



State of New Jersey

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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 APRIL 11, 2000
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 of Environmental Protection (Department or DEP) approved, with modifications, the Gloucester County District Solid Waste Management Plan (County 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 a 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 a ten-year period.

The Act further provides that a district may review its County Plan at any time and, if found inadequate, a new County Plan must be adopted. The Gloucester County Board of Chosen Freeholders (County Freeholders) completed such a review and on April 11, 2000, adopted an amendment to its approved County Plan.

The April 11, 2000 amendment includes in the County Plan an increase in capacity through vertical expansion of the Gloucester County Improvement Authority (GCIA) landfill in South Harrison Township.

The amendment was considered administratively complete on April 26, 2000, and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this amendment and has determined that the amendment adopted by the County Freeholders on April 11, 2000 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 have studied and reviewed the April 11, 2000 amendment to the County 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 this regard, the County Freeholders are notified of the issues of concern relative to the April 11, 2000 which are included in Section B.2. below.

In conjunction with the review of the amendment, the Department circulated copies to fifteen administrative review agencies and solicited their review and comment. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various bureaus, divisions, and agencies within the Department. All agencies contacted are as follows:

Division of Parks and Forestry, DEP
Division of Fish, Game and Wildlife, DEP
Division of Compliance and Enforcement, DEP
Division of Water Quality Management, DEP
Division of Solid and Hazardous Waste, DEP
Office of Air Quality Management, DEP
Green Acres Program, DEP
Land Use Regulation Element, DEP
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Health and Senior Services
Department of Transportation
Department of Community Affairs
U.S. Environmental Protection Agency

1. Agency Participation in the Review of the April 11, 2000 Amendment

The following agencies did not object to the proposed amendment:

Division of Fish, Game and Wildlife, DEP
Division of Compliance and Enforcement, DEP
Division of Water Quality Management, DEP
Green Acres Program, DEP
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Community Affairs

The following agencies did not respond to our requests for comment:

Division of Parks and Forestry, DEP
Office of Air Quality Management, DEP
Land Use Regulation Element, DEP
Department of Health and Senior Services
Department of Transportation
U.S. Environmental Protection Agency

The following agency provided substantive comments as shown in Section B. of the certification document:

Division of Solid and Hazardous Waste, DEP

2. Issues of Concern Regarding the April 11, 2000 Amendment

Issue: Historical Background of the GCIA landfill

The GCIA landfill was initially included in the County Plan via an amendment dated March 19, 1986 and certified by the Department on April 23, 1986. The landfill was identified as located on Block 9, Lots 1-5, 9-13, and 17-20 in South Harrison Township. The landfill was originally designed and expected to hold approximately 3.5 million cubic yards of waste and be available until the year 2015. In response to court rulings de-regulating solid waste flow within the State of New Jersey, the GCIA, in addition to re-procuring disposal services for waste types acceptable for incineration and bypass waste, has been forced to accept residual ash waste, non-processible waste and C & D waste in order to generate sufficient funds to satisfy its financial obligations. As a result, the GCIA has had to substantially increase waste flow at the landfill at rates significantly lower than previously charged. This increase in waste flow has averted an economic crisis but has had the effect of utilizing the original available capacity of the landfill

more quickly than originally planned.

Issue: Financing the GCIA Landfill Expansion

The GCIA currently has outstanding \$18,905,000 of County guaranteed solid waste revenue bonds relating to the acquisition and construction of the landfill. The bonds are secured by revenues derived from the operation of the landfill. Annual debt service on the bonds is approximately \$2,700,000. The GCIA does not plan to issue any additional bonds to finance the improvements to the landfill set forth in this amendment. The GCIA plans to finance the annual debt service payments on the bonds and the improvements to the landfill through revenues generated by the landfill through its contract with Wheelabrator and other individual contracts for the disposal of residual ash waste, non-processible waste, and C & D waste. Based upon current data, the GCIA projects that revenues generated from the disposal of waste at the landfill will be sufficient to pay debt service on the bonds and pay operational and other costs related to the operation of the landfill.

C. Certification of the Gloucester County District Solid Waste Management Plan Amendment

In accordance with N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-21, which establishes specific requirements regarding the contents of the district solid waste management plans, I have reviewed the April 11, 2000 amendment to the approved County Plan and certify to the County Freeholders that the April 11, 2000 amendment is approved as further specified below.

The County Plan inclusion of the vertical expansion of the GCIA landfill located on Block 9, Lots 1-5, 9-13, and 17-20 in South Harrison Township, Gloucester County, is approved. The facility will continue to receive by-pass waste from the Wheelabrator Resource Recovery Facility in West Deptford, as well as residual ash waste, non-processible waste and C & D waste. The expansion, limited to the 54-acre landfill footprint, will increase the elevation of the landfill from 168 feet to 229 feet on Lots 1-3, 10-13, 17-20, and portions of lots 4, 5 and 9, Block 9. The expansion will increase the landfill capacity by an additional 3.2 million cubic yards, which, based on current waste flow projections, will provide a useful life of the landfill until approximately 2012.

The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals pursuant to N.J.S.A. 13:1E-1 et seq., and all other applicable laws. The issuance of operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department and the Attorney General of the State of New Jersey to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126.

The applicant must apply to the Department for a modification of its existing solid waste facility permit to authorize a capacity expansion and the facility's continued operation. This certification shall not be construed as an expression of the Department's intent to issue a solid waste facility

permit modification for any proposed facility or operation.

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 this amendment to the County 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 and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the County 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, and for good cause shown, obtain an extension of time to complete such renegotiation.

2. Compliance

All solid waste facility operators and transporters registered with the Department and operating within the County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the County Plan. Any facility operator or transporter 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 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 Plan

The provisions of the County 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 including waste types 10, 13, 23, 25, and 27 and all applicable subcategories and shall not apply to liquid and hazardous wastes. All nonhazardous materials separated at the point of generation for sale or reuse are subject to regulation in accordance with N.J.A.C. 7:26A-1 et seq.

4. Certification to Proceed with the Implementation of the Plan Amendment

This document shall serve as the certification of the Commissioner of the Department to the County Freeholders and pursuant to N.J.S.A. 13:1E-24c. and f., the County shall proceed with the implementation of the approved amendment certified 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 -99.12, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of the Amendment

The amendment to the County Plan contained herein shall take effect immediately.

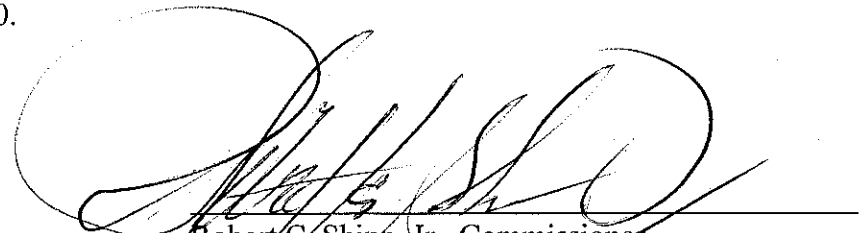
7. Reservation of Authority

Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, 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 April 11, 2000.

7/17/00
Date


Robert C. Shinn, Jr., Commissioner
Department of Environmental Protection