

Let's protect our earth



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
RICHARD T. DEWLING, Ph.D., P.E., 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 )  
(OCEAN COUNTY SOLID WASTE )  
(MANAGEMENT DISTRICT )

CERTIFICATION  
OF THE OCTOBER 7, 1986  
AMENDMENT TO THE OCEAN 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 July 31, 1980, the Department approved, with modifications, the Ocean 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 Ocean County Board of Chosen Freeholders completed such a review and on October 7, 1986, adopted an amendment to its approved district solid waste management plan.

The amendment proposes the deletion of a site in Lacey Township and the inclusion of a site in Ocean Township (Waretown) as the location of the district's resource recovery facility, and the revision of intermediate dates for the development schedule of the resource recovery facility as specified in the Administrative Consent Order signed by Ocean County and the Department on September 27, 1984.

The amendment was received by the Department of Environmental Protection on October 28, 1986, 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 Ocean County District Solid Waste Management Plan, and has determined that the amendment adopted by the Ocean County Board of Chosen Freeholders on October 7, 1986, is approved as provided in N.J.S.A. 13:1E-24.

B. Findings and Conclusions with Respect to the Ocean 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 October 7, 1986, amendment to the Ocean 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 sixteen 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. Division of Parks and Forestry, the State Departments of Agriculture, Health, Community Affairs, and Transportation; the Board of Public Utilities, the Green Acres Program, the Office of Recycling, and the New Jersey Advisory Council on Solid Waste Management. The following failed to respond to our requests for comments: the N.J.D.E.P. Division of Water Resources; the State Department of the Public Advocate; the Pinelands Commission and the U.S. Environmental Protection Agency. The N.J.D.E.P. Divisions of Coastal Resources, Environmental Quality and Fish, Game and Wildlife submitted substantive comments which are further addressed below.

The Division of Fish, Game and Wildlife commented on its concerns regarding site containment of runoff since releases could jeopardize downstream aquatic resources. In response, this issue will be addressed during the technical review phase of the Department's permit process.

The Division of Coastal Resources (DCR) commented that the applicant must obtain a Coastal Area Facility Review Act Permit from the DCR. In response, this issue will be addressed during the technical phase of the Department's review process. Also, by copy of this certification, Ocean County is notified of this requirement.

The Division of Environmental Quality (DEQ) commented that the DEQ must issue a Prevention of Significant Deterioration Permit for the proposed facility and that air quality simulation modeling will be needed to determine the effect on ambient air quality. In response, this issue will also be addressed during the technical phase of the Department's review process. Further, by copy of this certification, Ocean County is notified of this requirement.

The Division of Solid Waste Management has reviewed the amendment and has comments concerning the revisions to the Administrative Consent Order schedule. Specifically, milestone numbers 22 and 23 should be clarified to include the submission of final engineering designs (number 22) and the approval of final engineering designs (number 23). The modified Administrative Consent Order is enumerated in Section C.2.

C. Certification of Ocean 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 October 7, 1986, amendment to the approved Ocean County District Solid Waste Management Plan and certify to the Ocean County Board of Chosen Freeholders that the October 7, 1986 amendment is approved as further specified below.

1. The inclusion within the district plan of Blocks 410-435, all Lots, in the Township of Ocean, and the deletion from the district plan of Block 1001, Lots 4 and 4.01, in the Township of Lacey as the site of the district's resource recovery facility, are approved. The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq. and all other applicable laws. Issuance of operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department and the Attorney General to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126 et seq.
2. The inclusion within the district plan of a revision in the intermediate dates for the development schedule of the resource recovery facility as specified in the Administrative Consent Order signed by Ocean County and the Department on September 27, 1984 is approved with modifications as indicated below (modifications are underlined). Milestone numbers 1 through 13 and 24 through 32 remain unchanged.

Revised Administrative Consent Order Schedule

<u>Milestone</u>	<u>Description</u>
* 14.	Not later than February 1, 1987, the county shall submit to the Department the Preliminary EHS for the resource recovery facility.
15.	Not later than April 1, 1987, the Department shall complete its review and issue its decision on approval of the Preliminary EHS.
16.	Not later than July 1, 1987, the county shall adopt amendments to its Solid Waste Management Plan specifying ownership and a financial plan for the procurement and implementation of its resource recovery facility.
17.	Not later than November 1, 1987, the Department shall complete its review and render its decision on approval of the county's plan amendments.
18.	Not later than December 1, 1987, the county shall acquire any necessary property or interests therein for the resource recovery facility.
19.	Not later than January 1, 1988, the county shall release a request for proposals for design, construction and operation of the resource recovery facility in accordance with the approved ownership and financing plan.
20.	Not later than April 1, 1988, the county shall designate a vendor for the resource recovery facility.
21.	Not later than July 1, 1988, the county or its designated vendor shall complete negotiations and award a contract for design, construction and operation of the resource recovery facility.
22.	Not later than January 1, 1989, the county or its designated vendor shall submit to the Department the final EHS, <u>final engineering designs</u> and complete applications for all necessary permits relative to the resource recovery facility.
23.	Not later than November 1, 1989, the Department shall complete its review and render its decision on approval of the final EHS, <u>final engineering designs</u> and permit issuance.
*	It should be noted that Ocean County has already failed to meet milestone number 14. The county is hereby directed to pursue achievement of this milestone as expeditiously as possible and maintain compliance with the remaining milestones specified within the Administrative Consent Order schedule as modified herein. As a result of the county missing the compliance date of milestone number 14, it is unlikely that the Department can comply with milestone number 15. However, the Department shall attempt to comply with the two month review period specified for the Preliminary EHS.

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 Ocean 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 Ocean 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 Ocean County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Ocean 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 Ocean 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 Ocean 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 Ocean 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 Ocean 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 hereby approve the amendment as outlined in Section C. of this certification, to the Ocean County District Solid Waste Management Plan, which was adopted by the Ocean County Board of Chosen Freeholders on October 7, 1986.

DATE

2/23/87

  
\_\_\_\_\_  
RICHARD T. DEMING  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION