



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)
 (GLOUCESTER COUNTY SOLID WASTE)
 (MANAGEMENT DISTRICT)

CERTIFICATION OF APPROVAL
 OF THE FEBRUARY 15, 1984 AMENDMENT
 TO THE GLOUCESTER 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 September 26, 1980, the Department approved, with modification, the Gloucester 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 Gloucester County Board of Chosen Freeholders completed such a review and on February 15, 1984, adopted an amendment to its approved District Solid Waste Management Plan. The amendment was received by the Department of Environmental Protection on February 17, 1984 and copies were distributed to various state level agencies for review and comment, as required by law.

The Department has reviewed this amendment and has determined that the amendment adopted by the Gloucester County Board of Chosen Freeholders is approved in accordance with N.J.S.A. 13:1E-24.

B. Certification of Gloucester 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 Plan, have reviewed the February 15, 1984 amendment to the approved Gloucester County District Solid Waste Management Plan and certify to the Gloucester County Board of Chosen Freeholders that the February 15, 1984 amendment is judged in compliance with the requirements of N.J.S.A. 13:1E-21 and is hereby made a final approved part of the Gloucester County District Solid Waste Management Plan.

The interdistrict waste flow agreement with Salem County which was entered on December 21, 1983 by the Freeholders of Gloucester and Salem Counties is approved for inclusion in the Gloucester County Plan. This agreement provides for the disposal of all solid waste of those communities affected by the closure of the A. Clemente Inc. Landfill (DEP facility #1713A) and the Q.T. Solid Waste Disposal Area, Inc. (DEP facility #1711B). These waste flows were the subject of emergency solid waste redirection orders issued by the Department of Environmental Protection and the Board of Public Utilities on February 14, 1983 and June 30, 1983, respectively.

This interdistrict waste flow agreement includes the following provisions:

1. This Agreement shall be effective until December 31, 1988, with its beginning date identified retroactive as of February 14, 1983, pursuant to the effective date of the "Emergency Redirection of Solid Waste Flow" executed by the New Jersey Department of Environmental Protection and the New Jersey Board of Public Utilities directing certain waste types from specific municipalities to Kinsley Landfill, Inc., (DEP facility #0802B), located in Gloucester County, and shall terminate on or before December 31, 1988, as hereinafter provided.
2. The solid waste to be disposed of by Salem County in the Gloucester County facility shall not exceed 100,000 cubic truck yards per year and shall strictly conform to the provisions of permitted waste types and municipalities of origin called out in the aforementioned "Emergency Redirection of Solid Waste Flow."
3. Gloucester County shall in good faith, pursue negotiations with the County of Camden and the City of Philadelphia, and execute Interdistrict Waste Flow Agreements with these municipal corporations in a timely fashion.
4. It is recognized that Gloucester County is taking steps to reduce its total solid waste generation and usage of landfill capacity. It is further recognized that all users of Gloucester County's landfill capacity, to wit: Kinsley Landfill, Inc., have an equal responsibility to reduce their solid waste generation for final disposal at Kinsley Landfill. Therefore, as Gloucester County reduces its waste flow, Salem County agrees to reduce its waste flow to Kinsley Landfill in an amount at least equal to the percentage of reduction as achieved

by Gloucester County. This reduction would be annually reflected in the total volume of solid waste allotted to Salem County in Schedule 1. The basis for determining this reduction will be based on the New Jersey Department of Energy's Office of Recycling, recycling rebate program. Example: If in 1983 Gloucester County reduces its waste flow by 5%, Salem County's 1984 allotment would be reduced by 5%.

5. During the term of the Agreement, Gloucester County shall make and/or engage a consultant to make determinations and/or reports regarding the consumption of and remaining capacity of the Kinsley Landfill (DEP facility #0802B). Copies of these determinations and/or reports shall be promptly furnished to NJDEP, Division of Waste Management and to Salem County.
6. Salem County shall reimburse Gloucester County in a timely manner for the costs incurred in connection with the development and production of said monitoring of capacity. The amount of said reimbursements shall be based upon the percentage of Salem County's use of the Kinsley Landfill and will be determined according to the apportionment formula contained at Attachment 1 of this Agreement.
7. In order to assist Gloucester County's monitoring Salem County's compliance with paragraph (3) above, Salem County may at its option, provide Gloucester County with the following information on a timely basis:
 - (i) The number of trucks from each municipality covered by this agreement, that have utilized identified Gloucester County solid waste disposal facility.
 - (ii) The volume (in cubic yards) of solid waste delivered to the identified facility from each of directed municipalities.
 - (iii) To the extent possible identify the volume (in cubic yards) by waste type delivered to the identified facility.
8. Each County shall promptly initiate the procedures necessary to amend its respective plan to incorporate the terms of this Agreement.
9. Notwithstanding any other provisions hereof, this Agreement and all rights and/or duties created by this Agreement may be terminated upon ninety (90) days notice by either County, in the event of any one or more of the following:
 - (i) If the other County shall fail to comply with the terms and conditions of this Agreement, the Act, the Salem County Plan, the Gloucester County Plan and/or any relevant statute, rule, regulation, order and/or permit;
 - (ii) If, for any reason, whatsoever, Kinsley Landfill is unable to accept for disposal Covered Solid Waste generated within the Salem County Municipalities, Gloucester County is not responsible for designating alternative disposal facility within Gloucester County;

(iii) The non-availability of capacity for landfilling of solid waste beyond the available capacity required to meet Gloucester County's solid waste disposal needs until January 1, 1988.

(iv) If Gloucester County shall, in its reasonable opinion and with the concurrence of DEP, conclude that Salem County is not making sufficient progress towards full implementation of its landfill siting study, resource recovery or separations, except that in the event that Salem County is unable to make sufficient progress towards full implementation as a result of litigation or other acts beyond its control, Gloucester County shall not be entitled to exercise its termination rights provided herein during the period of time Salem County is unable to make such sufficient progress toward full implementation.

(v) A ruling by a court of competent jurisdiction that any term or condition of this Agreement is illegal or invalid.

10. In order to help preserve landfill capacity, Gloucester County, in its 1982 Solid Waste Management Plan Update proposed to implement a county-wide source separation recycling program involving Gloucester County municipalities whose waste is being disposed of in Gloucester County. Salem County shall develop and commence the implementation of recycling program within the Salem County municipalities directed to the Kinsley Landfill.

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 Gloucester 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 Gloucester 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 show, 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 Gloucester County and affected by the amendment contained herein shall

operate in compliance with this amendment and all other approved provisions of the Gloucester 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 Gloucester 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 Interdistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6) which are part of the Gloucester 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 Gloucester County Board of Chosen Freeholders, as provided for by N.J.S.A. 13:1E-24f., to proceed with the implementation 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 amendment to the Gloucester County District Solid Waste Management Plan contained herein shall take effect immediately.

7) Reservation of Authority

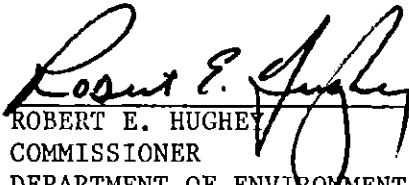
Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Gloucester County District Solid Waste Management Plan, including any amendment made thereto, shall conform with the Statewide 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 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 Gloucester County District Solid Waste Management Plan which was adopted by the Gloucester County Board of Chosen Freeholders on February 15, 1984.

7/3/84
DATE



ROBERT E. HUGHES
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION