



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
JERRY FITZGERALD ENGLISH, COMMISSIONER  
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(IN THE MATTER OF THE ADOPTED AND)  
(MODIFIED SOLID WASTE MANAGEMENT )  
(PLAN OF THE MORRIS COUNTY SOLID )  
(WASTE MANAGEMENT DISTRICT )

CERTIFICATION OF APPROVAL  
WITH MODIFICATION OF THE  
MORRIS 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. as amended by C. 326, Laws of 1975) determines, among other things, "...that the management of solid waste in New Jersey consists largely of piecemeal, uncoordinated activities developed to meet the immediate needs of local government with little, if any, regard for regional planning and coordination..." and that "...the solid waste planning and management process is adversely affected by the absence of area-wide structures...." The Act addressed these and other findings by establishing "...a statutory framework within which all solid waste collection, disposal and utilization activity..." in New Jersey would be coordinated. This framework includes the designation of each of New Jersey's twenty-one counties and the Hackensack Meadowlands District as a Solid Waste Management District. Each District is authorized, either singly or jointly with one or more other Districts, to formulate and develop a comprehensive Solid Waste Management Plan. Following development, the resulting Plan is submitted by the District to the public for comment at an informational hearing. Thereafter, the District must adopt or reject, in whole or in part, the Solid Waste Management Plan.

After adoption of a Plan in whole or in part by a District, the Plan is then submitted to the Commissioner of the Department of Environmental Protection for review and final approval. The Commissioner has authority to modify, reject or approve such Plans and, in the final analysis, the Commissioner is authorized to adopt and promulgate any modification or replacement she deems necessary with respect to the Solid Waste Management Plan.

In order to establish a meaningful and responsible role for the State in the solution of solid waste problems, the Act grants broad powers to the Department of Environmental Protection. This includes the power "...to regulate and supervise all solid waste collection and disposal facilities and operations...", "...to register all persons engaged in the collection or disposal of solid waste...", "...to develop through a Statewide solid waste management plan objectives, criteria and procedures to assure the orderly preparation and evaluation of the [district] solid waste management plans...", "...to approve, modify or reject such solid waste management plans on the basis of their conformity with such objectives, criteria and procedures...", and "...to develop and implement such a plan where none is approved or forthcoming from any solid waste management district...."

Specifically, the solid waste planning process includes five stages. These include the promulgation of guidelines by the Department of Environmental Protection, Plan formulation by the Districts, public hearings on the Plans developed by the Districts, adoption of the Plan by the District, and approval, rejection or modification of the Plan by the Department of Environmental Protection.

At the beginning of the planning process, the Department of Environmental Protection set forth guidelines for the formulation and development of District Solid Waste Management Plans.\* The guidelines contain planning objectives, planning schedules and specific tasks to be addressed in the planning process. The objectives identified in the guidelines include the protection and enhancement of environmental quality and the conservation of natural resources. Through these objectives, the Department encouraged District Plans which would provide for the termination of existing solid waste disposal operations which cannot be upgraded to meet environmental standards, the provision of alternative services and facilities capable of meeting environmental standards and conservation of natural resources by the implementation of waste reduction techniques and resource recovery systems.

In order to achieve these objectives, the Department of Environmental Protection has and continues to encourage the development of a comprehensive regional scheme to ensure recovery systems and environmentally sound disposal facilities. To this end, the Commissioner of the Department of Environmental Protection, after study and review, issued a Certification of Modification to the Adopted Solid Waste Management Plan of the Morris County Solid Waste Management District on May 13, 1980. The Certification required the Morris County Solid Waste Management District to, among other things, develop a schedule for resource recovery implementation and negotiate interdistrict agreements with other Solid Waste Management Districts to provide those Districts with additional disposal capacity.

On December 30, 1980, the Department of Environmental Protection received the adopted modifications to the Morris County Solid Waste Management Plan. The Department has studied and reviewed the Plan and its modifications in accordance with the Solid Waste Management Act. Based on the results of this review and evaluation, I have determined that the Morris County District Solid Waste Management Plan be granted approval as amended by the modifications adopted herein and promulgated by me (see N.J.S.A. 13:1E-24).

B. Solid Waste Management Plan Accomplishments

The Morris County District Solid Waste Management Plan has been reviewed by the Department of Environmental Protection and other State-level agencies and, with the District's adopted modifications along with the replacement modifications herein set forth, provides for environmentally sound solid waste management in Morris County. I am confident that with the implementation of this Plan, a comprehensive solid waste management program will be established in Morris County.

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\*"Guidelines for the Development and Formulation of District Solid Waste Management Plans," New Jersey Department of Environmental Protection, Solid Waste Administration (Trenton, August 1977).

The Plan, adopted on December 12, 1979, calls for the development of a resource recovery facility employing refuse derived fuel technology with a capacity of 1,000 tons per day (TPD). Of this capacity, 600 TPD would be imported from Sussex and/or Warren Counties. The other 400 TPD would be generated by the western half of Morris County. Waste from the eastern half of the County, approximately 700 TPD, are to be exported to the Passaic County resource recovery facility, according to the Plan. In addition, the Plan calls for the development of a resource recovery facility by the Lakeland Regional Solid Waste Management Authority serving the Morris County municipalities of Butler, Kinnelon and Pequannock. Although a resource recovery implementation schedule was not provided as required by the Certification of Modification, the modifications promulgated herein require the development of such a schedule by August 1, 1981.

The waste flow scenarios appearing in the Plan modifications indicate the County's desire to implement a new County landfill by 1983. Although I agree that new, interim disposal capacity is required for Morris County, I am directing that the new landfill be operational by January 31, 1982, and that County immediately explore other disposal options, including out-of-county facilities.

The Plan contains provisions for the reevaluation of a transfer station system in 1982. The current cost effectiveness analyses indicate that transfer station systems are marginally not cost effective. An advantage of completing a cost effectiveness analysis for transfer stations in 1982 is that final site selection information for facilities will be available at that time.

The Plan contains provisions for the County to promote an intensive educational program and encourage municipalities throughout the County, with State assistance, to increase the understanding and level of acceptance needed to make source separation successful. The County will work to implement the Statewide Plan developed by the State Advisory Council on Recycling.

In addition, the Plan recognizes the need to uniformly distribute disposal cost throughout the District so as to reflect the environmental costs of improving solid waste facilities, encourage the development of resource recovery alternatives and provide for the orderly flow of waste.

C. Approved Morris County District Solid Waste Management Plan

I, Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq., do hereby approve the following elements of the adopted Morris County District Solid Waste Management Plan, and the Modifications adopted by the Morris County Board of Chosen Freeholders on December 23, 1980.

1) Data Base

The basic data utilized in the Plan is approved. However, as further data, particularly in the area of solid waste generation and composition becomes available as part of the District's resource recovery feasibility studies, such data will supercede existing data, and be made part of any Plan revision or update.

2) Transfer Station Strategy/Schedule

The Plan's transfer station strategy/schedule is approved.

3) Recycling/Source Separation Program

The recycling/source separation program outlined in the Plan is approved.

4) Public Participation Program

The Plan's public education and participation program is approved.

5) Sludge and Septage

The Plan shall conform with any Rules and Regulations of the Department concerning sludge and septage.

D. Modifications Adopted and Promulgated by the Commissioner Pursuant to N.J.S.A. 13:1E-1 et seq. and Made an Approved Part of the Morris County District Solid Waste Management Plan

I, Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq., do hereby adopt and promulgate the following modifications to the Morris County District Solid Waste Management Plan and certify to the Morris County Board of Chosen Freeholders that the modifications contained herein are hereby made a final approved part of the Morris County District Solid Waste Management Plan.

1) Modifications Adopted and Promulgated by the Commissioner

The following modifications are adopted and promulgated by me and shall take effect on May 1, 1981.

- a) All solid wastes, with the exception of those noted in Section D.2)c) herein, shall be directed to solid waste facilities as set forth in the modifications adopted by the Morris County Board of Chosen Freeholders on December 23, 1980, table 1-1 pages 1 and 2. However, Wharton shall continue to utilize the Wharton Sanitary Landfill, facility number 1439A, located in Wharton, Morris County, New Jersey until operations cease (operations are expected to cease on June 30, 1981). Thereafter, Wharton shall conform with the waste flow set forth in the modifications adopted by the Morris County Board of Chosen Freeholders. In addition, the Union County municipalities of New Providence and Summit shall also utilize the Combe Fill Corporation Landfill, facility number 1407A, located in Chester Township, Morris County, New Jersey. These waste flows shall continue until the new Morris County landfill is operational, as provided for herein, unless, prior to the implementation of the Morris County landfill, as further provided herein, Morris County determines that all or part of these waste flows shall be directed to other, interim disposal facilities.
- b) The Morris County Board of Chosen Freeholders are directed to immediately review the adequacy of these waste flows with particular emphasis on the ability of the Combe Fill Corporation landfill in

Chester Township to accept these wastes. These studies are to be completed no later than May 1, 1981, and shall include an assessment of traffic impacts, environmental impacts, and the capacity of the Combe Fill Corporation landfill to continue receiving these waste flows.

- c) The Morris County Board of Chosen Freeholders are further directed to immediately explore other disposal options in the event that it is determined that the Combe Fill Corporation landfill in Chester Township cannot adequately dispose the waste flow directed to it. Other disposal options to be explored shall include the use of new or existing facilities both within and outside of Morris County.
- d) It has become obvious that additional disposal capacity must be acquired to accommodate Morris County's solid waste subsequent to the closing of the Combe Fill Corporation Landfill, facility number 1427A, located in Mount Olive, Morris County, New Jersey. The County shall therefore, comply with the schedule outlined below in order to assure that a site(s) capable of handling Morris County's solid waste (including those wastes generated from within the Union County municipalities of New Providence and Summit, the Essex County municipality of Essex Fells, and if need be the Somerset County municipalities of Bedminster, Bernards, Bernardsville, Far Hills and Peapack-Gladstone) is available for use by January 31, 1982.

Schedule for Landfill Implementation:

March 15, 1981 - List of potential sites in Morris County

April 1, 1981 - Preliminary screening of sites

May 1, 1981 - Assessment and selection of sites

June 1, 1981 - Acquisition of site(s)

September 1, 1981 - Obtain necessary permits

January 31, 1982 - Begin operation

The District shall make status reports to the Department of Environmental Protection concerning its progress in meeting these milestones. Status reports shall be submitted to the Department's Solid Waste Administration on April 1, 1981, June 1, 1981, August 1, 1981, October 1, 1981, and December 1, 1981.

- e) In the event that the resource recovery facility proposed by the Lakeland Regional Solid Waste Management Authority becomes operational, all processable\* solid waste generated in the Morris County municipalities of Butler, Kinneelon and Pequannock, shall

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\*Processable solid waste is that part of the solid waste stream which can be processed through a resource recovery facility.

be disposed of at the facility. Residues and non-processable\*\* solid waste shall be disposed of at landfills designated in the first two year update of the Morris County Solid Waste Management Plan.

- f) By prior directive of the Department of Environmental Protection, dated May 28 and 29, 1980, registered collector/haulers and state and local governments which import solid wastes into New Jersey for disposal were required to enter into disposal agreements with the appropriate New Jersey Solid Waste Management District as a condition for the continued utilization of the Districts' solid waste disposal facilities. The requirements for such agreements are substantially similar to the planning requirements placed by the Department on sister Solid Waste Management Districts which import solid wastes into Morris County for disposal. These requirements were contained in previously issued Certifications of Modification and by the adopted modifications issued to other Solid Waste Management Districts.

Pursuant to the directive of the Department on May 28 and 29, 1980, all such agreements with out-of-state generators and/or collector/haulers shall be finalized by the effective date of the Plan Modifications (May 1, 1981). After this date, any out-of-state generators and/or collector/haulers who have failed to enter into an agreement with Morris County for disposal under the directives of May 28 and 29, 1980, shall be precluded from utilizing disposal facilities within the Morris County Solid Waste Management District at least until the Department of Environmental Protection is furnished with the following information and makes an assignment for the use of remaining and uncommitted disposal capacity, if any, within the Morris County Solid Waste Management District:

- type(s) of solid waste to be imported,
- quantity of solid waste to be imported, and
- period of time that the solid waste is to be imported.

- g) The Plan shall include a schedule (including specific milestones) for the completion of indepth studies necessary for resource recovery implementation and an indication of who will undertake the studies, an estimate of their cost, and how the studies will be funded. The schedule shall be submitted to the Department by August 1, 1981. The studies shall include, as a minimum, the following:

- the means for securing agreements/contracts for markets for materials and energy (including those for source separation/recycling),
- final assessment of available resource recovery technology (including co-disposal) and an evaluation of cost/benefits,

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\*\*Non-processable solid waste includes that part of the waste stream which cannot be processed through a given resource recovery facility and solid wastes resulting from emergency back-up procedures.

- final determination of specific facility site(s), including lot and block numbers,
- collection of more reliable solid waste generation and composition data and justification for facility capacity,
- identification of legal and institutional constraints and solutions thereto,
- projections of both capital and operating costs and the method of financing them,
- environmental assessment of potential sites,
- determination of capacity needs and facility locations for the disposal of resource recovery residuals, for emergency backup and for non-processable wastes,
- identification of a detailed resource recovery implementation schedule which will ensure the completion of Morris County's resource recovery facility by January 1, 1986, and
- identification of the authorized County implementation agency(ies) for both short and long term solid waste management in Morris County.

2) Other Provisions Effecting the Plan Modifications

a) Contracts

Nothing contained in these Modifications shall be construed as to interfere with, or in any way modify, the provisions of any contract for solid waste collection or solid waste disposal in force in any solid waste management district upon the effective date of this Act (July 29, 1977); provided, however, as set forth at N.J.S.A. 13:1E-29 no renewal of any such contract upon the expiration or termination of the original term thereof, and no new contract for solid waste collection or solid waste disposal, shall be entered into after the effective date of this act, unless such renewal or such new contract shall conform with the applicable provisions of the approved solid waste management plan, as set forth herein, of the relevant solid waste management district or unless such contract is approved by the Commissioner.

Any contract renewal or new contract for solid waste collection or solid waste disposal which was executed prior to the approval of the within modifications to the Morris County District Solid Waste Management Plan 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 these Modifications and of the Morris County District Solid Waste Management Plan if such renegotiation

is not completed by the effective date of these Modifications (May 1, 1981); 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.

b) Compliance

All solid waste facility operators registered with the Department of Environmental Protection and operating within Morris County and effected by the Modifications contained herein shall operate in compliance with these Modifications and all other approved provisions of the Morris County District Solid Waste Management Plan. Any facility operator 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 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.

c) Types of Solid Wastes Covered by the Morris County District Solid Waste Management Plan Modifications

The Modifications contained herein shall apply to all "solid wastes" generated within the identified County municipalities, as defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-2.5.27 and with the exceptions of liquid wastes, sewage sludge, septage, hazardous wastes, oil spill clean-up waste, infectious waste and those wastes separated and recovered at the point of generation.

d) Certification to Proceed with the Implementation of Plan Modifications

This Document shall serve as the Certification of the Commissioner of the Department of Environmental Protection to the Morris County Board of Chosen Freeholders, as provided for by N.J.S.A. 13:1E-24f., to proceed with the implementation of the Modifications contained herein.

e) Definitions

For the purpose of these Modifications 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 -2.5.27.\*

f) Effective Date of Modifications

The adopted and promulgated Modifications to the Morris County

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\*Note: In a municipal collection system where commercial and residential solid wastes are collected together, the wastes shall be considered, for the purposes of District solid waste planning, as residential solid waste.



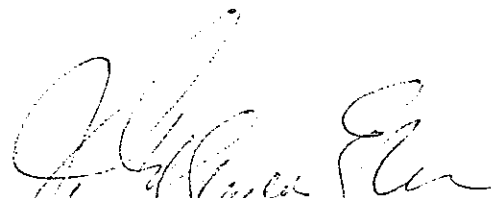
District Solid Waste Management Plan contained herein shall take effect on May 1, 1981, with the exception of Sections D.1)b), c), and d) which shall take effect immediately.

- g) 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 Morris County District Solid Waste Management Plan shall conform with the Statewide Solid Waste Management Plan. The Statewide Solid Waste Management Plan includes the Department's Planning Guidelines and rules, regulations, and orders of the Department, and will include the compilation of individual District Plans and modifications as they are approved.\*\*

E. Certification of Approval and Adoption and Promulgation of Modifications 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 Morris County District Solid Waste Management Plan and its adopted modifications, subject to the modifications and replacements contained and adopted herein.

29 January 1981  
DATE

  
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JERRY FITZGERALD ENGLISH  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

\*\*The Commissioner may adopt modifications to the approved District Plans in the Statewide Solid Waste Management Plan when it is promulgated.