



**State of New Jersey
Department of Environmental Protection and Energy**

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Scott A. Weiner
Commissioner

**IN THE MATTER OF CERTAIN AMENDMENTS
TO THE ADOPTED AND APPROVED SOLID
WASTE MANAGEMENT PLAN OF THE
CAMDEN COUNTY SOLID WASTE
MANAGEMENT DISTRICT**

**CERTIFICATION OF THE APRIL 4, 1991
AND MAY 16, 1991 AMENDMENTS
TO THE CAMDEN 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 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 July 17, 1980, the Department of Environmental Protection approved, with modifications, the Camden 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 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 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 Camden County Board of Chosen Freeholders (County Freeholders) completed such a review and on April 4, 1991 and May 16, 1991 adopted amendments to its approved County Plan.

The April 4, 1991 amendment proposed inclusion of the Reclaim of New Jersey recycling facility planned for Camden City. The May 16, 1991 amendment proposed the redirection of waste generated within Collingswood and Oaklyn from the South Camden Resource Recovery Facility to the Pennsauken Landfill.

The April 4, 1991 and May 16, 1991 amendments were received by the Department on May 29, 1991. Copies of these amendments were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed these amendments, as well as the entire County Plan, and has determined that the amendments adopted by the County Freeholders on April 4, 1991 and May 16, 1991 are approved and rejected, respectively, as provided in N.J.S.A. 13:1E-24. Also, deficiencies in the County Plan have been identified within Section C. of this certification.

B. Findings and Conclusions with Respect to the Camden County District Solid Waste Management Plan Amendments

Pursuant to N.J.S.A. 13:1E-24a(1), I, Scott A. Weiner, Commissioner of the Department of Environmental Protection and Energy (Department or DEPE), have studied and reviewed the April 4, 1991 and May 16, 1991 amendments 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 the approved plan amendment is consistent with the Statewide Solid Waste Management Plan.

In conjunction with the review of the amendments, the Department circulated copies to sixteen 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. These agencies were the following:

Division of Environmental Quality, DEPE
Division of Water Resources, DEPE
Division of Coastal Resources, DEPE
Division of Parks and Forestry, DEPE
Division of Fish, Game and Wildlife, DEPE
Division of Solid Waste Management, DEPE
Green Acres Program, DEPE
Pinelands Commission
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Health

Department of Transportation
Department of Community Affairs
Department of the Public Advocate
U.S. Environmental Protection Agency

1. Agency Participation in the Review of the April 4, 1991 Amendment

The following agencies did not object to the proposed plan amendment:

Division of Parks and Forestry, DEPE
Division of Solid Waste Management, DEPE
Pinelands Commission
New Jersey Turnpike Authority
Department of Agriculture
Department of Transportation
Department of Community Affairs

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

Green Acres Program, DEPE
New Jersey Advisory Council on Solid Waste Management
Department of Health
Department of the Public Advocate
U.S. Environmental Protection Agency

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

Division of Coastal Resources, DEPE
Division of Environmental Quality, DEPE
Division of Fish, Game and Wildlife, DEPE
Division of Water Resources, DEPE

2. Agency Participation in the Review of the May 16, 1991 Amendment

The following agencies did not object to the proposed plan amendment:

Division of Environmental Quality, DEPE
Division of Water Resources, DEPE
Division of Coastal Resources, DEPE
Division of Parks and Forestry, DEPE
Division of Fish, Game and Wildlife, DEPE
Green Acres Program, DEPE
Pinelands Commission
New Jersey Turnpike Authority
Department of Agriculture
Department of Transportation
Department of Community Affairs

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

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

The following agency submitted substantive comments which are further addressed below:

Division of Solid Waste Management, DEPE

3. Comments Received for the April 4, 1991 Amendment

Issue: Specific permitting requirements for the Reclaim of New Jersey recycling facility.

Comments: The Division of Fish, Game and Wildlife (DFG&W) commented that an adequately designed system should be constructed to prevent roofing materials generated by the facility's operation from entering a storm water system or the Delaware River.

The Division of Environmental Quality (DEQ) commented that recycling facilities are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits odors and other air contaminants which interfere with the enjoyment of life or property. Also, recycling facilities are considered solid waste facilities 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.

The Division of Water Resources (DWR) commented that if the proposed facility will discharge pollutants as defined in N.J.A.C. 7:14A-1.9, said operation must secure a New Jersey Pollutant Discharge Elimination System Permit and/or a Treatment Works Approval for pollutant discharges prior to operation.

The Division of Coastal Resources (DCR) commented that Reclaim of New Jersey has requested a Letter of Interpretation regarding wetlands on the site of the planned facility. The DCR has determined that the drainage swale located on the site is not a functioning wetland area and will inform the applicant of the same.

Response: The issue of specific permitting requirements is more appropriately addressed during the Department's technical phase of the approval review process to be conducted by the Division of Solid Waste Management (DSWM). By copy of this certification, the County Freeholders and Reclaim of New Jersey are notified of these requirements and the DSWM, DFG&W, DEQ, and DWR of this response.

4. Comments Received for the May 16, 1991 Amendment

Issue: Justification for the redirection of solid waste away from the South Camden Resource Recovery Facility.

Comment: The DSWM commented that since the South Camden Resource Recovery Facility (RRF) commenced acceptance of solid waste the week of March 18, 1991, the facility has consistently operated at less than full capacity. Pursuant to an emergency redirection order (ERO) issued on March 18, 1991, solid waste generated within Collingswood and Oaklyn was redirected from out-of-state disposal to the RRF for a period of 180 days. The County was also directed within the ERO to adopt a plan amendment which provided for the long-term redirection of solid waste generated within Collingswood and Oaklyn from out-of-state disposal to the RRF. Instead, the County adopted the May 16, 1991 amendment redirecting the disposal of Collingswood and Oaklyn waste from the RRF to the Pennsauken Landfill. The basis for adopting this amendment was economic considerations. However, the County failed to include within the amendment any data or narrative explanation for substantiating the freeholder action. Therefore, redirecting waste for economic considerations that are not documented can not be justified. Also, redirecting solid waste away from an already underutilized in-state disposal facility is contrary to the Department's objective of maximizing self-sufficiency in disposal capacity and is not good public policy. Further, in order to maintain waste flows from Collingswood and Oaklyn to the South Camden RRF, the Department issued a second ERO on September 11, 1991. This order will remain in effect for a period of greater than 90 days but not more than 180 days pursuant to N.J.A.C. 7:26-6.7(b)2. Finally, on October 9, 1990 the County Freeholders adopted the Comprehensive, Long-Term, Environmental, Action, and Recycling (CLEAR) Plan to address the disposal needs of the County. Since that date, negotiations to finalize the CLEAR Plan have been ongoing between the County Freeholders, the Pollution Control Financing Authority of Camden County, the Pennsauken Solid Waste Management Authority, and the DEPE. A component of finalizing the CLEAR Plan will be a decision regarding waste flows within the County. On October 10, 1991, the above noted parties (except DEPE) executed an Amended and Restated Operations Transfer Agreement which represents agreement on the basic components of the CLEAR Plan. The Plan itself is scheduled to be considered by the County Freeholders at a public hearing, followed by a Freeholder meeting, on October 24, 1991.

Based upon the above, the DSWM recommends that the May 16, 1991 amendment be rejected with the requirement that a subsequent amendment be adopted within 45 days which addresses a comprehensive waste flow program for the entire County and includes the objectives of the CLEAR Plan.

Response: Within Section C. of this certification, the redirection of waste generated within Collingswood and Oaklyn from the South Camden Resource Recovery Facility to the Pennsauken Landfill is rejected and the County is ordered to adopt a subsequent amendment within 45 days which addresses a comprehensive waste flow program for the entire County and includes the objectives of the CLEAR Plan.

C. Certification of the Camden County District Solid Waste Management Plan Amendments

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 April 4, 1991 and May 16, 1991 amendments to the approved County Plan and certify to the County Freeholders that the April 4, 1991 and May 16, 1991 amendments are approved and rejected, respectively, as further specified below.

1. April 4, 1991 Amendment

The district plan inclusion of the Reclaim of New Jersey, Inc. recycling facility to be located at 1470 Ferry Avenue, on Block 281, Lot 28, in Camden City, Camden County, is approved. The facility will recycle asphalt roofing shingles that have been source separated by roofing businesses both within and without Camden County, but would be available to other generators of roofing material as well. No asbestos roofing material will be accepted at the facility. The asphalt roofing shingles will be recycled into road patch material. The facility will process up to 500 tons per day of asphalt roofing scrap and receive an average 35 trucks per day. 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. May 16, 1991 Amendment

The district plan inclusion of the redirection of waste generated within Collingswood and Oaklyn from the South Camden Resource Recovery Facility to the Pennsauken Landfill is rejected. The County's basis for this redirection was economic considerations. However, the County failed to include within the amendment any documentation to substantiate the economic considerations. The redirection of waste for unsubstantiated economic reasons cannot be justified. Also, the South Camden Resource Recovery Facility, since its start-up of operations, has consistently operated at less than full capacity. Since the waste from Collingswood and Oaklyn has been directed to the RRF from its inception, redirecting this waste to the Pennsauken Landfill will further add to the shortfall at the facility. Such a redirection would inappropriately accelerate the use of the existing capacity at the Pennsauken Landfill when available in-state capacity exists at the incinerator. Further, as part of the CLEAR Plan implementation, a decision will be made regarding waste flows within the County. Such a decision should include a determination on the disposal of waste generated within Collingswood and Oaklyn. The rejection requires that the County Freeholders adopt a subsequent amendment within 45 days which modifies the County Plan to address a comprehensive waste flow program for the entire County in light of the CLEAR plan.

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

The entire County Plan has been reviewed to determine whether the plan fulfills the recommendations of the Emergency Solid Waste Assessment Task Force Final Report accepted by the Governor on November 16, 1990.

Following this review, the County is hereby directed to submit a subsequent plan amendment within 120 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 noted 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 yard 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 district. 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: 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 Amendments

1. Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with the approved 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 the approved amendment and of the County Plan if such renegotiation is not completed within ninety (90) days of the effective date of the approved 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 approved amendment contained herein shall operate in compliance with this 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 Wastes 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 Approved 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 certified herein.

5. Definitions

For the purpose of these amendments 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 Approved Amendment

The approved 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, rules, regulations, orders of the Department, 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 and Rejection of the Amendments, Directive to Modify the Plan, and Notification of Deficiencies by the Commissioner of the Department of Environmental Protection and Energy

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve and reject the amendments, as outlined in Section C. of this certification, to the Camden County District Solid Waste Management Plan which were adopted by the Camden County Board of Chosen Freeholders on April 4, 1991 and May 16, 1991. I hereby also require, as noted in Section C., the Camden County Board of Chosen Freeholders to modify the County Plan and to address the noted deficiencies within the timeframes specified. This certification memorializes the determinations made by me on or before October 25, 1991.

10-25-91
DATE


SCOTT A. WEINER
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND ENERGY