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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)
(GLOUCESTER COUNTY SOLID WASTE)
(MANAGEMENT DISTRICT)

CERTIFICATION
OF THE MARCH 19, 1986
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 modifications, 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 March 19, 1986, adopted an amendment to its approved district solid waste management plan. The amendment includes the designation of a county landfill site located in South Harrison Township. An earlier plan amendment adopted by the Gloucester County Board of Chosen Freeholders on December 27, 1984 concerning this site was voided by a recent decision issued by the Appellate Court. This decision stated that

Gloucester County had violated specific provisions of the Open Public Meetings Act as part of their original site designation.

The amendment was received by the Department of Environmental Protection on March 24, 1986 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 on March 19, 1986 is approved as provided in N.J.S.A. 13:1E-24.

B. Findings and Conclusions with Respect to the Gloucester 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 March 19, 1986 amendment to the Gloucester 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 Waste Management circulated the plan amendment to sixteen 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 Health, Community Affairs, Transportation and Agriculture, 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 N.J.D.E.P. Division of Water Resources; the State Department of the Public Advocate; the Green Acres Program, and the U.S. Environmental Protection Agency. The N.J.D.E.P. Divisions of Environmental Quality and Fish, Game and Wildlife and the Board of Public Utilities submitted substantive comments which are further addressed below.

The Division of Environmental Quality commented that air pollution permits will be required at this facility pursuant to N.J.A.C. 7:27-8.2(a)16. Specifically, vents and air pollution control measures must be installed in accordance with the provisions of N.J.A.C. 7:27-5. The Temporary Certificate of Authority to Operate (TCAO) issued by the Department of Environmental Protection to the Gloucester County Improvement Authority on September 23, 1985 has incorporated conditions which address the issues raised by this review agency (Condition 33).

The Board of Public Utilities reiterated their comments submitted during the previous plan amendment concerning this site. These comments indicated that the December 27, 1984 plan amendment and this recent submission lack specific financial and economic data which the Board of Public Utilities requires in order to complete a review and offer comments on the proposed county landfill site in South Harrison Township. The applicant will provide the required economic and financial information when a petition for the establishment of

rates for waste acceptance at this facility is submitted to the Board of Public Utilities.

The Division of Fish, Game and Wildlife also reiterated their comments concerning the December 27, 1984 plan amendment which originally designated this site. They expressed concern that the proposed facility could have significant impacts to various wildlife and non-game endangered species located in the area, if mitigation measures to control leachate and sediment runoff were not implemented. Also, the agency indicated that proper surveys and mitigative measures for any wildlife habitats, which may be impacted during construction and operation of a landfill at this site, be included in the EIS. The concerns expressed by this agency were addressed during the acquisition approval phase of the Department's review process pursuant to N.J.S.A. 13:1E-26. In addition, as part of the TCAO, a specific condition (Condition 35) addresses the concern dealing with impacts to wildlife habitats during the construction and operation of the landfill facility.

C: Certification of the Gloucester 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 March 19, 1986 amendment to the approved Gloucester County District Solid Waste Management Plan and certify to the Gloucester County Board of Chosen Freeholders that the March 19, 1986 amendment is approved as further specified below.

The Gloucester County Board of Chosen Freeholders amended their county plan on December 27, 1984 to include the location of the county landfill at a site located in South Harrison Township. On January 10, 1985, Gloucester County submitted this plan amendment to the Department for consideration. The Department, after the completion of the required state level review process, approved the inclusion of this site into the county plan on February 1, 1985. On February 7, 1986, the Appellate Court voided this plan amendment because of Gloucester County's violation of specific provisions of the Open Public Meetings Act.

The Department has once again conducted the state level review process concerning the designation of the South Harrison site for the development of a county landfill facility and has determined the site designation to be appropriate. Therefore, the inclusion into the district plan of the site for the Gloucester County sanitary landfill facility located on Block 9, Lots 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 17, 18, 19 and 20 in South Harrison Township is approved. On September 23, 1985, the Department of Environmental Protection issued a Temporary Certificate of Authority to Operate (TCAO) to the Gloucester County Improvement Authority (GCIA) which permitted construction and operation of Phase I of the referenced sanitary landfill facility. However, the Gloucester County Improvement Authority is required to obtain full registration and engineering design approval for use beyond Phase I of this facility (Condition 32). 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 licensure under the provisions of N.J.S.A. 13:1E-126 et seq.

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 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 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 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 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 Gloucester 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 -2.13.

6. Effective Date of Amendment

The 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.

E. Certification of Approval 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 the amendment as outlined in Section C. of this certification, to the Gloucester County District Solid Waste Management Plan which was adopted by the Gloucester County Board of Chosen Freeholders on March 19, 1986.

DATE

4/23/86

Michael J. Catania, Deputy Commissioner
for
RICHARD T. DEWLING
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION