



State of New Jersey
Department of Environmental Protection and Energy
Office of the Commissioner
CN 402
Trenton, NJ 08625-0402

Jeanne M. Fox
Acting Commissioner

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 MAY 5, 1993
AMENDMENT TO THE GLOUCESTER COUNTY
DISTRICT SOLID WASTE MANAGEMENT PLAN

BY ORDER OF THE ACTING 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 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, 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 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 May 5, 1993, adopted an amendment to its approved County Plan. As adopted, the plan amendment includes a Safetec Z-5000 Medical Waste Processing/Disinfection System for the treatment of medical waste at Kennedy Memorial Hospital, Washington Township division and a blanket policy for inclusion of medical waste facilities in the County Plan.

The amendment was received by the Department of Environmental Protection and Energy (Department or DEPE) on June 1, 1993 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this amendment, as well as the entire County Plan, and has determined that the amendment adopted by the County Freeholders on May 5, 1993 is approved in part and rejected in part 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 May 5, 1993 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 the approved portion of this plan amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders and the applicant are also notified of the issues of concern relative to the May 5, 1993 amendment which are included in Section B.2. below.

In conjunction with the review of the amendment, the Department circulated copies to sixteen 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. These agencies are the following:

Office of Air Quality Management, DEPE
Land Use Regulation Element, DEPE
Wastewater Facilities Regulation Element, DEPE
Division of Parks and Forestry, DEPE
Division of Fish, Game and Wildlife, DEPE
Division of Solid Waste Management, DEPE
Green Acres Program, DEPE
Pinelands Commission
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Health
Department of Transportation
Department of Community Affairs
Department of the Public Advocate
U.S. Environmental Protection Agency

1. Agency Participation in the Review of the May 5, 1993 Amendment

The following agencies did not object to the proposed plan amendment:

Division of Parks and Forestry, DEPE
Green Acres Program, DEPE
Pinelands Commission, DEPE
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 the Department's requests for comments:

Land Use Regulation Element, DEPE
Division of Fish, Game and Wildlife, DEPE
Department of Health
Department of Transportation
Department of the Public Advocate
U.S. Environmental Protection Agency

The following agencies submitted substantive comments which are further addressed below:

Office of Air Quality Management, DEPE
Division of Solid Waste Management, DEPE
Wastewater Facilities Regulation Element, DEPE

2. Issues of Concern Relative to the May 5, 1993 Amendment

Issue: Safetec Z-5000 Medical Waste Processing/Disinfection System

The proposal of the Washington Township division of Kennedy Memorial Hospital to install a Safetec Z-5000 Medical Waste Processing/Disinfection System for the treatment of medical waste requires the facility to register as a medical waste destination facility pursuant to N.J.A.C. 7:26-3A.8. Also, an air pollution control permit from the Department will be required pursuant to N.J.A.C. 7:27-8.2(a)16. Additionally, for such a system, the Department of Health has established efficacy guidelines which are now required as part of the Department's permitting process. Further, the use of crushers, chippers and shredders will necessitate the control of particulate emissions to the air and, pursuant to N.J.A.C. 7:27-8.2(a), 7, 11, 15, and 16, air pollution control permits are required. Finally, if the operation of the proposed facility will discharge pollutants as defined in N.J.A.C. 7:14A-1.9, the facility must obtain a New Jersey Pollutant Discharge Elimination System Permit and/or a Treatment Works Approval for Pollutant discharge prior to operation.

Issue: Blanket Inclusion Policy of Medical Waste Facilities

The amendment proposed a blanket policy for inclusion of medical waste facilities within the County Plan. In the Solid Waste Management State Plan Update 1993-2002, Section II: Comprehensive Regulated Medical Waste (RMW) Management Plan, the DEPE has established a disposal strategy hierarchy for RMW. The hierarchy represents a listing in descending order of the options the DEPE views as the best management practices to safely dispose of RMW in environmentally sound and economical ways and to achieve self-sufficiency as quickly as possible.

All future plan amendments which propose inclusion of medical waste facilities will be reviewed within the context of this RMW management hierarchy. The DEPE's disposal strategy hierarchy is as follows:

1. County management strategies which include regional planning for the use of existing or planned RMW processing/treatment/disposal capacity on a multicounty basis through interdistrict agreements;
2. Strategies which demonstrate the capacity and timeframes for achieving self-sufficiency through more efficient use of existing in-county RMW disposal capacity at state-of-art hospital and other facilities such as microwaves, chemical disinfection and grinding systems, upgraded incinerators and sanitary sewer systems;
3. Plans for the development of new commercial or noncommercial disposal capacity on a singular countywide basis;
4. Plans for the development of new commercial or noncommercial disposal capacity for use by a single large generator;
5. Plans which call for the merger of RMW disposal within the existing solid waste infrastructure of the county through revision of existing regulations to allow for the acceptance of untreated RMW; and,
6. Out-of-state disposal which will only be acceptable as a short-term option pending development of in-state capacity and which will not be authorized for long-term use other than as part of a broad county contingency plan.

Each facility proposed by a County will be evaluated by the DEPE in relation to the RMW disposal hierarchy on a case by case basis in the plan amendment phase. As part of any future amendment for RMW facility inclusion, the County must indicate how the facility fits into the overall RMW plan being developed and provide a rationale, where appropriate, for why more preferred management options within the above hierarchy are not being pursued. Therefore, the DEPE cannot approve any blanket inclusion policy for RMW facilities that would preclude the opportunity to review such facilities on a case by case basis. However, the DEPE has approved the inclusion of the Kennedy Memorial Hospital unit since the County Freeholders adopted the amendment on May 5, 1993 and the public hearing for the RMW Plan, which marked the effective date of this new policy, was not held until May 26, 1993.

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 May 5, 1993 amendment to the approved County Plan and certify to the County Freeholders that the May 5, 1993 amendment is approved in part and rejected in part as further specified below.

1. May 5, 1993 Amendment

a. **Safetec Z-5000 Medical Waste Processing/Disinfection System**

The County Plan inclusion of the Safetec Z-5000 Medical Waste Processing/Disinfection System to be installed at the Washington Township division of the Kennedy Memorial Hospital, Gloucester County is approved. The unit will process needles, syringes, scalpels, glass, hard plastics, and containers of bodily fluids or pathology specimens. Approximately 400 pounds per week is the expected processing rate. The disposal of all residue processed by the Safetec Z-5000 Medical Waste Processing/Disinfection System shall be in conformance with the County Plan and the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6.6 et seq.).

b. **Blanket Inclusion Policy of Medical Waste Facilities**

The County's policy regarding the blanket inclusion of medical waste facilities is rejected. As stated in Section B.2. of this certification, the Solid Waste Management State Plan Update 1993-2002, Section II: Comprehensive Regulated Medical Waste Management Plan has established a disposal strategy hierarchy for RMW. Each facility will be evaluated by the DEPE in relation to the RMW disposal hierarchy on a case by case basis in the plan amendment phase. The DEPE cannot approve any blanket inclusion policy for RMW facilities that would preclude the opportunity to review such facilities on a case by case basis.

2. Gloucester County District Solid Waste Management Plan Deficiency

a. **Expanded Materials Separation Prior to Incineration**

The Department has also reviewed the entire County Plan focusing upon the existing incinerator operations and the need to remove additional constituents from the incoming waste stream to ensure a reduction in facility emissions; in particular mercury. The Department is committed to the use of best available air pollution controls at existing facilities, as well as the application of the most stringent standards within permits. The Department, as part of the "Task Force on Mercury Emissions Standard Setting" (Mercury Task Force), is currently working toward development of a statewide mercury emission standard for municipal solid waste incinerators, involving both air quality control technologies and

identification and implementation of specific measures to reduce the content of mercury in the solid waste stream. The mercury task force completed its preliminary report, which includes an evaluation of both environmental and health issues and technical and regulatory issues, in August 1992 and distributed this document for public comment through November 1992. A public hearing on the preliminary report was held on October 26, 1992. The Department recently published the findings and recommendations of the Mercury Task Force in the final report on proposed mercury emission standards in July 1993. The Department will continue to work closely with incinerator operators to have system modifications installed to implement use of best available control technology.

The County planning process must complement the future installation of more advanced air pollution control equipment and intended permit modifications to ensure necessary reductions in mercury from the solid waste stream. As a result of the efforts of the Mercury Task Force and the referenced public hearing process, the Department is considering implementation of an interim and final mercury emission standard of 65 and 28 mg/dscm. From the task force's technical research, available air pollution control equipment can result in significant reductions (up to 80%) of mercury based upon current emission levels. A portion of this emission standard will be achieved through source reduction programs as manufacturer's redesign their products to eliminate or minimize mercury content. Source separation programs will also remove mercury from the processible waste stream. Therefore, in order to fully achieve interim and final standards of 65 and 28 mg/dscm, it will be necessary for counties that dispose of solid waste in incinerators to develop plans and schedules for the removal of sources of mercury from the waste stream.

Toward the above goal, the County is hereby ordered to submit a report to the Department within 120 days of this certification which outlines plans and specific timetables for the removal of materials of concern from the incoming solid waste stream. At a minimum, the plan must address:

- * Efforts already being used by the County for removal of discarded products which contain hazardous substances or constituents from the waste stream, particularly mercury;
- * Specific plans and timeframes for the removal and separate management of dry cell batteries, fluorescent light bulbs, thermometers, mercury switches, and thermostats, all of which contain mercury and other heavy metals, particularly cadmium and lead;
- * An inventory of potential generators of the above materials, such as jewelers, hospitals and large commercial/institutional/industrial buildings and plans for education and separate collection/drop-off of these materials;
- * Specific plans and timeframes for the removal of wallboard, grass and other yard wastes from the incoming waste stream toward further reducing sulphur dioxide (SO₂) and nitrogen oxide (NO_x) emissions;

- * An inventory of large generators of wallboard and plans for education and separate collection/drop-off and disposal (nonincineration) of this material;
- * Plans for implementing a combination of the Department's "Grass: Cut-it and Leave-it" programs, backyard composting and/or compost facility development or expansion plans to include management of grass clippings. This must include an inventory of existing facilities which accept grass for composting, as well as a listing of all landscapers operating within the County;
- * Specific plans and timeframes for developing comprehensive recycling and waste diversion programs which support the prohibition from acceptance at the incinerator of paints, tires, electronics and vehicular materials, such as batteries, from the residential, commercial, institutional and industrial sectors to further reduce the potential for toxic materials entering the facility; and
- * Specific plans and schedules for expanding existing household hazardous waste collection programs and/or the development of a permanent household hazardous waste collection facility and management program for the County.

This report must be submitted within 120 days of this certification and is not required to be submitted in plan amendment form. Department staff within the Division of Solid Waste Management and the Recycling and Planning Program will be available at any time to assist the County.

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 and shall not apply to liquid wastes, sewage sludge, septage, and hazardous wastes. All nonhazardous 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 set forth at N.J.A.C. 7:26-6, but 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 Acting 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 portion of the 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 and -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of the Amendment

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

7. Reservation of Authority

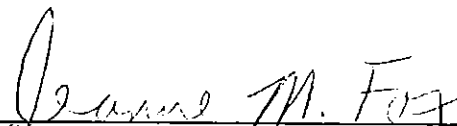
Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan. The Department has published a Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, 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 in Part and Rejection in Part of the Amendment and Notification of Deficiency by the Acting Commissioner of the Department of Environmental Protection and Energy

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve in part and reject in part 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 May 5, 1993. I hereby also require, as noted in Section C., the Gloucester County Board of Chosen Freeholders to address the noted deficiency within the timeframe specified.

Oct. 28, 1993

DATE



JEANNE M. FOX
ACTING COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND ENERGY

2047