



STATE OF NEW JERSEY
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 OFFICE OF THE COMMISSIONER
 CN 402
 TRENTON, N.J. 08625
 609 - 292 - 2885

(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 APRIL 18, 1984 AND
 DECEMBER 19, 1984 AMENDMENTS 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 April 18, 1984 and December 19, 1984, adopted amendments to its approved District Solid Waste Management Plan. These amendments were received by the Department of Environmental Protection on January 24, 1985 and February 9, 1985 and copies were distributed to various state level agencies for review and comment, as required by law.

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

B. Certification of the Gloucester County District Solid Waste Management Plan Amendments

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 April 18, 1984 and December 19, 1984 amendments to the approved Gloucester County District Solid Waste Management Plan and certify to the Gloucester County Board of Chosen Freeholders that the April 18, 1984 and December 19, 1984 amendments are approved as further specified below.

The interdistrict waste flow agreement with Camden County which was entered on April 18, 1984 by the freeholders of Gloucester County and on October 25, 1984 by the freeholders of Camden County, is approved for inclusion in the Gloucester County Plan. This agreement provides for the disposal of all solid waste generated from those Camden County communities identified in N.J.A.C. 7:26-6.5(h)5(i), (ii) and (iii) at the Kinsley's Landfill, Inc., facility number 0802B, located in Deptford Township, Gloucester County pursuant to the terms specified in the agreement.

The inclusion of the Administrative Consent Order concerning the implementation of solid waste facilities in Gloucester County, which was approved by the Gloucester County Board of Chosen Freeholders on December 19, 1984 and signed by the Commissioner of the Department of Environmental Protection on March 12, 1985, is approved for inclusion in the Gloucester County Plan.

The inclusion within the Plan of the following compost facilities, located in Franklin Township and Washington Township is approved: the Franklin Township Compost Facility located on Block 65, Lots 4 and 5, and the Washington Township Compost Facilities located at Block 199 Lot 4C, Block 199 Lot 15 and Block 193, Lot 2AA. The construction or operation of any facilities at these sites shall be preceded by the obtaining of all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq. and all other applicable laws. 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.

C. Other Provisions Affecting the Plan Amendments

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) which are part of the Gloucester County District Solid Waste Management Plan.

4) Certification to Proceed with the Implementation of Plan Amendments

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 amendments contained herein.

5) Definitions

For the purpose of these amendments 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 Amendments

The approved amendments to the Gloucester County District Solid Waste Management Plan contained herein shall take effect immediately.

7) Reservation of Authority

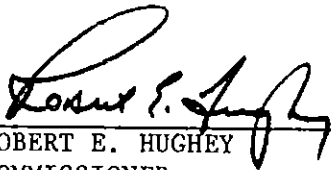
Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Gloucester County District Solid Waste Management Plan, including any amendment made thereto, shall conform with the Statewide 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 amendments, as outlined in Section B of this Certification, to the Gloucester County District Solid Waste Management Plan which were adopted by the Gloucester County Board of Chosen Freeholders on April 18, 1984 and December 19, 1984.

6/6/85

DATE



ROBERT E. HUGHEY
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF WASTE MANAGEMENT
32 E. Hanover St., CN 028, Trenton, N.J. 08625

DR. MARWAN M. SADAT, P.E.
DIRECTOR

LINO F. PEREIRA, P.E.
DEPUTY DIRECTOR

MEMORANDUM

TO: George J. Tyler, Assistant Commissioner
for Environmental Management and Control

FROM: Dr. Marwan M. Sadat, Director
Division of Waste Management

SUBJECT: Briefing on the Adopted Amendments to the Gloucester County District
Solid Waste Management Plan

I. Background

On December 19, 1984, the Gloucester County Board of Chosen Freeholders signed an Administrative Consent Order. Salient points of the Order are: designation of a county landfill, ownership and financing of the landfill, siting of a resource recovery facility and ownership and financing of this facility. In response to this Order, the Freeholders adopted an amendment to the District Plan on December 19, 1984, which incorporated this Order and four compost facilities located in the Townships of Franklin and Washington. The amendment was considered complete on January 24, 1985 and copies were circulated for state level review on January 31, 1985. A second request for comments from agencies that had not responded was sent on March 24, 1985.

Also, on April 18, 1984, the Gloucester County Board of Chosen Freeholders adopted an amendment to their District Solid Waste Management Plan to formalize an interdistrict waste flow agreement with Camden County. However, because the Camden County Board of Chosen Freeholders did not sign this agreement until October 25, 1984, the Gloucester County Board of Chosen Freeholders were unable to submit their plan amendment upon adoption. Instead, this amendment was submitted and considered complete on February 9, 1985. Copies of this amendment were circulated for state level review on February 21, 1985. A second request for comments from agencies that had not responded was sent on April 4, 1985. Since two amendments were received from Gloucester County, we have decided to consolidate these amendments into a single Certification.

II. Purpose of the Amendments

The Gloucester County Plan amendments under review address all the deficiencies specified in the signed Order, provide for the inclusion of four compost facilities within the Townships of Franklin and Washington, and authorize the inclusion of an interdistrict waste flow agreement with Camden County. This agreement allows continued disposal at Kinsley's Landfill, Inc., located in Deptford Township for those Camden County municipalities whose solid waste is directed to this facility in accordance with the requirements of the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6.1 et seq.). This agreement is for a period of eighteen months which commenced on January 1, 1984. Also, this interdistrict agreement establishes a limit on the amount of solid waste (1,109,975 cubic truck yards/year) which can be disposed of at Kinsley's Landfill by Camden County within the specified timeframe. As noted earlier, the comparable Camden County Plan Amendment has been approved by the Commissioner certifying the interdistrict agreement.

III. Proposed Action by the Department

The Commissioner, on March 12, 1985, signed the Administrative Consent Order which is proposed for inclusion in this amendment. Also, as noted, we have previously approved an interdistrict waste flow agreement between Gloucester and Camden Counties. Therefore, it is recommended that the amendments be approved as provided in the attached correspondence.

IV. State Level Comments

A.1. The following state level review agencies had no objections to the amendment concerning the inclusion of the Administrative Consent Order:

- Division of Parks and Forestry
- Division of Fish, Game and Wildlife
- Department of Community Affairs
- Department of Agriculture
- Department of Transportation
- New Jersey Advisory Council on Solid Waste Management
- New Jersey Turnpike Authority

A.2. The following state level review agencies had no objections to the amendment concerning the interdistrict waste flow agreement:

- Division of Fish, Game & Wildlife
- Division of Parks and Forestry
- Bureau of Ground Water Discharge Permits, DWR
- Department of Transportation
- Department of Community Affairs
- New Jersey Turnpike Authority

B.1. The following state level review agencies provided specific comments on the plan amendment concerning the Administrative Consent Order:

- Division of Coastal Resources - "Reserves comments on the amendment.

Three sites are presently under consideration for the location of a resource recovery facility: National Park and West Deptford. When a definitive site is chosen, this Division would request that a site plan be forwarded for review and comment at that time, since we have jurisdiction in both of the above municipalities." (DWM Note: Any formal application for a resource recovery facility which is submitted to DWM will include a site plan and be forwarded to the Division of Coastal Resources by the DWM Engineering Element for review under standard operating procedures.)

Office of Recycling - ". . . recommends that any such approval be contingent upon the county adopting, at a minimum, the state goal of recycling 25% of municipal solid waste." (DWM Note: An Order issued by Gloucester County Superior Court on November 13, 1984 requires all municipalities, including those from Gloucester County who use this facility to develop and implement mandatory recycling programs.)

Division of Water Resources, Bureau of Ground Water Discharge Permits - "The proposed Gloucester County DSWMP amendment has been reviewed by the Residuals Management Section of the BGWDP. The amendment includes the Administrative Consent Order describing the schedule for planning, permitting, and operation of a landfill facility and a resource recovery facility.

The landfilling facility is acceptable from the viewpoint of this office. Appropriate NJPDES permits will be required from this Bureau for the monitoring of groundwater surrounding the facility. It should also be noted that landfilling of sewage sludge has ceased as of March 15, 1985, pursuant to N.J.A.C. 7:14A-2.5; and N.J.S.A. 13:1E-42. This facility should not be considered for disposal of waste I.D.#'s 12, 73 and 74 (except in emergency cases, where approved by the Department).

However, this amendment is not acceptable to this office for the following reason: The resource recovery facility mentioned in the ACO is described in the attached "Resolution Authorizing Execution of Consent Agreement. . ." as a composting facility located in the Township of Franklin and Washington, to be used for composting of "certain identified wastes". These waste types are not specified in the ACO or in the attached resolution. Until these waste types are identified, consistency with plans and programs administered by this office cannot be determined." (DWM Note: The amendment includes into the Gloucester County Plan, four compost facilities located in the Townships of Franklin and Washington. These compost facilities are proposed for composting of vegetative waste, known as waste I.D.#23, and are separate from the resource recovery facility identified in the ACO. Therefore, the comment by the Division of Water Resources is out of context.)

Department of Health - "The Environmental Health Program (EHP) at the New Jersey State Department of Health (DOH) has reviewed the Administrative Consent Order which provides for the Gloucester County Solid Waste Management Plan to fulfill the requirements of the Solid Waste Management Act. The document outlines the types of solid waste disposal facilities that the county plans to construct and it gives the dates that the facilities will be operational.

The State Health Department strongly supports the technology of resource recovery, recycling and reclamation as the major technologies for waste disposal and treatment. We see landfilling as a "last resort" technology which is necessary for certain wastes. In order to reduce the volume of wastes disposed in a landfill, we support baling, shredding and compacting of trash. In the case of both resource recovery and landfilling, we strongly support the use of transfer stations which reduce the frequency of hauling trash loads.

The Gloucester County Plan includes a new type of technology in the state; residents will have to be educated and informed about resource recovery. We think that it is extremely important that the public be given sufficient opportunity to review impact studies and to comment on the suitability of sitings.

Because of the differences among the various types of waste facilities planned, we think that it is appropriate for EHP to state only on general areas of concern; they are:

1. Appropriate environmental monitoring of the site and the nearby community before and after the sites are established.
2. Establishment of worker and community health and safety plans for regular and emergency circumstances.
3. Channels of communication through which the community is informed of sampling results and operating conditions.

4. A structure of authority to control sites which includes representatives of the community.

In conclusion, EHP finds the plans in the Consent Order Agreement acceptable. When specific sites are chosen, we will comment on the potential for health effects upon request." (DWM Note: Many of the concerns expressed by this agency are addressed in the environmental impact statement and engineering designs for any proposed solid waste facility which will be distributed to the EHP when received.)

Board of Public Utilities - ". . . This plan amendment consists of an Administrative Consent Order between the D.E.P. and Gloucester County. This agreement sets forth a schedule for the county to follow in which an interim landfill site will be selected, approved, constructed, and made operational by November 15, 1985. There is also a timetable which requires construction of a resource recovery unit to begin by June 1, 1986. Adoption of and adherence to this Order will bring the county into conformance with the Solid Waste Management Act.

It is impossible to make a specific economic review on the plan as submitted. This is occasioned by the fact that the plan amendment lacks the necessary financial data which could serve as a basis for a review and permit staff to establish and determine the economic impact which would have meaning to the Commissioner for final determination on the plan amendment." (DWM Note: At a recent meeting hosted by DWM, John Pislor offered oral and written guidance to all coordinators

regarding the type of economic/financial data which the Board would like to see in plan amendments. We are hopeful that future amendments will be drafted in conformance with that guidance and address the BPU's concerns. To correct the BPU's comment, the ACO specifies that a resource recovery facility is to be in operation by April 1, 1990 and does not give a milestone date for the beginning of construction as indicated in the BPU's comment.)

- B.2. The following state level review agencies provided specific comments on the plan amendment regarding the inclusion of an interdistrict waste flow agreement with Camden County.

Office of Recycling - ". . . The agreement allows Camden County to use Kinsley Landfill for 18 months providing the amount does not exceed 1,109,975 cubic yards and that Camden County will reduce its solid waste in an amount equal to Gloucester County municipalities.

The Office of Recycling recommends that the solid waste to be reduced through recycling be at least 25% of municipal solid waste to conform with the state goal." (DWM Note: An Order issued by Gloucester County Superior Court on November 13, 1984 requires all municipalities who utilize Kinsley's Landfill to implement mandatory recycling programs. Also, Camden County has submitted a plan amendment to the Department for review which requires all county municipalities to implement mandatory recycling programs.)

Division of Coastal Resources - ". . . Agreement involves waste flow between Camden and Gloucester County which utilize Kinsley Landfill. No construction proposed -- appears that Division would have no regulatory jurisdiction. If expansion or construction is proposed, the Division reserves the right to reassess recommendations." (DWM Note: If any expansion of this facility is proposed, the Division of Coastal Resources will be given the opportunity to comment under standard DWM Planning and Engineering review procedures.)

Department of Agriculture - ". . . Key concern would be if any new Gloucester County landfills are established such as South Harrison, there might be a negative agricultural impact by traffic through an agricultural area." (DWM Note: The concerns expressed by this agency will be addressed when the environmental impact statement for the South Harrison site is prepared by Gloucester County.)

New Jersey Advisory Council on Solid Waste Management - ". . . stated that when counties are required to negotiate interdistrict agreements, the Department should enforce the requirement, even if it means instituting legal action against those counties. The Department should take an active role in achieving compliance among those counties who are required to have interdistrict agreements." (DWM Note: The Department has required counties to negotiate interdistrict waste flow agreements for use of disposal facilities in other districts. Also, the Department has instituted litigation to require counties which have not implemented their plans, to begin implementation of these plans.)

Department of Health - ". . . The Environmental Health Program (EHP) at the New Jersey State Department of Health (NJSDOH) reviewed the interdistrict wasteflow agreement between Camden County and Gloucester County which provides for Camden County to dispose of wastes at Kinsley Landfill for an eighteen month period commencing January 1, 1984. Since the period in question is more than half completed, it is realized that giving comments is after-the-fact.

The EHP commends Gloucester County on their present attempts to site a county landfill; conversely, because Camden County has failed to choose a site, to date, they must still rely on Kinsley in Gloucester County. We at EHP accept the interim agreement for Camden County to use Kinsley with the understanding that Camden County will comply with the Solid Waste Management Act by siting a county landfill and that, at the present time Camden will make every effort to reduce the waste stream by the use of recycling and reclamation." (Note: No response necessary at this time.)

Board of Public Utilities - ". . . A review of the amendment of the above District Plan results in our conclusion that it is difficult, if not impossible, to make a specific economic review on the plan as submitted. This is occasioned by the fact that the plan lacks the necessary financial data which could serve as a basis for a review and permit staff to establish and determine the economic impact which would have meaning to the Commissioner for a final determination on the plan." (DWM Note: At a recent meeting hosted by DWM, John Pislro offered oral and written guidance to all coordinators regarding the type of economic/financial data which the Board would like to see in plan amendments. We are hopeful that future amendments will be drafted in conformance with that guidance and address BPU's concerns.)

- C.1. The following state-level review agencies failed to respond to our requests for comment on the plan amendment concerning the Administrative Consent Order:

~~Division of Green Acres~~
 Division of Environmental Quality
 Office of the Public Advocate

- C.2. The following state-level review agencies failed to respond to our requests for comments on the plan amendment concerning the interdistrict waste flow agreement:

Division of Green Acres
 Division of Environmental Quality
 Office of the Public Advocate

V. Schedule for Certification

The amendment concerning the Administrative Consent Order (ACO) was considered complete on January 24, 1985. Therefore the Commissioner has 150 days, or until June 21, 1985 to approve, modify or reject the amendment. The amendment regarding the interdistrict waste flow agreement

with Camden County was considered complete on February 9, 1985. Hence, the Commissioner has 150 days, or until July 8, 1985 to approve, modify or reject this amendment. As drafted, the combined amendment Certification must, of course, be signed by the earlier deadline, June 21.

PR5/ch
Attachment