



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)
(CAMDEN COUNTY SOLID WASTE)
(MANAGEMENT DISTRICT)

CERTIFICATION
OF THE APRIL 24, 1986
AMENDMENT 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 (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 September 26, 1980, the Department approved, with modifications, the Camden 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 Camden County Board of Chosen Freeholders completed such a review and on April 24, 1986, adopted an amendment to its approved district solid waste management plan. The amendment proposes a redirection of specific portions of solid waste under contract to the O'Conner Corporation, which is generated within the City of Camden, from the Forge, Inc. Transfer Station, to alternative disposal facilities located in Pennsylvania.

The amendment was received by the Department of Environmental Protection on May 31, 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 Camden County District Solid Waste Management Plan, and has determined that the amendment adopted by the Camden County Board of Chosen Freeholders on April 24, 1986, is approved with modifications as provided in N.J.S.A. 13:1E-24. With regard to the district plan, while the requirements of the Act concerning the report have been met, the district's plan remains deficient in some important ways.

B. Findings and Conclusions with Respect to the Camden 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 April 24, 1986, amendment to the Camden 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, as modified, 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 Environmental Quality, Water Resources, Fish, Game and Wildlife, Parks and Forestry, and Coastal Resources; the State Departments of Agriculture, Health, Community Affairs, and Transportation; the Board of Public Utilities, the Green Acres Program, the Office of Recycling, the Pinelands Commission, and the New Jersey Turnpike Authority. The following agencies failed to respond to our requests for comments: the State Department of the Public Advocate and the U.S. Environmental Protection Agency. The New Jersey Advisory Council on Solid Waste Management submitted substantive comments which are further addressed below.

The New Jersey Advisory Council on Solid Waste Management (NJACSWM) commented that due to Camden County's reliance on out-of-state disposal facilities for a majority of its solid waste, the county should proceed quickly to develop resource recovery facilities and a residual landfill for all by-products from these facilities. In response, the Department continues to cite the remaining major deficiency in the approved Camden County plan, which deals with the failure to designate suitable sites for disposal facilities. The Department fully agrees with the position expressed by the NJACSWM and has further addressed this deficiency in Section C.2. below.

C. Certification of Camden 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 April 24, 1986, amendment to the approved Camden County District Solid Waste Management Plan and certify to the Camden County Board of Chosen Freeholders that the April 24, 1986 amendment is approved with modifications as further specified below.

1. The Camden County plan amendment known as No. 35-4-86, which redirects waste types 10, 13, 23, 25 and 27 generated in Camden City and collected and disposed under contract with the O'Conner Corporation, from the Forge, Inc. Transfer Station, located in Philadelphia, Pennsylvania, to alternative disposal facilities located in Pennsylvania, is approved with modifications for inclusion in the plan.

As submitted, Camden County has requested approval of a waste flow redirection from one out-of-state disposal facility (Forge, Inc. Transfer Station) to two alternative sites located outside of New Jersey (G.R.O.W.S. Landfill and/or Pottstown Landfill). While the Department previously approved a plan amendment which redirected specific municipalities from Camden County to the Forge, Inc. Transfer Station, it should be noted that this action was not intended to preclude the use of other disposal facilities located outside of the state. This has been affirmed through a recent amendment to the Interdistrict and Intradistrict Solid Waste Flow Rules N.J.A.C. 7:26-6.5, which was jointly proposed by the Department and the Board of Public Utilities in the September 8, 1986 New Jersey Register. This proposed amendment reaffirms the Department's and the Board's intent to allow the utilization of alternative disposal facilities, other than the Forge, Inc. Transfer Station, which are located outside of New Jersey. Thus, Camden County plan amendment No. 35-4-86 is approved for inclusion into the plan with the modification that the City of Camden, and other affected municipalities, may use any alternative disposal facilities located outside of New Jersey, provided that this disposal does not violate any law or regulation of the receiving state.

2. In previous certifications concerning plan amendments to the Camden County Solid Waste Management Plan, the Department has repeatedly identified a major plan deficiency related to interim and long-term landfill capacity. The Department in its November 25, 1985 certification of the Camden plan, conditionally approved the inclusion of the Winslow Township site for use as a backup facility as a matter of contingency planning. This approval was conditioned upon Camden County obtaining all required Waivers of Strict Compliance from the Pinelands Commission as required by the Comprehensive Management Plan, which are needed for use of this site. Camden County has yet to obtain the required Waivers of Strict Compliance and, therefore, the feasibility of utilizing the Winslow Township site remains unclear. Therefore, the Camden County plan continues to remain deficient with respect to the requirements of N.J.S.A. 13:1E-21(b) (3).

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 Camden County District Solid Waste Management Plan and which was executed prior to the approval with modification 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 Camden 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 Camden County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Camden 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 Camden 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 Camden 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 Camden County District Solid Waste Management Plan contained herein shall take effect immediately.

7. Reservation of Authority

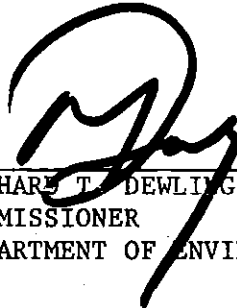
Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Camden County District Solid Waste Management Plan, including any amendment made thereto, shall conform with the Statewide Solid 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 with Modification 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 with modification the amendment as outlined in Section C. of this certification, to the Camden County District Solid Waste Management Plan, which was adopted by the Camden County Board of Chosen Freeholders on April 24, 1986. Further, I direct the Camden County Board of Chosen Freeholders to resolve the remaining deficiency which is identified in Section C. of this certification as soon as possible in order to attain conformance with N.J.S.A. 13:1E-21(b)(3).

10-17-86

DATE



RICHARD T. DEWLING
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION