



STATE OF NEW JERSEY  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 ROBERT E. HUGHEY, COMMISSIONER  
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(IN THE MATTER OF CERTAIN AMENDMENTS)  
 (TO THE ADOPTED AND APPROVED SOLID )  
 (WASTE MANAGEMENT PLAN OF THE )  
 (ATLANTIC COUNTY SOLID WASTE )  
 (MANAGEMENT DISTRICT )

CERTIFICATION  
 OF THE OCTOBER 22, 1985  
 AMENDMENT TO THE ATLANTIC 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 October 22, 1985, adopted an amendment to its approved district solid waste management plan. The amendment provides for continued operation of the Pinelands Park Landfill beyond its present closure date of December 31, 1985, and authorizes the Atlantic County Utilities Authority to proceed with the necessary siting and implementation studies for development of a county resource recovery facility by 1990.

The amendment was received by the Department of Environmental Protection on November 12, 1985 and copies were distributed to various state level agencies for review and comment, as required by law. The Department has reviewed this amendment, as well as the entire Atlantic County District Solid Waste Management Plan, and has determined that the amendment adopted by the Atlantic County Board of Chosen Freeholders on October 22, 1985 is approved in part and rejected in part in accordance with 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 as noted below.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I, Robert E. Hughey, Commissioner of the Department of Environmental Protection have studied and reviewed the October 22, 1985 amendment 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 the portion of this plan amendment that is approved is fully consistent with the Statewide Solid Waste Management Plan.

In addition, the Division of Waste Management circulated the plan amendment to seventeen (17) 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, Water Resources and Fish, Game and Wildlife; the State Departments of Health, Agriculture, and Transportation; the Board of Public Utilities, the Pinelands Commission, the N.J. Turnpike Authority, and the N. J. Advisory Council on Solid Waste Management. The following agencies failed to respond to our requests for comment: the N.J.D.E.P. Divisions of Green Acres and Coastal Resources; the State Departments of the Public Advocate and Community Affairs; and the U.S. Environmental Protection Agency. The Division of Environmental Quality and the Office of Recycling submitted substantive comments concerning the plan amendment.

The Division of Environmental Quality (DEQ) commented that the closure plan for the Pinelands Park Landfill should include a gas venting and air pollution control system. Also, air contaminant emissions from leachate storage, treatment, and disposal must be addressed. Pinelands Park Landfill has no on-site leachate storage since leachate is discharged directly into a sewer line. Therefore this DEQ comment is not applicable. Regarding closure plans, the Department of Environmental Protection will be requiring the necessary safeguards at the landfill as part of post closure compliance and monitoring. The Office of Recycling indicated that Atlantic County municipalities should be required to implement mandatory recycling as a condition to continued use of Pinelands Park. Atlantic County currently has an active recycling program. However, this comment will be forwarded to the county for further consideration and possible implementation.

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

I, Robert E. Hughey, 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 October 22, 1985, amendment to the approved Atlantic County District Solid Waste Management Plan and certify to the Atlantic County Board of Chosen Freeholders that the October 22, 1985 amendment is approved in part and rejected in part as further specified below:

The continued operation of the Pinelands Park Landfill beyond its present closure date of December 31, 1985 is approved. The amendment designates the landfill as an interim solid waste facility for the disposal of certain Atlantic County wastes until a regional resource recovery facility and ash residual landfill are operational or until its total capacity of 5.08 million cubic yards is reached, whichever occurs first. The county is reminded that it must act expeditiously to designate another disposal site if the Pinelands Park Landfill reaches its approved capacity and must close prior to the operation of a resource recovery facility and ash residual landfill. The county has attached, as part of the plan amendment, fourteen (14) conditions for the continued operation of the Pinelands Park Landfill beyond December 31, 1985. The Department will approve condition 1, which deals with the landfill's capacity, a legitimate planning issue, but rejects conditions 2-14. The Department has determined that these conditions are inappropriate for inclusion within the plan amendment and are issues for negotiation between the county and the landfill's owners or are more appropriate in the form of amendments to the Certificate of Approved Registration and Engineering Design Approval for the Pinelands Park Landfill. Also, with respect to the county's concerns regarding access to Pinelands Park Landfill to continue to monitor landfill activities and obtain landfill data, Atlantic County is reminded that under the County Environmental Health Act (N.J.A.C. 26:3A2-21 et seq.) it is empowered to conduct inspections to enforce environmental health standards. Therefore, conditions 2-14 of the October 22, 1985 Atlantic County District Solid Waste Management Plan Amendment are rejected.

The plan amendment also addresses the issue of waste flows in the county. Atlantic County is reminded that the administrative consent order signed with the Department on December 10, 1984 required that the district properly identify waste flows to all existing and planned facilities. This has not been done and the current waste flows for Atlantic County do not reflect actual circumstances.

The authorization to the Atlantic County Utilities Authority to proceed with necessary siting and implementation studies for the development of a county resource recovery facility to be operational by 1990 is approved. The county is reminded that it has signed an administrative consent order with the Department which calls for operation of a resource recovery facility by March, 1990. The county should act expeditiously to recapture the lost time of the schedule for resource recovery facility implementation as specified in that order.

The Department has reviewed the entire Atlantic County District Solid Waste Management Plan, including this amendment, to determine whether the plan fulfills the requirements set forth in N.J.S.A. 13:1E-21. The result of that review is as follows:

1. N.J.S.A. 13:1E-21b(3) requires a site plan which shall include all existing solid waste disposal facilities located within the Solid Waste Management District . . . and sufficient additional available suitable sites to provide solid waste facilities to treat and dispose of the actual and projected amounts of solid waste contained in the report accompanying the plan.

Atlantic County has prepared a site plan which includes existing solid waste disposal facilities located within the District. By virtue of this amendment, the county is relying on the Pinelands Park Landfill as an interim disposal facility until a regional resource recovery facility and ash residual landfill are operating, or until its total capacity of 5.08 million cubic yards is reached, whichever occurs first. In the event that the permitted capacity of the Pinelands Park Landfill is reached prior to the operation of a resource recovery facility or a resource recovery facility is not in operation by August 8, 1990 when the Pinelands Park Landfill must close (due to its location within the Pinelands), Atlantic County will be without adequate disposal capacity since the remaining in-county municipal landfills lack the capacity to accommodate the district's waste. In light of this possible disposal crisis, Atlantic County signed an administrative consent agreement with the Department on December 10, 1984 requiring the selection of a landfill by December 31, 1984 and a resource recovery facility site by March 1, 1985. On December 31, 1984 the Atlantic County freeholders passed two separate resolutions selecting sites for both facilities, but plan amendments including these sites within the district plan have not been submitted for review by the DEP. This plan amendment authorizes the Atlantic County Utilities Authority to commence another resource recovery facility siting study. However, until such time as sufficient additional available suitable sites are identified and proposed for inclusion in the county plan by adoption of appropriate amendments, I find that Atlantic County has not complied with N.J.S.A. 13:1E-21b(3) and this section of the Atlantic County District Solid Waste Management Plan is deficient. Moreover, the county is not in compliance with the December 10, 1984 administrative consent order entered into with the Department.

2. N.J.S.A. 13:1E-21b(4) requires a survey of proposed collection districts and transportation routes with projected transportation costs from collection districts to existing or available suitable sites for solid waste disposal facilities.

Atlantic County has performed the following transportation surveys from collection districts to existing facilities; from municipalities to the two sites considered for a resource recovery facility (Federal Aviation

Administration Technical Center in Egg Harbor Township and the wastewater treatment plant in Atlantic City); and from municipalities to the four sites considered for a regional landfill (Amatol in Mullica Township, Arawak in Mullica and Hamilton Townships, Pancoast in Hamilton and Buena Vista Townships, and Betsy Scull in Egg Harbor Township). If none of the above sites are selected as the final resource recovery facility and landfill sites, Atlantic County will be deficient with respect to the provisions of N.J.S.A. 13:1E-21b(4).

3. N.J.S.A. 13:1E-21b(6) requires a method or methods of financing solid waste management in the solid waste management district pursuant to the solid waste management plan.

Atlantic County has not submitted to the DEP a specific plan for financing solid waste management within the district. Therefore, I find that Atlantic County has not complied with N.J.S.A. 13:1E-21b(6) and this section of the Atlantic County District Solid Waste Management Plan is deficient.

#### 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 the within amendment to the Atlantic County District Solid Waste Management 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 of Environmental Protection and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment 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 this amendment; 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 amendment contained herein shall operate in compliance with this amendment 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 Amendment

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 portions of the amendment contained 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 N.J.A.C. 7:26-1.4 and -2.13.

6. Effective Date of Amendment

The approved portions of the amendment 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 in Part and Rejection in Part 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 in part and reject in part the amendment as outlined in Section C. of

this certification, to the Atlantic County District Solid Waste Management Plan which was adopted by the Atlantic County Board of Chosen Freeholders on October 22, 1985, and further direct the Atlantic County freeholders to remedy those deficiencies outlined in Section C. of this certification as soon as possible in accordance with the administrative consent order signed with the Department on December 10, 1984.

DATE

12/31/85

  
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ROBERT E. HUGHEY

COMMISSIONER

DEPARTMENT OF ENVIRONMENTAL PROTECTION