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STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER
P. O. BOX 1390
TRENTON, N. J. 08625
609-292-2885

(IN THE MATTER OF THE PROPOSED)
(SOLID WASTE MANAGEMENT PLAN OF)
(THE CAPE MAY COUNTY SOLID)
(WASTE MANAGEMENT DISTRICT)

CERTIFICATION
OF
MODIFICATION

BY ORDER OF THE COMMISSIONER:

On December 20, 1979, the Cape May County Board of Chosen Freeholders adopted the Cape May County Solid Waste Management Plan pursuant to the Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.).

The Department of Environmental Protection has studied and reviewed the Plan in accordance with this Legislation. The review process, established by the Solid Waste Administration in an April, 1979 Policy Memorandum entitled "Policy and Procedures for Review of District Solid Waste Management Plans", was used to evaluate the Cape May Solid Waste Management Plan. This process was designed to incorporate both State level and public comments into the review. Generally, State agencies evaluated the Plan with regard to its impact on the State solid waste management program and their own programs, and provided advice within their own specialized areas of expertise. Public comments centered mostly on environmental concerns and the possibilities of implementing resource recovery. Additionally, the State has reviewed the Plan to ascertain whether there is sufficient clarity of facts and recommendations to permit program implementation.

Based on the results of this review and evaluation, it is my determination that the Cape May County Solid Waste Management Plan be granted a Certification of Modification at this time, requiring satisfactory completion of the modifications listed herein.

The Department, as a result of its review of the Cape May County District Solid Waste Management Plan, and in accordance with the Solid Waste Management Act, has made the following findings and conclusions:

- 1) The Solid Waste Management Act requires each District to include an analysis of existing solid waste collection systems and transportation routes within the Solid Waste Management District and further, to make a survey of proposed collection districts and transportation routes, and to project the transportation costs from collection districts to existing and designated solid waste facilities. While the Cape May County Solid Waste Management Plan includes a survey of the various types of existing collection systems, lists the collector haulers servicing each municipality in the District and their disposal sites, the Plan does not include a complete analysis of existing or proposed transportation routes and cost within the District to existing or available suitable sites for solid waste facilities.

- 2) The Solid Waste Management Act requires the District Plan to inventory the sources, composition and quantity of solid waste generation for each of the ten years following the year in which the Plan is prepared. The Plan does not totally comply with this requirement.
- 3) The Solid Waste Management Act requires the District Plan to include a solid waste disposal strategy which includes the maximum practicable use of resource recovery. While the Cape May County Plan does include a strategy for low technology resource recovery, and an indication that future energy recovery feasibility studies will be undertaken, it does not provide for the on-going planning and development of high technology resource recovery systems in the near future.
- 4) The Solid Waste Management Act requires that each District Plan contain a plan for using terminated landfill disposal sites. The Cape May County Plan does not contain such a plan for each of its landfills.
- 5) The Solid Waste Management Act and the guidelines and criteria adopted by the Department pursuant to the Act require the District to adopt a solid waste management strategy which includes the maximum practicable use of resource recovery, including source separation and recycling. While the Cape May County Plan describes methods to reduce the amount of solid waste to be disposed of through the institution of source separation programs throughout the County, the Plan lacks a comprehensive program to maximize source separation, including an indepth evaluation of specific markets and costs, the consideration of regional source separation districts and any legal, institutional or financial measures necessary to implement the program.
- 6) The Solid Waste Management Act provides that a system shall be established for uniform disposal rates within the District. The Cape May County Plan does not include a detailed procedure for the uniform distribution of resource recovery and disposal costs throughout the District's service area.
- 7) The Department, in its review of District Solid Waste Management Plans, finds that certain District Plans have not identified sufficient existing or available suitable sites to treat or dispose of their own wastes either in the short or long term, or both. Districts, including Cape May County, have not entered interdistrict agreements with one another for the transportation of wastes across District boundaries. The Department finds that such interdistrict waste flow is necessary, and should be part of a comprehensive plan for solid waste management in New Jersey.

In light of the need for this interdistrict waste flow it is necessary for Cape May County, if it desires to utilize out-of-district disposal facilities, to enter into interdistrict agreements with these Districts.

Therefore, Cape May County is hereby directed to make the following modifications to its adopted District Solid Waste Management Plan no later than December 31, 1980:

- 1) The Plan shall set forth sufficient data and discussion to identify the existing and proposed configuration of solid waste collection and disposal operations, such that a solid waste franchise system can be developed. This shall include a waste flow diagram, for each type of waste, which shows the existing and proposed flow of solid waste for the ten year planning period from each municipality (source) to a specific processing and/or disposal facility (destination).
- 2) 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 costs, and how the studies will be funded. The studies shall include, as a minimum, the following:
 - a) the assessment of a regional resource recovery system servicing all or a portion of the four County area of Atlantic, Cape May, Cumberland and Salem, with a cost-sharing analysis distributed among the cooperating Districts (including variations thereto),
 - b) the means for securing agreements/contracts for markets for materials and energy (including those for source separation/recycling),
 - c) determination of specific facility site(s), including lot and block numbers,
 - d) collection of more reliable solid waste generation and particularly composition data, (with emphasis on seasonal fluctuations due to resort activity) and a justification for facility capacity,
 - e) identification of legal and institutional constraints and solutions thereto,
 - f) projections of both capital and operating costs and the method of financing them,
 - g) environmental assessment of technology and sites,
 - h) determination of specific sites and capacity needs for the disposal of resource recovery residuals, for emergency backup and for non-processable wastes, and
 - i) determination of the necessary interdistrict agreements (including a schedule for negotiating the agreements) for long term transportation, resource recovery and solid waste disposal throughout the region comprising Atlantic, Cape May, Cumberland and Salem Counties.

- X 3) The Plan shall include a detailed plan for the use of each terminated land disposal site within the County.
- 4) The Plan shall include a more comprehensive and implementable program for extracting the maximum practicable amount of recoverable materials via recycling, waste exchanges, and similar source separation programs.
- 5) The Plan shall include a detailed procedure for the uniform distribution of resource recovery and disposal costs throughout the District's service area. The Plan shall include procedures for the uniform distribution of costs necessary to upgrade existing disposal facilities to meet environmental regulations.
- 6) If necessary, the Plan shall include interdistrict agreements with neighboring Counties (such as Atlantic, Cumberland, Salem and Ocean), setting forth the necessary procedures for coordinating and integrating collection, transportation, recovery and disposal services in the area and setting forth the specific responsibilities of each District for implementation of the Plan(s).
- 7) If necessary, Cape May County shall reach an agreement with neighboring Counties on the amounts and types of wastes generated within Cape May County and transported to either existing and/or proposed facilities within neighboring Counties for each of the ten years addressed in the Plan. The agreed upon data shall be incorporated into Cape May County's report and Plan.
- 8) In addition, Cape May County is directed to complete the additional modifications to its Solid Waste Management Plan described in the document attached to this Certification as Appendix I by December 31, 1980.

Attached as Appendix II is a list of recommended modifications to be included in the District Solid Waste Management Plan as part of the two year review required pursuant to N.J.S.A. 13:1E-20.

In accordance with N.J.S.A. 13:1E-24, these required modifications shall be considered major modifications of the District Plan and the District is hereby directed to conduct an additional public hearing no later than 45 days from the date of this Certification.

Following submission and review of the adopted modifications, I shall, within 30 days of submittal, certify to the Board of Chosen Freeholders whether or not these modifications are acceptable and if the Plan is approved.

Further, it is noted that the Solid Waste Management Act, the Rules of the Department of Environmental Protection, and other State and Federal requirements apply to the permitting and approval of solid waste facilities. Therefore, neither the Certification nor any future action of the Department concerning the District Solid Waste Management Plan shall be construed to be in derogation of, or inconsistent with, such other requirements.

DATE 5/29/80 *The Attorney General* Jerry Fitzgerald English *Dep. Comm. in*
 JERRY FITZGERALD ENGLISH
 COMMISSIONER

Appendix I

Additional Modifications
Required by December 31, 1980

I. SOLID WASTE GENERATION

- The Plan shall include an inventory by source, type, composition, and quantity of solid waste (including sludge and septage) generated within the solid waste management District in the year in which the report is prepared and each of the ten years following the report. In addition, the Plan shall include a specific timetable for the conduct of a program to more accurately define waste generation rates and composition necessary for resource recovery implementation.

II. COLLECTION AND HAUL

- The Plan did not provide a specific analysis of industrial waste generation, transportation and disposal within the County. In addition, a strategy for the maximum recovery of industrial wastes should be developed. A specific timetable for undertaking this analysis and developing a strategy shall be included.
- While the Plan lists several sound recommendations to increase the efficiency of collection, including further evaluation of a transfer station in the southern portion of the County, the Plan does not include an implementation schedule for such recommendations. Therefore, the Plan shall include appropriate implementation schedules for these recommendations.

III. SLUDGE AND SEPTAGE

- The Cape May County Solid Waste Management Plan lacks a comprehensive sludge and septage disposal strategy. While five landfills are identified as currently receiving sludge and/or septage, no mention is made concerning the continued use of these sites for sludge/septage disposal. The Plan states that all septage collected in the County will be treated at the 7-mile/Middle plant, but provides no details concerning disposal volumes, available treatment capacity, schedule for implementation, etc. In addition, the Plan states that sludge produced by the six operating treatment plants (Ocean City, 7-mile/Middle, Wildwood, Lower, Cape May and Dennis) will undergo centralized composting, but fails to provide any further information.

Therefore, the Plan shall include the following information:

- a. An inventory of the sources, composition and quantities of septage and sludge presently generated within the Solid Waste Management District;
- b. Projections of the amounts and composition of septage and sludge which will be generated within the District in each of the subsequent ten years;

- c. An inventory and appraisal, including the identity, location and life expectancy of any solid waste facility or recycling facility located within the District which could be utilized for the processing or land disposal of septage or sludge.
 - d. An analysis of the present systems of septage and sludge disposal for the District.
 - e. A statement of the septage and sludge disposal strategy to be applied in the District, which strategy shall provide for the maximum practical processing of all sludge generated within the District following the adoption of the Solid Waste Management Plan by such District and for the processing or land disposal of any sludge generated within the District after December 31, 1981, provided however, that such strategy takes into account, and incorporates where possible, facilities planning for environmentally sound land-based alternatives to the ocean dumping of sludge prepared by local agencies under Section 201 of P.L. 92-500, the "Federal Water Pollution Control Act Amendments of 1972" and conforms to the sludge management strategy developed by the Department of Environmental Protection.
 - f. A site plan, which shall include all existing solid waste facilities or recycling facilities which could be utilized for the processing or land disposal of sludge, provided that they are operated and maintained in accordance with all applicable health and environmental standards, and sufficient additional available suitable sites to provide for the processing or land disposal of the amounts of septage/sludge presently generated within the District as well as the amounts of septage/sludge projected to be generated in each of the subsequent ten years.
- In addition, the County's sludge and septage disposal strategy should reflect the policies set forth in the Department's Program Guidance Document of February 8, 1979.

IV. RESOURCE RECOVERY

- The Plan shall analyze and identify that part of the waste stream which could be recovered by high and low technology resource recovery, in order to minimize costs, conserve energy and enhance environmental quality. In addition to implementing the Plan's source separation component, the County should continue to explore the feasibility of modular energy recovery facilities in the higher waste generating areas of the District.

V. PUBLIC PARTICIPATION

- The Plan shall include an on-going comprehensive public information and participation program similar to the program developed and utilized during formulation of the District Plan and included in the PIPP Addendum. This program shall identify a process for keeping the public informed, for the receipt, evaluation and consideration of public comment, and for the integration of public participation into Plan development and implementation.

VI. LANDFILLS

- The Plan shall be revised to show that the Mar-Tee Landfill (0505C) in Lower Township is an illegally operating landfill according to the New Jersey Department of Environmental Protection Enforcement Section and not a terminated landfill as listed in the Plan.
- The Plan shall contain an analysis of the necessary environmental improvements to landfills located within the District.
- The Plan shall provide a schedule (including specific milestones) for the completion of necessary tasks and decisions leading to the scheduled implementation of the Plan's regional landfill strategy and an indication of who will be responsible for undertaking and completing these tasks, an estimate of their costs, and how their completion will be funded. These tasks and/or decisions shall include, as a minimum, the following:
 - a. environmental assessments and permit approvals,
 - b. selection of site(s),
 - c. acquisition of property,
 - d. preparation of engineering plans and designs,
 - e. transportation/facility capacity,
 - f. facility financing,
 - g. cost analysis/rate projections, and
 - h. facility ownership/operational decisions.

VII. PLAN REVIEW AND UPDATE

- The Solid Waste Management Act requires the District Plan to contain provisions for its review by the Board of Chosen Freeholders once every two years. While the Cape May County Plan acknowledges this requirement and indicates that the Plan will have to be updated, no specific provisions have been made in the Plan to accomplish this. Therefore, the Plan shall include specific provisions for its update.



Appendix II

Recommended Modifications for Two-Year Update of the Cape May County Solid Waste Management Plan

I. DATA BASE

- The Plan should contain a table showing existing land distribution (amount and percent) for single family residential, multi-family residential, commercial, industrial, public and quasi-public, conservation and recreation, and open space areas.
- The Plan should include updated census data and population projections consistent with year 2000 policy projections from the New Jersey Department of Environmental Protection Draft New Jersey Water Quality Management Plan, March, 1979.
- Employment projections should be presented according to standard industrial classification to provide consistency with other District data. Methodologies and assumptions used in the formulation of estimates and projections should be included.
- While Cape May County has minimal industrial developments at present and projects few additional developments in the future, the Plan should contain any changes in this area that would adversely affect or enhance implementation of its Solid Waste Management Plan.

II. SOLID WASTE GENERATION

- Solid waste estimates and projections should continue to be provided according to waste identification categories in the New Jersey Department of Environmental Protection "Rules of the Solid Waste Administration." This format will provide consistency among District data.
- The updated Solid Waste Management Plan should include, in an appendix, the specific methodology used in obtaining solid waste estimates and projections.