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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 NOVEMBER 20, 1984 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 November 20, 1984, adopted an amendment to its approved District Solid Waste Management Plan. The amendment was received by the Department of Environmental Protection on December 4, 1984 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 November 20, 1984 is approved as provided in N.J.S.A. 13:1E-24. With regard to the District's Plan, while the requirements of the Act concerning the report have been met, the District's Plan remains deficient in some important ways.

B. 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 November 20, 1984 amendment to the approved Atlantic County District Solid Waste Management Plan and certify to the Atlantic County Board of Chosen Freeholders that the November 20, 1984 amendment is approved as further specified below.

The inclusion in the Plan of the Canale, Inc. compost facility, located on Block 53-E, Lots 3, 4, 5, 6, and 8 in the Township of Egg Harbor and the Mullica Township compost facility, located on Block 263, Lot 68 in the Township of Mullica is approved. The construction or operation of these facilities shall be preceded by the obtainment of all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq. and all other applicable laws. The 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 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(1) requires the designation of a department, unit, or committee of County government . . . to supervise the implementation of the County's Solid Waste Management Plan.

The approved Atlantic County Solid Waste Management Plan provides for the implementation of the District Plan to be shared among the Atlantic County Utilities Authority, the Atlantic County Division of Planning, and the Atlantic County Division of Public Health. Therefore, I find that Atlantic County has complied with N.J.S.A. 13:1E-21b(1).

2. N.J.S.A. 13:1E-21b(2) requires a statement of the solid waste disposal strategy to be applied . . . which strategy shall include the maximum practicable use of resource recovery procedures and a plan for using terminated landfill disposal sites . . . in the Solid Waste Management District.

The disposal strategy adopted by the County calls for development of a resource recovery facility, a regional landfill, and a county-wide recycling program. Also, the County has constructed a 12 ton/day

resource recovery facility in Hamilton Township. Therefore, I find that Atlantic County has complied with N.J.S.A. 13:1E-21b(2).

3. N.J.A.C. 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. The County is relying on the Pinelands Park Landfill as the primary disposal facility. However, according to an administrative consent agreement signed on November 10, 1982, the landfill is to cease operations as of December 31, 1985. Even if the facility continues operation beyond that date, Pinelands Park will provide only an interim disposal strategy since it must close by August 8, 1990 due to its location within the Pinelands. If the facility closes prior to new disposal facilities becoming operational, the District will be without adequate disposal since the remaining in-county municipal landfills lack the capacity to accommodate the County's waste. In light of this impending 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 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. At this time, neither site meets the requirements of the consent agreement. The landfill site (Pancoast in Buena Vista and Hamilton Townships) is identified within Atlantic County's resolution to accept only resource recovery residuals and to begin operation when a resource recovery facility is developed in 1990. No provision has been made for interim landfill disposal of the County's waste beyond December 31, 1985, the closure date of the Pinelands Park site. The selection of the resource recovery facility site (the Federal Aviation Administration Technical Center in Egg Harbor Township) has been rejected by the Federal Aviation Administration. Therefore, at this time, 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 with the Department.

4. 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 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). Therefore, I find that Atlantic County has complied with N.J.S.A. 13:1E-21b(4).

5. N.J.S.A. 13:1E-21b(5) requires procedures for coordinating all activities related to the collection and disposal . . . within the Solid Waste Management District, which procedures shall include the agreements entered into as provided herein between the Board of Chosen Freeholders . . . and every such person, and the procedures for furnishing the solid waste facilities contained in the Solid Waste Management Plan.

Since Atlantic County has existing disposal capacity (at least until the end of the year or longer depending upon the operational status of Pinelands Park Landfill), it is not necessary for Atlantic County to have interdistrict agreements with other districts. Therefore, I find that Atlantic County has complied with N.J.S.A. 13:1E-21b(5).

6. 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.

### C. 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) which are part of the Atlantic County District Solid Waste Management Plan.

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, as provided for by N.J.S.A. 13:1E-24f., to proceed with the implementation of the approved 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 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

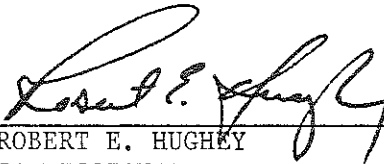
pursuant to its authority under the law. The Atlantic County District Solid Waste Management Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan. The Department has published a Statewide Solid Waste Management Plan with appendices which includes the 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.

D. Certification of Approval of the Amendment 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 amendment, as outlined in Section B of this Certification, to the Atlantic County District Solid Waste Management Plan which was adopted by the Atlantic County Board of Chosen Freeholders on November 20, 1984, and further direct the Atlantic County Freeholders to remedy those deficiencies outlined in Section B of this Certification as soon as possible in accordance with the Administrative Consent Agreement signed with the Department on December 10, 1984.

4/23/85

DATE



ROBERT E. HUGHEY  
COMMISSIONER

DEPARTMENT OF ENVIRONMENTAL PROTECTION