



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)
(BURLINGTON COUNTY SOLID WASTE)
(MANAGEMENT DISTRICT)

CERTIFICATION
OF THE AUGUST 26, 1987
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 approved, with modifications, the Burlington 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 Burlington County Board of Chosen Freeholders completed such a review and on August 26, 1987, adopted an amendment to its approved district solid waste management plan which includes a solid waste disposal contingency plan for Burlington County. The following is background information regarding the Burlington County contingency plan submission.

The Burlington County policy for short-term solid waste disposal is reliance on the Fort Dix Heat Recovery Incinerator (60 tons per day capacity for Fort Dix and McGuire Air Force Base waste only), the Burlington City Landfill (for Burlington City waste only), the Lumberton Township Landfill (for Lumberton Township waste only), the Pinelands Park Landfill (for Bass River and Washington Townships waste only), and the Parklands Landfill (with capacity until November 1988 to accept 90% of waste generated by Burlington County). The county's policy for long-term solid waste disposal is construction and operation of a 54 acre landfill and a 500 tons per day co-composting/refuse derived fuel facility at the Burlington County solid waste facilities complex (the landfill is planned to be operational by the fall of 1988). When operational, these facilities will address the county's waste disposal needs for at least the next 20 years.

This August 26, 1987 contingency plan amendment is in response to a February 23, 1987 letter sent to Burlington County, as well as other New Jersey counties, requesting that a contingency plan be submitted to the Department which demonstrated that the county had plans to provide waste disposal in the event of certain emergency situations. In response, Burlington County submitted a contingency plan dated April 3, 1987 which offered three options should existing in-county landfills not be available and the new county landfill not be operational. These options had been considered by the county in 1986 when it became obvious that the Parklands Landfill would reach its permitted capacity before the new county landfill commenced operations. The options considered were reopening closed in-county landfills, expanding existing in-county landfills, and utilizing out-of-county and out-of-state disposal facilities. The county selected the option of pursuing the expansion of the existing Parklands Landfill.

In its May 18, 1987 review of Burlington County's April 3, 1987 draft contingency plan, the Department noted that the county did not provide waste generation estimates by year over the planning period. Also, the Department noted that in the event the Parklands Landfill expansion is denied or delayed, a short fall in in-county disposal capacity will occur until the new county landfill is operational. The Department then recommended one or more policy response options to be considered should the Parklands Landfill expansion be delayed or denied. These options are as follows:

1. The emergency reopening of a closed landfill in the county which has available air space.
2. The development of transfer stations to process the county's waste stream and the identification of out-of-county or out-of-state landfills that would accept this waste.
3. The development of reciprocal interdistrict agreements that would provide for the redirection of waste flows on an emergency basis.
4. The emergency expansion of the Parklands Landfill over already capped areas.

5. Any other policy response option that could be implemented to provide interim disposal capacity.

In a June 12, 1987 letter, Burlington County responded to the Department's May 18, 1987 letter and, specifically, the five policy options the Department had asked the county to consider. Burlington County, after much deliberation, rejected all options offered by the Department except the development of transfer stations. The county considered as unacceptable the options of reopening closed in-county landfills, reaching reciprocal interdistrict agreements, and an emergency expansion of the Parklands Landfill over already capped areas. The option accepted by Burlington County is reliance upon transfer stations to export solid waste to out-of-county or out-of-state landfills should the Parklands Landfill expansion be denied or delayed.

In a July 10, 1987 letter to Burlington County, the Department approved the county's draft contingency plan and recommended that it be submitted as an amendment to the district solid waste management plan. On August 26, 1987, Burlington County adopted its solid waste disposal contingency plan. The plan projects the amounts of solid waste that will be generated by the county, ranging from 339,000 tons in 1987 to 354,000 tons in 1991. The plan also recommends the expansion of the Parklands Landfill to accommodate in-county waste until the new county landfill is operational. Should the Parklands Landfill expansion be denied or delayed, reliance on in-county transfer stations to haul waste out-of-county or out-of-state is the preferred contingency disposal option. Finally, the long-term disposal plan is landfilling and co-composting at the county's solid waste facilities complex. The landfill and co-composting facility will serve as back-up for one another in an emergency situation.

The Burlington County contingency plan amendment was received by the Department of Environmental Protection on September 24, 1987, and copies were distributed to various state level agencies for review and comment, as required by law. The Department has reviewed this amendment and has determined that the amendment adopted by the Burlington County Board of Chosen Freeholders on August 26, 1987 is approved as provided in N.J.S.A. 13:1E-24.

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, Richard T. Dewling, Commissioner of the Department of Environmental Protection have studied and reviewed the August 26, 1987 amendment to the Burlington 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 Fish, Game and Wildlife, Parks and Forestry, and Coastal Resources; the State Departments of Agriculture, Transportation and Community Affairs; the Board of Public Utilities, the Green Acres Program, the New Jersey Turnpike Authority, and the New Jersey Advisory Council on Solid Waste Management. The following agencies failed to respond to our requests for comments: the State Departments of Health and the Public Advocate; the Pinelands Commission and the U.S. Environmental Protection Agency. The Division of Environmental Quality, Division of Water Resources, and Office of Recycling submitted substantive comments which are further addressed below.

The Division of Water Resources commented that all new resource recovery facilities, landfills and their associated support facilities must apply for a New Jersey Pollutant Discharge Elimination System Discharge to Ground Water Permit. In response, the Division of Solid Waste Management prior to the issuance of any solid waste facility permit ascertains whether all related necessary permits have been obtained.

The Division of Environmental Quality commented that landfills are subject to the provisions of N.J.A.C. 7:27-5, Prohibition of Air Pollution. In response, prior to the issuance of a solid waste facility permit by the Division of Solid Waste Management all related necessary permits must be first secured.

The Office of Recycling commented that, because of the county's ban on the landfilling of leaves, the proposed disposal of leaves at a resource recovery facility is an unacceptable option. In response, the resource recovery facility contemplated by Burlington County is not mass burn incineration but rather the county's planned co-composting facility.

The Division of Solid Waste Management, in its review of the Burlington County solid waste disposal contingency plan, notes that the county discounted three of the Division's recommended policy options. The Division's response to this rejection of options is as follows:

Reopening Terminated Landfills: The county studied this option in 1986 and again reconsidered it at the Department's request. Nevertheless, the county has again concluded that expansion of the Parklands Landfill was the only feasible option. Burlington County has determined that only commercial landfills could accommodate the county's disposal needs during a crisis. However, none of the four closed commercial landfills has remaining capacity and all four are the subject of remedial actions or investigations. Although this option does not appear feasible at this time, the Department recommends that Burlington County keep this option under consideration for possible future action.

Negotiating Interdistrict Agreements: The county has determined that this option is infeasible at the present time but may have merit in the future. The only counties which could conceivably accept waste from Burlington County are Cape May, Ocean, and Gloucester Counties. None of these

counties are willing to enter into a waste flow agreement at the present time, presumably because Burlington County does not yet have its own landfill. Once the Burlington County solid waste facilities complex commences operations, signing a reciprocal interdistrict agreement may be possible. The Department also concurs with this assessment and urges Burlington County to pursue such an arrangement in the future.

Emergency Expansion of Parklands Landfill: Burlington County has discussed this option with the owners of the landfill, Waste Management, Inc. However, Waste Management is unwilling, at the present time, to agree to an expansion over already filled and capped areas. The county and Waste Management may reassess this disposal option at a future date if the situation warrants. The Department recommends that Burlington County keep this option under consideration for possible future action.

C. Certification of Burlington 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 August 26, 1987 amendment to the approved Burlington County District Solid Waste Management Plan and certify to the Burlington County Board of Chosen Freeholders that the August 26, 1987 amendment is approved as further specified below.

The Burlington County solid waste disposal contingency plan as described in Section A, which incorporates a short-term disposal plan of utilizing transfer stations should a shortfall in capacity result before the new county landfill is operational and/or should the Parklands Landfill expansion be denied or delayed, and a long-term disposal plan of reliance on the new in-county landfill and co-composting/refuse derived fuel facility with either facility serving as a back-up, is approved.

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. Issuance of the 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.

Further, the Department recommends for the county's consideration the following modification to the contingency plan amendment:

At present, two municipalities in Burlington County, Bass River and Washington Townships, dispose of their solid waste at the Pinelands Park Landfill, Atlantic County, due to the transportation difficulties associated with bridge weight limitations in hauling wastes to Burlington County solid waste facilities. Burlington County has failed to address, in its contingency plan, an alternate disposal site for these two municipalities' solid waste should the Pinelands Park Landfill become unavailable.

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 Burlington 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 Burlington 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 Burlington County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Burlington 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 Burlington 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 Burlington 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 -2.13.

6. Effective Date of Amendment

The amendment to the Burlington 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 Burlington 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 Burlington County District Solid Waste Management Plan which was adopted by the Burlington County Board of Chosen Freeholders on August 26, 1987.

February 19, 1988
DATE


RICHARD T. DEWLING
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION