 204(d), 5 N.J.R. 322(c).

As amended, R.1974 d.49, eff. February 28, 1974.

See: 6 N.J.R. 158(d).

As amended, R.1974 d.81, eff. March 29, 1974.

See: 6 N.J.R. 126(a), 6 N.J.R. 208(c).

As amended, R.1974 d.129, eff. May 30, 1974.

See: 6 N.J.R. 208(b), 6 N.J.R. 280(c).

As amended, R.1974 d.214, eff. August 2, 1974.

See: 6 N.J.R. 280(b), 6 N.J.R. 369(a).

19:7-1.2 Initial application; contents

(a) Each initial application for approval to operate a solid waste disposal site shall contain the following:

1. The name under which the business is conducted;
2. The address of each location in the district in which the business is to be located, and the name and address of the individual in charge at each location;
3. If the applicant is a proprietorship, the name and address of the proprietor; if a partnership, the names and addresses of all partners; if a corporation, the date and place of incorporation, the names and addresses of the president, secretary, the incorporators, and the stockholders thereof and the name and address of the designated registered agent in this State; or, if any other type of business association, the names and addresses of the principals of such association;

4. The names and addresses of those individuals having actual administrative responsibility, which in the case of a proprietorship shall be the managing proprietor; partnership, the managing partners; corporation, the officers and directors; or, if any other type of association, those having similar administrative responsibilities;

5. The name and address of the individual or individuals on whom papers or orders may be served;

6. A statement as to whether the applicant engages in the operation of collection systems, storage facilities, disposal systems or related solid waste systems and activities, and if so, a description of the activity;

7. A copy of a recorded deed or a lease or other instrument granting permission by owner to use the site as a sanitary landfill area;

8. Legal description and survey of site which must include the block and lot numbers applicable to the site. The survey must show specific limits of the proposed fill area;

9. The estimated dates for the start and final completion of the sanitary landfill operation;

10. A description, by type, of the quantities per week, and sources of solid wastes expected to be received. The description shall include the following categories of waste: household, municipal, demolition, agricultural, commercial, industrial (specify nature of industrial wastes), and others (specify nature);

11. A description of the operating procedures including the hours of operation, methods of operation, number and duties of employees, description of equipment to be used at each site, dust and rodent control provisions, gas and leachate control, provisions for screening and for the prevention of blowing litter, fire protection and fire fighting equipment, emergency communication equipment, employee facilities including sanitary and potable water and emergency first aid provisions;

12. A report and plan prepared by a professional engineer, licensed in New Jersey, showing:

- i. The proposed fill site and area surrounding the site within a distance of 1,000 feet;
- ii. The present contours of the site and contiguous areas, and the proposed final site contours;
- iii. Contiguous waterways and/or surface drains;

iv. Capped, or uncapped wells, and available well logs, springs;

v. All-weather access roads and intended points of ingress and egress and types of fencing or other provisions for controlling entry to the site;

vi. Interior roads and ramps;

vii. Location of proposed and existing drainage facilities, dikes, structures, walls, cribbing, surface protection, and any other special construction, and the detailed designs and procedures for construction thereof;

viii. Landscaping and the projected future use of the site consistent with the Comprehensive Land Use Plan;

ix. Calculations determining the life expectancy of the site;

x. An operating plan including the method for maximizing compaction of wastes and a schedule of site preparation including the source, amount, type and suitability of material for construction and cover; the estimated daily, intermediate and final cover material needed and the stockpile locations of such materials. For winter operation, the quantity and location of daily, intermediate and final cover material required and the method for protecting and stockpiling the same to maintain workability;

xi. The geologic conditions and surface and subsurface formations, the elevation of the present and anticipated groundwater level, and the direction of flow of groundwater;

xii. A statement of opinion regarding the suitability of the proposed site for sanitary landfilling and the effect of the landfill construction and operation on adjacent properties and facilities. The applicant shall also include information on the maximum allowable depth of excavation, excavation procedures, stability characteristics of various soil types encountered at the site, required special treatment of the natural soils at the site to render them suitable for use in the landfilling operations, required quantities and types of inert inorganic soil material must be imported for the planned construction and for the operation of the proposed landfill;

13. A statement of the environmental impact of the proposed sanitary landfill operation.

19:7-1.3 Approval of initial application

(a) The Commission, after public notice, shall approve an initial application if it finds that:

1. The proposed sanitary landfill site is necessary in order to meet its statutory obligations as provided in Section 9.1 of N.J.S.A. 13:17-1 et seq.;

2. That the proposed operation at the proposed location will not be detrimental to other property in the vicinity and will not be detrimental to the public health and welfare;

3. That the application demonstrates that the plan for the construction and operation of a sanitary landfill is consistent with all rules, regulations and standards of the Commission;

(b) Any such approval shall be contingent upon the applicant also receiving a certificate of public convenience and necessity from the Public Utilities Commission pursuant to N.J.S.A. 48:13A-1 et seq. and a registration certificate from the Bureau of Solid Waste Management pursuant to Chapter VIII of the New Jersey State Sanitary Code (Refuse Disposal).

19:7-1.4 Renewal application

(a) Each renewal application shall contain the following:

1. A description of any deviation from the approved plan or any change in the information submitted as part of the initial application;

2. Any request for a change in the plan approved by the Commission for the operation of the sanitary landfill;

3. The amount of solid waste materials placed on the site during the preceding year and the current elevations at the site.

19:7-1.5 Approval of renewal application

(a) The Commission, after public notice, shall approve the renewal application if it finds that:

1. The sanitary landfill site has heretofore been properly operated pursuant to this Chapter;

2. The continuation of the sanitary landfill operation is necessary to meet the Commission's statutory obligations pursuant to Section 9.1 of N.J.S.A. 13:17-1 et seq.

19:7-1.6 Operational records and plan execution

(a) To assure that the construction and operation of the disposal site is carried out according to the application and to provide for the most efficient utilization of the complete site, daily operational records shall be maintained.

(b) Operational records shall consist of a written log maintained by the operator and shall include:

1. Type, quantities and source of wastes received;

2. Portion or area of landfill used;

3. Disposal of hazardous waste, if authorized by the Commission;

4. Disposal of bulky wastes;

5. Any deviation from the approved plan and reasons therefor.

(c) The log shall be open to inspection by duly authorized employees or agents of the Commission.

(d) A copy of approved plan should be maintained at the site and shall be displayed in a conspicuous place.

19:7-1.7 Construction and operation

(a) All permitted sanitary landfill sites shall be constructed and operated in compliance with Chapter VIII of the New Jersey State Sanitary Code (Refuse Disposal) and such additional requirements as shall be provided for by this Chapter.

(b) A copy of operating reports and plans required to be filed with the Bureau of Solid Waste Management pursuant to said Chapter VIII shall be also filed with the Commission.

(c) The applicant shall install a system, subject to the approval of the Commission, for the monitoring and control of gases generated on the sanitary landfill site.

(d) The applicant shall install a system for the control of leachate subject to the approval of the Commission.

(e) The applicant shall provide a method to maximize the compaction of the waste materials, subject to the approval of the Commission.

(f) Separate areas in the site as described on the operating plan shall be designated solely for the disposal of bulky items. All loads of solid waste brought on the site consisting primarily of bulky materials shall be disposed of only in such designated areas. The applicant shall submit plans for the handling and compaction of such bulky materials. This subsection shall not apply if the applicant does not accept such materials.

(g) Layers and cover shall be as set forth in this subsection.

1. The solid waste shall be spread and compacted on a sloped working face in thin layers. In the construction of each cell the solid waste should be spread into layers not to exceed two feet prior to compaction.

2. Cover material shall consist of inorganic soil, free of putrescible material, refuse, trash, vegetation, stumps, logs, frozen material, concrete slabs or other demolition wastes; and it shall contain sufficient silt and clay particles to retard and prevent rapid seepage of water when compacted.

3. All active operating surfaces and forward progressing faces shall be covered with six inches of compacted cover material at the close of each day's operation.

4. Intermediate cover shall be applied where daily cover will be exposed more than 30 days. Final cover, not immediate, should be used if there are no plans to continue the fill operation within a period of one year. Compacted thickness of graded intermediate cover shall not be less than one foot and shall have characteristics comparable to those of daily cover.

5. Final cover shall be applied to any surface that represents the final grade of the sanitary landfill. A minimum of two feet of covered material compacted and graded shall be required as final cover. Perennial grasses shall be planted to minimize erosion and surface deterioration. Final cover shall be placed over any completed section of the fill within one week following the placement of solid waste within that portion.

6. The grade of the final cover shall drain the surface runoff water in accordance with the approved plan into the drainage system in order to prevent ponding. Initial grades shall be designed to anticipate final settlement.

(h) The following waste materials shall not be placed on any sanitary landfill within the District, except after treatment and with the prior approval of the Commission:

1. Poisons, acids, caustics, infected materials, drugs, radioactive materials, pathological wastes, highly flammable liquids, explosives, and other hazardous materials;

2. Ashes containing live coals, or other sources of ignition;

3. Liquid cannery wastes, large dead animals, meat packing waste, and similar wastes;

4. Liquids from septic tanks, seepage pits and sumps;

5. Raw or untreated sewage sludge or other fecal materials;

6. Liquid waste except as may be permitted, in writing, by the Chief Engineer.

(i) A sanitary landfill site subject to the encroachment of tidal waters shall be protected by durable and impervious dikes which shall be of sufficient height to withstand and protect against a tidal elevation of at least ten feet above sea level.

19:7-1.8 Continuing maintenance

(a) Provisions shall be made to maintain the sanitary landfill site after completion of the solid waste operation to prevent health hazards or nuisances from occurring.

(b) Maintenance shall include, but is not limited to the repair of cracks or fissures, repair of areas where settling occurs, and control of problems which result from leachate, gas, odors, vectors or rodents.

(c) Unless otherwise provided for, the maintenance of the site shall be the responsibility of the owner of record of the property.

19:7-1.9 Inspection

(a) Routine inspections and evaluations of sanitary landfill operations may be made by the Commission. A notice of any deficiencies, together with any recommendations for their correction, shall be provided to the person designated pursuant to Section 1.2 (Initial application; contents) of this Chapter.

(b) Inspection and approval of the completed sanitary landfill site shall be made by the Commission before the earthmoving equipment may be removed from the site. The necessary corrective work shall be performed before the landfill project is considered complete.

(c) Routine inspections and evaluations may also be made by representatives of other State agencies also having jurisdiction.

19:7-1.10 Administration

(a) The administration and enforcement of this Chapter shall be vested in the Office of the Chief Engineer and, in furtherance of such authority, said office shall:

1. Receive, file and forward to the Commission all applications for the construction and operation of sanitary landfill sites. The Chief Engineer shall also make such recommendations to the Commission regarding the application as he deems necessary and appropriate;
2. Conduct inspections of sanitary landfill sites to determine compliance with this Chapter;
3. Determine violations of this Chapter;
4. Promulgate such rules as may be required to implement the provisions of this Chapter;
5. Make such other determinations and decisions as may be required by this Chapter or by the Commission.

19:7-1.11 Enforcement

(a) The operator of a sanitary landfill site shall submit periodic reports. The content, scope and intervals of any such report shall be established by the Chief Engineer.

(b) The Commission may, after public hearing, and reasonable notice thereof, revoke or suspend the authorization granted pursuant to this Chapter if it determines that the provisions of these regulations have been or are being violated.

(c) Prior to approval by the Commission of an application to operate a solid waste disposal site, the applicant shall furnish a performance bond or other sufficient guarantee acceptable to the Commission written in favor of the Commission by a company acceptable to the Commission in an

amount to be determined by the Commission conditioned upon the applicant complying with the provisions of this Chapter. Upon the failure to operate in accordance with the provisions of this Chapter, the Commission may use any of the money or so much thereof as is necessary to correct the violation or violations.

19:7-1.12 Waivers

(a) In cases in which there is unwarranted hardship in carrying out the provisions of this Chapter, the Commission may grant a waiver from such provisions.

(b) A written application for a waiver shall be made to the Office of the Chief Engineer, who shall give all interested persons opportunity to be heard with respect to the proposed application for a waiver.

(c) The Commission shall not grant a waiver unless he shall find that the application of these regulations will create an unwarranted hardship; that the proposed waiver is in harmony with the intended purposes and objectives of the Master Plan of the Hackensack Meadowlands District and of this Chapter; that the waiver will alleviate the hardship, and that the public safety and welfare will not be impaired.

19:7-1.13 Definitions

The following words and terms, when used in this Chapter, shall have the following meanings, unless the context shall clearly indicate otherwise.

“Bulky wastes” means large items including, but not limited to large household appliances, furniture, large auto parts, steel drums and tree trunks or any other items exceeding ten cubic feet in volume.

“Commission” means the Hackensack Meadowlands Development Commission created by P.L. 1968, c.404.

“Controlled landfill” means the placement of materials pursuant to the Building Code of the Commission, as amended and supplemented.

“District” means the Hackensack Meadowlands District as set forth in P.L. 1968, c.404.

“Operator” means any public or private owner or lessee of a sanitary landfill operation or his designated representative.

“Sanitary landfill” or “landfill” means a landfill operation where the filling materials consist, in whole or part, of solid waste.

“Solid waste” means residential, industrial, commercial, community, public or institutional, refuse and/or rubbish, garbage, or decomposable organic refuse, or construction and demolition wastes, and other discarded waste, both liquid and solid.

19:7-1.14 Fees

(a) The fees for application filing pursuant to this Chapter are as follows:

1. Initial fee of \$.005 per cubic yard available for fill plus ¼ of one per cent of the cost of any improvements necessary at the site;
2. Annual fee of \$.005 per cubic yard available for fill plus ¼ of one per cent of the cost of any new improvements necessary at the site.

(b) The schedule of fees contained in this Section shall not apply to sanitary landfills operated by public bodies or agencies.

19:7-1.15 Separability

If any Section or subsection of this Chapter is invalidated by judicial decision, such decision shall not affect the remaining Sections or subsections of this Chapter.

