



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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**IN THE MATTER OF CERTAIN AMENDMENTS
TO THE ADOPTED AND APPROVED SOLID
WASTE MANAGEMENT PLAN OF THE
BURLINGTON COUNTY SOLID WASTE
MANAGEMENT DISTRICT**

**CERTIFICATION
OF THE FEBRUARY 13, 1991
AMENDMENT TO THE BURLINGTON 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 Boards of Chosen Freeholders and the Hackensack Meadowlands Development Commission develop comprehensive plans for waste management in their respective districts. On October 27, 1980, the Department of Environmental Protection (DEP or Department) approved, with modifications, the Burlington 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 present method of waste disposal in the district, and 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 plan at any time and, if found inadequate, a new plan must be adopted. The Burlington County Board of Chosen Freeholders (County Freeholders) completed such a review and on February 13, 1991 adopted an amendment to its approved County Plan. The amendment proposed the County Plan inclusion of a planned plastics recycling facility in Lumberton Township.

The amendment was received by the Department on March 26, 1991 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 February 13, 1991 is approved as provided in N.J.S.A. 13:1E-24. Deficiencies within the County Plan have been identified within Section C. of this certification and pertain to implementation of resource recovery technologies and the need to address the recommendations of the Governor's Emergency Solid Waste Assessment Task Force Final Report.

B. Findings and Conclusions with Respect to the Burlington County District Solid Waste Management Plan Amendment

Pursuant to N.J.S.A. 13:1E-24a(1), I, Scott A. Weiner, Commissioner of the Department, have studied and reviewed the February 13, 1991 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 this plan amendment is consistent with the Statewide Solid Waste Management Plan.

In conjunction with the review of the amendment, the Department circulated copies to seventeen 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 as well as the Board of Public Utilities (BPU). These agencies were the following:

- Division of Water Resources, DEP
- Division of Coastal Resources, DEP
- Division of Parks and Forestry, DEP
- Division of Fish, Game and Wildlife, DEP
- Division of Solid Waste Management, DEP
- Division of Environmental Quality, DEP
- Green Acres Program, DEP
- Board of Public Utilities
- New Jersey Turnpike Authority
- Pinelands Commission
- New Jersey Advisory Council on Solid Waste Management
- Department of Agriculture
- Department of Transportation
- Department of Community Affairs
- Department of Health
- Department of the Public Advocate
- U.S. Environmental Protection Agency

1. Agency Participation in the Review of the February 13, 1991 Amendment

The following agencies did not object to the February 13, 1991 proposed plan amendment:

Division of Coastal Resources, DEP
Division of Parks and Forestry, DEP
Division of Water Resources, DEP
Division of Fish, Game and Wildlife, DEP
Green Acres Program, DEP
Department of Agriculture
Department of Transportation
Department of Community Affairs
Pinelands Commission

The following agencies did not respond to the Department's request for comments:

New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Health
Department of the Public Advocate
U.S. Environmental Protection Agency

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

Board of Public Utilities
Division of Solid Waste Management, DEP
Division of Environmental Quality, DEP

2. Comments Received for the February 13, 1991 Amendment

Comment: The DEP's Division of Solid Waste Management (DSWM) and the BPU commented that although the inclusion of the planned plastics recycling facility in Lumberton Township will assist the County in increasing its recycling totals, the County has not yet indicated to the Department how it will meet the recycling, source reduction and regionalization goals as called for in the Governor's Emergency Solid Waste Assessment Task Force Final Report.

Response: Within Section C. of this certification, the County Freeholders are directed to submit within 180 days a subsequent amendment which indicates how the County shall achieve the recycling, source reduction and regionalization goals as called for in the Governor's Task Force Final Report. By copy of this certification, the County Freeholders are notified of this comment and the DEP and the BPU of this response.

Comment: The DEP's Division of Environmental Quality (DEQ) commented that recycling facilities are subject to the provisions of N.J.A.C. 7:27-5

which prohibits odors and other contaminants which interfere with the enjoyment of life or property. Also, recycling facilities are subject to N.J.A.C. 7:27-8.2(a)16 which requires air pollution control permits for any equipment which vents a solid waste facility directly or indirectly into the outdoor atmosphere.

Response: By copy of this certification, the County Freeholders and Lumberton Township are notified of these requirements and the DEQ of this response.

C. Certification of the Burlington County District Solid Waste Management Plan Amendment

I, Scott A. Weiner, Commissioner of the Department, 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, have reviewed the February 13, 1991 amendment to the approved County Plan and certify to the County Freeholders that the February 13, 1991 amendment is approved as further specified below.

1. February 13, 1991 Amendment

The district plan inclusion of the Lumberton Township recycling facility to be located on Lot 16.04, Block 20, in Lumberton Township, Burlington County, is approved. The facility will recycle approximately 14 tons per month of source separated plastics. The plastics to be received at the site will consist solely of plastic bottles composed of polyethelene terephthalate and high density polyethelene and will be baled, made market ready and stored until a sufficient quantity has been accumulated for transport to market. The plastics to be processed at the recycling facility will be delivered by municipalities within the County that have signed an interlocal service agreement with Lumberton Township. The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals pursuant to N.J.S.A. 13:1E-1 et seq., and all applicable laws.

2. Burlington County District Solid Waste Management Plan Deficiencies

I have reviewed the entire County Plan, including this amendment, to determine whether the plan fulfills the requirements set forth in N.J.S.A. 13:1E-21. The result of that review is that the County is deficient with respect to N.J.S.A. 13:1E-21b(3).

N.J.S.A. 13:1E-21b(3) requires a site plan which shall include all existing solid waste disposal facilities located within the Solid Waste Management District . . . and sufficient additional available suitable sites to provide solid waste facilities to treat and dispose of the actual and projected amounts of solid waste contained in the report accompanying the plan.

The Department notes that on November 10, 1982 the County adopted an amendment to its district plan that included the County solid waste management facilities complex. This amendment was certified on April 18, 1983. The complex commenced operation in February 1989 with the opening of the district landfill. Since that time, the County has been unsuccessful in developing the planned co-composting/refuse derived fuel facility. This lack of progress has caused the County to exhaust the permitted capacity of its district landfill at an accelerated rate which may be jeopardizing the County's long-term disposal strategy. The County Freeholders should, therefore, be exploring regionalization opportunities with other districts to complement its long-term disposal strategy. I am hereby directing the County Freeholders to address the status of the co-composting/refuse derived fuel project as part of the subsequent plan amendment submission specified in Section C.3. below.

3. Burlington County Response to Solid Waste Task Force Final Report

Finally, I have reviewed the County Plan to determine whether it fulfills the recommendations of the Emergency Solid Waste Assessment Task Force Final Report accepted by the Governor on November 16, 1990. Following this review, I have determined that the County Freeholders have not addressed the recommendations of the Task Force Final Report and are hereby directed to submit a subsequent plan amendment within 180 days of this certification to address the following provisions of source reduction, recycling and regionalization:

a. Source Reduction: The County shall determine what source reduction measures can be taken at the County level to eliminate the trend of increased per capita solid waste generation. For each source reduction measure, the County shall estimate its potential impact upon total solid waste generation within the district.

b. Recycling: The County shall determine what measures will be taken by the district to achieve at least a 50% recycling rate for the municipal waste stream, including vegetative waste, and a 60% recycling rate for the total waste stream by December 31, 1995. This determination shall address, at a minimum, what additional facilities will be needed within the district; what sites already exist or under what procedure the district will select necessary sites; and under what schedule the district feels that each necessary facility can be brought into operation.

Also, for each component of the recycling strategy, the district shall outline estimates of the tonnages which can be recycled in a mass balance format taking into consideration the total projected solid waste generation in the County. Further, based upon the minimum 50% and 60% recycling rates, the district must outline the amount of solid waste still requiring disposal. Finally, the County must consider the establishment of blanket facility inclusion and plan modification procedures to enable the expedited development of needed capacity and approvals for yard waste composting facilities, recycling centers, materials markets and minor program policies.

c. Regionalization: As indicated above, the County shall determine the extent to which it can undertake long-term regionalization of its solid waste facilities and programs with other districts to provide regional solutions to solid waste management. Consideration should be given to regional plans for materials processing, recycling, transfer and disposal facilities.

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 the 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 Waste 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.

4. Certification to Proceed with the Implementation of the Plan Amendment

This document shall serve as the certification of the 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 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 -99.12 and N.J.A.C. 7:26-1.4 and 2.13.

6. Effective Date of the Amendment

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

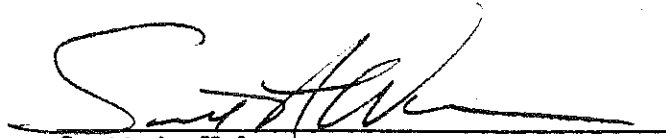
7. Reservation of Authority

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 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 and Notification of Deficiencies 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 Burlington County District Solid Waste Management Plan which was adopted by the Burlington County Board of Chosen Freeholders on February 13, 1991. Further, pursuant to Section C., I hereby also require a subsequent plan amendment submission, within 180 days of the date of this certification, to address the noted deficiencies.

8/16/91
DATE



Scott A. Weiner
Commissioner
Department of Environmental Protection