



State of New Jersey  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

OFFICE OF THE COMMISSIONER

CN 402

TRENTON, N.J. 08625

609-292-2885

(IN THE MATTER OF CERTAIN AMENDMENTS)	CERTIFICATION
(TO THE ADOPTED AND APPROVED SOLID )	OF THE AUGUST 27, 1985 AND
(WASTE MANAGEMENT PLAN OF THE )	SEPTEMBER 24, 1985
(ATLANTIC COUNTY SOLID WASTE )	AMENDMENTS TO THE ATLANTIC
(MANAGEMENT DISTRICT )	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 June 24, 1982, the Department approved, with modifications, the Atlantic County District Solid Waste Management 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 the ten-year planning period. The report must detail the current and projected waste generation for the district, inventory and appraise all facilities in the district, and analyze the waste collection and transportation systems which serve the district. The disposal strategy must include the maximum practicable use of resource recovery techniques. In addition to this strategy, the plan must designate sufficient available suitable sites for the disposal of the district's waste for the ten-year period; which sites may be in the district or, if none are available, in another district. (The Act provides procedures for reaching any necessary interdistrict agreements.)

The Act further provides that a district may review its plan at any time and, if found inadequate, a new plan must be adopted. The Atlantic County Board of Chosen Freeholders completed such a review and on August 27, 1985 and September 24, 1985, adopted amendments to its approved district solid waste management plan.

The amendments include the following sites within the district plan: Puggi Landfill, Egg Harbor Township; Anchor Disposal transfer station, Egg Harbor Township; and two city of Northfield compost facilities on Burton Avenue and in Birch Grove Park.

The amendments were received by the Department of Environmental Protection on September 18, 1985 and October 7, 1985 and copies were distributed to various state level agencies for review and comment, as required by law. The Department has reviewed these amendments as well as the entire Atlantic County District Solid Waste Management Plan, and has determined that the amendments adopted by the Atlantic County Board of Chosen Freeholders on August 27, 1985 and September 24, 1985 are approved as provided in N.J.S.A. 13:1E-24. While the requirements of the Act concerning the report have been met, the district's plan remains deficient in some important ways.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I, Richard T. Dewling, Commissioner of the Department of Environmental Protection have studied and reviewed the August 27, 1985 and September 24, 1985 amendments to the Atlantic County District Solid Waste Management 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 approved and are consistent with the Statewide Solid Waste Management Plan.

In addition, the Division of Waste Management circulated these plan amendments to seventeen review agencies and solicited their review and recommendations. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various agencies, bureaus and divisions within the Department of Environmental Protection as well as the Board of Public Utilities. Also among these agencies were the Department of Community Affairs, the Department of the Public Advocate, the Department of Health, the Office of Recycling, the Department of Agriculture, the Department of Transportation and the New Jersey Turnpike Authority. Of these agencies, the following did not object to the proposed plan amendment: the N.J.D.E.P. Divisions of Parks and Forestry and Coastal Resources; the State Departments of Agriculture, Health, and Community Affairs; the Board of Public Utilities; the Office of Recycling; the New Jersey Turnpike Authority and the New Jersey Advisory Council on Solid Waste Management. The following agencies failed to respond to our requests for comments: the State Department of the Public Advocate; the Green Acres Program, and the U.S. Environmental Protection Agency. The Pinelands Commission, the N.J.D.E.P. Divisions of Environmental Quality, Water Resources, and Fish, Game and Wildlife, and the State Department of Transportation submitted substantive comments concerning the plan amendment.

The Pinelands Commission commented that the Puggi Landfill and the Anchor Disposal transfer station are located within the jurisdiction of the Pinelands Commission and, as such, must obtain Pinelands Commission approval. The Department's approval of engineering designs for these facilities will be contingent upon Pinelands Commission approval. The Division of Environmental Quality noted that air pollution control permits may be required of the Anchor Disposal transfer station. This issue will be addressed when the applicant submits an environmental and health impact study (EHIS). The Division of Water Resources commented that the Puggi Landfill and the Anchor Disposal transfer station may have to obtain New Jersey Pollution Discharge Elimination System permits. This issue will also be addressed in the EHIS stage of permit review. The Department of Transportation indicated that no data is available on the potential impact of truck traffic on U.S. Route 322 from the transfer station. This issue will be addressed when the applicant submits an EHIS. The Division of Fish, Game and Wildlife noted that the Birch Grove Park, city of Northfield, compost facility may impact wetlands and that mitigative efforts should be investigated. Atlantic County, in its plan amendment including the Birch Grove Park compost facility, specified that said inclusion was contingent upon positive efforts being taken to direct site drainage away from ponds in the park. This condition shall be further investigated by the Department prior to permit issuance.

In addition to the comments of the above noted agencies, the Division of Waste Management has reviewed and inspected each of the four proposed solid waste facilities. The Division's comments only pertain to the city of Northfield, Burton Avenue, compost facility. This site is located behind a shopping center and across the street from a school and, as such, may have adverse odor and noise impacts upon these sensitive receptors. Also, the small dimensions of the site may not permit proper windrow construction. These issues must be adequately addressed when the municipality submits a full application package to the Department for review.

C. Certification of Atlantic County District Solid Waste Management Plan Amendments

I, Richard T. Dewling, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq. and N.J.S.A. 13:1E-21, which established specific requirements regarding the contents of the district solid waste management plans, have reviewed the August 27, 1985 and September 24, 1985 amendments to the approved Atlantic County District Solid Waste Management Plan and certify to the Atlantic County Board of Chosen Freeholders that the August 27, 1985 and September 24, 1985 amendments are approved as further specified below.

The inclusion into the district plan of the Puggi Landfill, located on Block 203 C, Lots 8 and 9, in Egg Harbor Township is approved.

The inclusion into the district plan of the Anchor Disposal Inc. transfer station, located on Block 26B, Lot 19, in Egg Harbor Township is approved.

The inclusion into the district plan of the city of Northfield (Birch Grove Park) compost facility, located on Block 16, Lot 8, in the city of Northfield is approved.

The inclusion into the district plan of the city of Northfield (Burton Avenue) compost facility, located on Block 42, Lot 29, in the city of Northfield is approved.

The construction or operation of any facilities at these sites shall be preceded by the acquisition of all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq. and all other applicable laws such as Pinelands Commission approval. Issuance of construction and/or operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department to be fit and competent to manage such facilities.

The Department has reviewed the entire Atlantic County District Solid Waste Management Plan, including these amendments, to determine whether the plan fulfills the requirements set forth in N.J.S.A. 13:1E-21. The result of that review has been delineated in the Department's certification of Atlantic County's previous plan amendment. Specifically, the Department issued a Certification on December 31, 1985, to the October 22, 1985 Amendment to the Atlantic County Solid Waste Management Plan, that noted remaining deficiencies to the district plan. The December 31, 1985 certification also directed Atlantic County to remedy the noted deficiencies as soon as possible. Since these deficiencies must still be addressed, the district plan remains deficient with respect to the requirements of N.J.S.A. 13:1E-21b(3), (4), and (6) and the county is ordered to correct same in accordance with Section E. of this certification.

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 the within amendments to the Atlantic County District Solid Waste Management Plan and which was executed prior to the approval of these amendments and subsequent to the effective date of the Solid Waste Management Act (July 29, 1977), and which shall further be for a term in excess of one year, shall immediately be renegotiated in order to bring same into conformance with the terms and provisions herein set forth. Any solid waste collection operation or disposal facility registered by the Department of Environmental Protection and operating pursuant to a contract as herein described, shall be deemed to be in violation of these amendments and of the Atlantic County District Solid Waste Management Plan if such renegotiation is not completed within ninety (90) days of the effective date of

these amendments; provided, however, that any such registrant may, upon application to the Department of Environmental Protection, and for good cause shown, obtain an extension of time to complete such renegotiation.

2. Compliance

All solid waste facility operators and collector/haulers registered with the Department of Environmental Protection and operating within Atlantic County and affected by the amendments contained herein shall operate in compliance with these amendments and all other approved provisions of the Atlantic County District Solid Waste Management Plan. Any facility operator or collector/hauler who fails to comply with the provisions contained herein shall be deemed to be in violation of N.J.S.A. 13:1E-1 et seq., in violation of N.J.A.C. 7:26-1 et seq., and in violation of their registration to operate a solid waste facility or a collection system issued thereunder by the Department of Environmental Protection and shall be subject to the provisions and penalties of N.J.S.A. 13:1E-9, 10, and 12 and all other applicable laws.

3. Types of Solid Wastes Covered by the District Solid Waste Management Plans

The provisions of the Atlantic County District Solid Waste Management Plan shall apply to all solid wastes defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-2.13 and shall not apply to liquid wastes, sewage sludge, septage and hazardous wastes. Also, all non-hazardous materials separated at the point of generation for sale or reuse are excluded from the waste flows designated in the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6).

4. Certification to Proceed with the Implementation of Plan Amendments

This document shall serve as the certification of the Commissioner of the Department of Environmental Protection to the Atlantic County Board of Chosen Freeholders and pursuant to N.J.S.A. 13:1E-24C. and F., the county shall proceed with the implementation of the approved amendments contained herein.

5. Definitions

For the purpose of these amendments and unless the context clearly requires a different meaning, the definitions of terms shall be the same as those found at N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-1.4 and -2.13.

6. Effective Date of Amendments

The amendments to the Atlantic County District Solid Waste Management Plan contained herein shall take effect immediately.

7. Reservation of Authority

Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Atlantic County District Solid Waste Management Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan. The Department has published a Statewide Solid Waste Management Plan with appendices which includes the Department's planning guidelines and rules, regulations and orders of the Department, including the interdistrict and 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 and Notification of Deficiencies by the Commissioner of the Department of Environmental Protection

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve the amendments as outlined in Section C. of this certification, to the Atlantic County District Solid Waste Management Plan which were adopted by the Atlantic County Board of Chosen Freeholders on August 27, 1985 and September 24, 1985 and further direct the Atlantic County freeholders to remedy those deficiencies referenced in Section C. of this certification as soon as possible in accordance with the Administrative Consent Order entered with the Department on December 10, 1984.

DATE

3/24/86

  
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RICHARD T. DEWLING  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION