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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 NOVEMBER 26, 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 Board 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 November 26, 1986, adopted an amendment to its approved district solid waste management plan.

The amendment proposed for inclusion into the Gloucester County District Solid Waste Management Plan eight (8) sites for the disposal of tree stumps which are generated during the construction of New Jersey State Highway, Route 55.

The amendment was received by the Department of Environmental Protection on January 27, 1987, and copies were distributed to various state level agencies for review and comment, as required by law. The Department has reviewed this amendment, as well as the entire Gloucester County District Solid Waste Management Plan, and has determined that the amendment adopted by the Gloucester County Board of Chosen Freeholders on November 26, 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 November 26, 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 Solid Waste Management circulated the plan amendment to seventeen 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 Environmental Quality, Parks and Forestry, and Coastal Resources; the State Departments of Agriculture, Community Affairs, Health, and Transportation; the Board of Public Utilities, the New Jersey Turnpike Authority, the Pinelands Commission, and the New Jersey Advisory Council on Solid Waste Management. The following agencies failed to respond to our requests for comments: 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 Water Resources and Fish, Game and Wildlife, and the Office of Recycling submitted substantive comments which are further addressed below.

The Division of Water Resources has noted that there are no construction plans for these disposal sites, and that no specific information is given concerning the impact that these facilities will have on the quality of ground water. The Division states that all eight sites are considered to be separate landfills, that all landfills are required to have a minimum of three downgradient and one upgradient monitoring wells, (N.J.A.C. 7:14A-6.3 (a)1,2) and that all will require a New Jersey Pollutant Discharge Elimination System (NJPDDES) permit for the site. The Division also considers the location of the wells to be a major issue in determining the affect these disposal sites will have on the ground water. The Division of

Water Resources recommends that this amendment not be approved. In place of these eight disposal sites, the Division recommends that the tree stumps be taken to a landfill authorized to accept Type 13 wastes, such as the Gloucester County Solid Waste Complex. Finally, the Division of Water Resources believes that the risk of unregulated dumping will become high if the tree stumps are deposited in eight, uncontrolled-access sites. Therefore, if no landfills exist that will receive this waste (such as the Gloucester County Solid Waste Complex) the Division recommends that these eight sites be consolidated into one controlled access site.

In response, since this is a planning document, detailed design and environmental impact assessment information is neither expected nor required. Further, with regard to the designation of these sites as landfills, N.J.A.C. 7:26-1.7(e) identifies specific criteria for exempting on-site disposal of vegetative waste from registration requirements specified in N.J.A.C. 7:26-2. Therefore, if these eight (8) sites can comply with the criteria specified in N.J.A.C. 7:26-1.7(e), they may be exempted from registering with the Department's Division of Solid Waste Management as landfills. However, since neither this certification nor the exemption from registration automatically exempts these sites from other permit requirements, the county should advise the project sponsor to coordinate with the appropriate permitting agencies in order to prevent delays in project development during subsequent permit acquisition stages.

The Division of Fish, Game and Wildlife has stated that they have no concern provided the sites do not disturb wetlands, and provided proper soil erosion standards and final cover are in accord with Soil Conservation District plans.

In response, as the plan amendment approval by the Gloucester County Board of Chosen Freeholders has been conditioned upon full compliance with all applicable regulations pertaining to the disposal of waste at the eight sites, and upon the applicant meeting all New Jersey Department of Environmental Protection permit requirements, this comment has been addressed.

The Office of Recycling has suggested that the rental of a mobile tub grinder be investigated as an alternative to burial of these stumps. The Office of Recycling has information on this option and can be contacted at (609) 292-0331. If it is determined that this alternative is not cost effective, then the Office of Recycling finds this plan amendment to be consistent with the state's recycling goals.

In response, the comments of the Office of Recycling are hereby relayed to the Gloucester County Solid Waste Management District for their consideration and use.

C. Certification of 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 November 26, 1986, amendment to the approved Gloucester County District Solid Waste Management Plan and certify to the Gloucester County Board of Chosen Freeholders that the November 26, 1986 amendment is approved as further specified below.

The amendment to the Gloucester County Solid Waste Management Plan to include eight sites located in the right-of-way of Route 55 (sections 9G, 10D, 11D, and 12E) in Franklin Township for the disposal of tree stumps generated during the construction of Route 55 in Gloucester County is approved. However, the construction and operation of the facilities must be preceded by the acquisition of all necessary federal, state, and local permits required for this type of activity.

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, 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 N.J.A.C. 7:26-2.13.

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, Richard T. Dewling, 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 November 26, 1986.

4/27/87
DATE

Richard T. Dewling for
RICHARD T. DEWLING
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION