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STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
RICHARD T. DEWLING, Ph.D., P.E., 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 DECEMBER 16, 1986 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 Board 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 December 16, 1986 adopted an amendment to its approved district solid waste management plan.

The amendment was received by the Department of Environmental Protection on January 12, 1987, 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 December 16, 1986, is approved as provided in N.J.S.A. 13:1E-24. With regard to the district plan, 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 Amendment

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 December 16, 1986, 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 this plan amendment is consistent with the Statewide Solid Waste Management Plan.

In addition, the Division of Solid Waste Management circulated the plan amendment 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 Environmental Quality, Water Resources, and Parks and Forestry; the State Departments of Agriculture, Health, Community Affairs and Transportation; the Board of Public Utilities, 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 Divisions of Coastal Resources and Fish, Game, and Wildlife, the Office of Recycling, the State Department of Transportation and the Pinelands Commission submitted substantive comments which are further addressed below.

The Division of Coastal Resources commented that solid waste conservation techniques such as recycling, resource and energy recovery and volume reduction must be explored and proved infeasible before a new or expanded sanitary landfill, preferably at a regional scale, is deemed acceptable. In addition, Coastal Resources indicates that sanitary landfills must demonstrate that the leachate will not adversely impact the ground or surface waters. In response, Atlantic County on July 2, 1986 amended the county solid waste plan to include a resource recovery site on Dougherty Road in Egg Harbor Township, Atlantic County and, therefore, has taken the first significant step toward development of a high technology resource recovery facility. In addition, with the recent passage of the Mandatory Source Separation and Recycling Act, Atlantic County is required to prepare

and submit a detailed recycling plan. The issue of ground and surface water contamination must be addressed in the technical phase of the Department's permit process.

The Office of Recycling commented that the Buena Vista Township transfer station does not indicate the daily average throughput capacity or the waste types and composition of the waste to be handled. Also, not expressed were the materials to be recycled, the amount of materials expected to be recycled, and the markets to purchase or accept the recycled materials. Finally, the Office of Recycling commented that the Absecon transfer station needs to address the potential to recycle a variety of its bulky wastes (i.e., trees, appliances). In response, these issues must also be addressed in the technical phase of the Department's permit process.

The Division of Fish, Game, and Wildlife commented that expansions of Pinelands Park Landfill may impact snake species, notably the pine snake. In response, this issue must also be addressed during the technical phase of the Department's permit process.

The Department of Transportation commented that the establishment of a new facility, the upgrading of an existing facility, or the expansion of an existing driveway having direct access to a state highway, such as Route 9, would require an Access Permit from NJDOT. In addition, no mention is made concerning the compliance with New Jersey statute 39:3-84 regarding the use of the state highway system. In response, these issues must also be addressed during the technical phase of the Department's permit process.

The Pinelands Commission commented that in order to expand the landfill and operate it until 1992, Atlantic County must first seek a Waiver of Strict Compliance from the requirements of the Pinelands Comprehensive Management Plan. In response, Atlantic County must negotiate with the Pinelands Commission to obtain the Waiver of Strict Compliance for the expansion and extended operation of Pinelands Park beyond August 8, 1990.

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

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 December 16, 1987 amendment to the approved Atlantic County District Solid Waste Management Plan and certify to the Atlantic County Board of Chosen Freeholders that the December 16, 1986 amendment is approved as further specified below.

1. The Atlantic County Plan Amendment of December 16, 1986 allowing for the expansion of Pinelands Park Landfill located in Egg Harbor Township is approved. The amendment allows Pinelands Park Landfill to remain open for the interim period of 1988 to 1992 when the county's resource recovery facility will begin operation. The expansion of Pinelands Park Landfill is limited to a maximum of an additional 2.4 million cubic yards air space volume and shall not exceed an additional lift height of thirty (30) feet. Upon commencement of operation of the

Atlantic County's resource recovery facility, all solid waste directed to Pinelands Park shall be redirected to the resource recovery facility. Any approval for operation beyond August 8, 1990, is contingent upon the receipt of a Waiver of Strict Compliance from the Pinelands Commission pursuant to the requirements of the Pinelands Comprehensive Management Plan.

2. The Atlantic County Plan Amendment of December 16, 1986 allowing Cifaboglio, Inc. to operate a transfer station at block 5-E, lots 33 through 98; block 5-F, lots 33 through 98; and block 5-G, lots 33 through 66 and lots 68 through 98; in Buena Vista Township is approved. The Cifaboglio, Inc. transfer station must handle only waste types #10, 13, and 27 and only Cifaboglio, Inc. vehicles shall use the facility. The final floor elevation must be a minimum of six (6) inches above the top of the wastewater holding tank which shall be emptied on a regular basis.
3. The Atlantic County Plan Amendment of December 16, 1986 allowing the City of Absecon to operate a transfer station at block 72, lots 3 and 6 in Absecon is approved. The facility is to be used only by city employees only to transfer wastes to a specified container which shall be removed and emptied on a regular basis. The only waste type to be accepted at the transfer facility is type 13.

The construction or operation of any solid waste facility 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. Issuance of operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department and the Attorney General to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126 et seq.

4. 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:

- a. 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 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 still not formally adopted into the Atlantic County Plan a residual ash landfill for disposal of ash from the Doughty Road resource recovery site. Therefore, I find that Atlantic County has not complied with N.J.S.A. 13:1E-21b(3) and that this section of the Atlantic County District Solid Waste Management Plan is deficient.

- b. 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 that 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, 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 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 N.J.A.C. 7:26-2.13.

6. Effective Date of Amendment

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

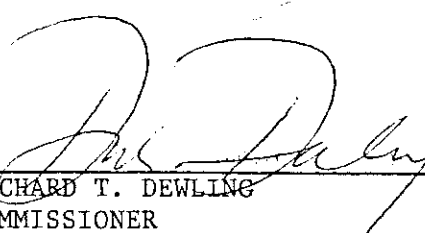
7. Reservation of Authority

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 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 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 December 16, 1986.

June 5, 1987
DATE



RICHARD T. DEWLING
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION