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STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF THE COMMISSIONER  
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(IN THE MATTER OF THE ADOPTED AND)  
(MODIFIED SOLID WASTE MANAGEMENT )  
(PLAN OF THE CAMDEN COUNTY SOLID )  
(WASTE MANAGEMENT DISTRICT )

CERTIFICATION OF APPROVAL  
WITH MODIFICATION OF 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. as amended by C. 326, Laws of 1975) determines, among other things, "...that the management of solid waste in New Jersey consists largely of piecemeal, uncoordinated activities developed to meet the immediate needs of local government with little, if any, regard for regional planning and coordination..." and that "...the solid waste planning and management process is adversely affected by the absence of area-wide structures...." The Act addressed these and other findings by establishing "...a statutory framework within which all solid waste collection, disposal and utilization activity..." in New Jersey would be coordinated. This framework includes the designation of each of New Jersey's twenty-one counties and the Hackensack Meadowlands District as a Solid Waste Management District. Each District is authorized, either singly or jointly with one or more other Districts, to formulate and develop a comprehensive Solid Waste Management Plan. Following development, the resulting Plan is submitted by the District to the public for comment at an informational hearing. Thereafter, the District must adopt or reject, in whole or in part, the Solid Waste Management Plan.

After adoption of a Plan in whole or in part by a District, the Plan is then submitted to the Commissioner of the Department of Environmental Protection for review and final approval. The Commissioner has authority to modify, reject or approve such Plans and, in the final analysis, the Commissioner is authorized to adopt and promulgate any modification or replacement she deems necessary with respect to the Solid Waste Management Plan.

In order to establish a meaningful and responsible role for the State in the solution of solid waste problems, the Act grants broad powers to the Department of Environmental Protection. This includes the power "...to regulate and supervise all solid waste collection and disposal facilities and operations...", "...to register all persons engaged in the collection or disposal of solid waste...", "...to develop through a Statewide solid waste management plan objectives, criteria and procedures to assure the orderly preparation and evaluation of the [district] solid waste management

plans...", "...to approve, modify or reject such solid waste management plans on the basis of their conformity with such objectives, criteria and procedures...", and "...to develop and implement such a plan where none is approved or forthcoming from any solid waste management district..."

Specifically, the solid waste planning process includes five stages. These include the promulgation of guidelines by the Department of Environmental Protection, Plan formulation by the Districts, public hearings on the Plans developed by the Districts, adoption of the Plan by the District, and approval, rejection or modification of the Plan by the Department of Environmental Protection.

At the beginning of the planning process, the Department of Environmental Protection set forth guidelines for the formulation and development of District Solid Waste Management Plans.\* The guidelines contain planning objectives, planning schedules and specific tasks to be addressed in the planning process. The objectives identified in the guidelines include the protection and enhancement of environmental quality and the conservation of natural resources. Through these objectives, the Department encouraged District Plans which would provide for the termination of existing solid waste disposal operations which cannot be upgraded to meet environmental standards, the provision of alternative services and facilities capable of meeting environmental standards and conservation of natural resources by the implementation of waste reduction techniques and resource recovery systems.

In order to achieve these objectives, the Department of Environmental Protection has and continues to encourage the development of a comprehensive regional scheme to ensure recovery systems and environmentally sound disposal facilities. To this end, the Commissioner of the Department of Environmental Protection, after study and review, issued a Certification of Modification to the Adopted Solid Waste Management Plan of the Camden County Solid Waste Management District on March 6, 1980. The Certification required the Camden County Solid Waste Management District to, among other things, develop a schedule for resource recovery implementation and negotiate interdistrict agreements with other Solid Waste Management Districts for the use of resource recovery and/or disposal capacity.

On June 6, 1980, the Camden County Board of Chosen Freeholders formally adopted modifications to the District's Plan. The modifications were received by the Department of Environmental Protection on June 19, 1980. The Department of Environmental Protection has studied and reviewed the Plan and its modifications in accordance with the Solid Waste Management Act. Based on the results of this review and evaluation, I have determined that the Camden County District Solid Waste Management Plan be granted approval as amended by the modifications adopted herein and promulgated by me (see N.J.S.A. 13:1E-24).

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\*"Guidelines for the Development and Formulation of District Solid Waste Management Plans," New Jersey Department of Environmental Protection, Solid Waste Administration (Trenton, August 1977).

B. Solid Waste Management Plan Accomplishments

The Camden County District Solid Waste Management Plan has been reviewed by the Department of Environmental Protection and other State-level agencies and, with the District's adopted modifications along with the replacement modifications herein set forth, provides for environmentally sound solid waste management in Camden County. I am confident that with the implementation of this Plan, a comprehensive solid waste management program will be established in Camden County.

The Plan contains a resource recovery implementation schedule that projects a modular energy recovery facility to be on line during November, 1981 with a capacity to handle 24 tons per day of solid waste. In addition, the Plan provides for the implementation of an energy recovery facility with a capacity to handle from 400 to 600 tons per day of solid waste. This latter facility is scheduled to be operational by 1985.

The Plan also contains provisions for the development and expansion of source separation/recycling programs throughout the County. Initially, pilot residential source separation programs will get underway in the towns of Barrington and Haddonfield. The experience gained in these two communities will serve as a foundation for developing similar programs in other Camden County municipalities. Also, the County will initiate an office paper recycling program.

In addition, the Plan contains a procedure for the uniform distribution of resource recovery and disposal costs throughout the District, a comprehensive public education and participation program, and a schedule for the collection of more accurate solid waste generation and composition data.

The County's Department of Solid Waste Management also provides a technical assistance program to promote source separation/recycling and more effective and efficient solid waste collection and transportation.

The Plan designates the Camden County Department of Solid Waste as the County's responsible implementation agency.

C. Modifications Adopted and Promulgated By The Commissioner Pursuant To N.J.S.A. 13:1E-1 et seq. and Made An Approved Part of The Camden County District Solid Waste Management Plan

I, Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq., do hereby adopt and promulgate the following modifications to the Camden County District Solid Waste Management Plan and certify to the Camden County Board of Chosen Freeholders that these modifications are hereby made a final approved part of the Camden County District Solid Waste Management Plan.

1) Introduction

On March 6, 1980, I issued a Certification of Modification to the Camden County District Solid Waste Management Plan. Among other things, the Certification found that:

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 Camden 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, particularly during the short term as resource recovery is implemented, and should be part of a comprehensive plan for solid waste management in New Jersey.

and concluded that:

In light of the need for this interdistrict waste flow it is necessary for Camden County to enter into interdistrict agreements with neighboring Districts for the utilization of short term disposal capacity.

In light of this finding and conclusion, Camden County was directed in its Certification of Modification to modify its Plan to include:

...interdistrict agreement with Burlington and Gloucester Counties to provide for the disposal of Camden County wastes within Burlington and Gloucester Counties.\* The agreement, to be of no longer than five years duration with provision for a one year renewal, is to provide disposal capacity for Camden County until such time as Camden County implements its own resource recovery facility and landfill. The interdistrict agreement shall be in a form described in "Rules Concerning Interdistrict Flow of Solid Waste Between and Among Solid Waste Management Planning Districts in Northeastern New Jersey" (N.J.S.A. 7:26-1.11). The agreements shall be executed in a form making same binding upon the affected Districts and shall set 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). The agreements negotiated pursuant to this section shall be included in the Camden County Plan. In addition, the County should only provide resource recovery and disposal capacity for out-of-state wastes which are covered by long term contract.

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\*The Burlington County District Solid Waste Management Plan over estimated remaining disposal capacity. Therefore, Camden County, under these adopted and promulgated plan modifications, shall utilize disposal capacity within Camden and Gloucester Counties.

The Plan modifications adopted by the Camden County Board of Chosen Freeholders on June 6, 1980 did not contain the required interdistrict agreements. Upon the failure of the Board of Chosen Freeholders to submit the required modifications, the Solid Waste Management Act authorizes the Commissioner of the Department of Environmental Protection to adopt and promulgate modifications which she deems necessary to the District Solid Waste Management Plan.

Therefore, the Commissioner of the Department of Environmental Protection adopts and promulgates the following modifications to the Camden County District Solid Waste Management Plan in order to accommodate the implementation of resource recovery and to address the severe shortage of landfill disposal capacity in the Mercer, Burlington and Camden County region by directing certain waste streams to specific existing disposal and planned resource recovery facilities. The Act requires that the Board of Chosen Freeholders, upon the Certification of the Commissioner of the Department of Environmental Protection, implement the District Solid Waste Management Plan modifications adopted by her.

The adopted and promulgated modifications herein set forth to this District Solid Waste Management Plan direct the flow of certain solid wastes to Gloucester County disposal facilities. In addition, these modifications direct the long term flow of waste to specific projected resource recovery and/or disposal facilities. This guaranteed long term flow of solid waste will enable solid waste facility operators to obtain the necessary financing for the implementation of environmental improvements at existing disposal facilities and for the establishment of resource recovery facilities and new disposal capacity.

The adopted and promulgated modifications to the Camden County District Solid Waste Management Plan contained herein will also ensure that short and long term solid waste disposal capacity is available to private and public generators of solid waste in Camden County. In addition, the modifications dedicate the long term flow of solid waste to Camden County. This dedicated flow of waste will enable the County to develop and implement long term resource recovery and disposal capacity capable of handling this waste flow.

2) Modifications Adopted and Promulgated By The Commissioner

The following modifications are adopted and promulgated by me and shall take effect on November 1, 1980.

- a) On August 3, 1979, the Commissioner of the Department of Environmental Protection ordered the Gloucester Environmental Management Services, Inc. landfill, facility number 0415C, located in Gloucester Township (Camden County), New Jersey to cease operations. The order was based upon violations of the Department's rules and regulations and non-compliance with engineering designs, including exceeding permitted elevations. A stay of this order is presently in effect and the matter is before the Appellate Division of the Superior Court. Upon resolution of the matter, or upon the exhaustion of the facility's maximum elevation and/or capacity, no solid wastes shall be directed to the facility. It is the intention of the Department that facility number 0415C shall not be considered in the solid waste disposal plans for the region. The facility is presently operating because of judicial action.

- b) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from within the Camden County municipalities of Audubon, Audubon Park, Barrington, Bellmawr, Berlin Borough and Township, Brooklawn, Clementon, Collingswood, Gibbsboro, Gloucester City, Gloucester Township, Haddonfield, Haddon Heights, Hi-Nella, Laurel Springs, Lawnside, Magnolia, Mt. Ephraim, Oaklyn, Pine Hill, Pine Valley, Runnemede, Somerdale, Stratford, Tavistock, Voorhees Township and Woodlynne shall be disposed of at the Kinsley's Landfill, Inc. landfill, facility number 0802B, located in Deptford Township, Gloucester County, New Jersey.
- c) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from within the Camden County municipalities of Camden, Cherry Hill, Haddon Township, Merchantville and Pennsauken Township shall be disposed of at the Pennsauken Township Sanitary Landfill, facility number 0427A, located in Pennsauken Township, Camden County, New Jersey.
- d) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from within the Camden County municipalities of Chesilhurst, Waterford Township, and Winslow Township shall be disposed of at the Winslow Township Solid Waste Disposal Area, facility number 0436A, located in Winslow Township, Camden County, New Jersey.
- e) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from within the Camden County municipality of Lindenwold shall be disposed of at the Kinsley's Landfill, Inc. landfill, facility number 0802B, located in Deptford Township, Gloucester County, New Jersey. When the proposed modular energy recovery facility becomes operational, appropriate quantities of processable solid wastes\* generated in Lindenwold shall be directed to this facility. Residues and other non-processable solid wastes\*\* shall be disposed of at the Kinsley's Landfill, Inc. landfill, facility number 0802B.
- f) When the Camden County resource recovery facility scheduled to be on line in 1985 becomes operational, processable solid wastes generated in all of Camden County's municipalities, with the exception of Chesilhurst, Waterford Township and Winslow Township, shall be directed to the energy recovery facility. Residue and non-processable solid wastes shall be disposed of at a landfill(s) designated in the first two-year update of the District Plan.

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\*Processable solid waste is that part of the solid waste stream which can be processed through a resource recovery facility.

\*\*Non-processable solid waste includes that part of the waste stream which cannot be processed through a given resource recovery facility and solid wastes resulting from emergency back-up procedures.

- g) The Camden County District Solid Waste Management Plan notes that "...no municipality will be forced to accept a sanitary landfill over its objections." The Department concludes that in the event of unanticipated landfill closings and other events which would reduce existing landfill capacity, it may become necessary for Camden County to locate and develop additional landfill capacity. Therefore, the County's policy of permitting anyone of its municipalities to, in effect, veto the siting and development of a new landfill(s) shall not be included in the approved Plan.
- h) The Plan's proposed procedure for the uniform distribution of resource recovery and disposal costs is modified to remove any reference to averaging transportation and haulage costs. For purposes of this subsection, the costs of operating transfer stations shall be considered as part of transportation and haulage costs.
- i) The Department recognizes the long term potential problems such as gas buildup, the re-surfacing of previously buried materials, and the instability of the landfill mass that may result in unpredictable settling that may impact the use of terminated landfill sites. Therefore, the Department recommends that terminated landfills be designated as "open space" and that any proposed use of terminated landfill sites be carefully investigated and the results incorporated into any application for a construction permit or site plan approval. Camden County and its municipal governments are encouraged to establish a special land use and zoning classification for terminated landfill sites.

3) Other Provisions Effecting the Plan Modifications

a) Contracts

Nothing contained in these Modifications shall be construed as to interfere with, or in any way modify, the provisions of any contract for solid waste collection or solid waste disposal in force in any solid waste management district upon the effective date of this Act (July 29, 1977); provided, however, as set forth at N.J.S.A. 13:1E-29 no renewal of any such contract upon the expiration or termination of the original term thereof, and no new contract for solid waste collection or solid waste disposal, shall be entered into after the effective date of this act, unless such renewal or such new contract shall conform with the applicable provisions of the approved solid waste management plan, as set forth herein, of the relevant solid waste management district or unless such contract is approved by the Commissioner.

Any contract renewal or new contract for solid waste collection or solid waste disposal which was executed prior to the approval of the within modifications to the Camden County District Solid Waste Management Plan 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 these Modifications and of the Camden County District Solid Waste Management Plan if such renegotiation is not completed by the effective date of these Modifications (November 1, 1980); 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.

b) Compliance

All solid waste facility operators registered with the Department of Environmental Protection and operating within Camden and Gloucester Counties and effected by the Modifications contained herein shall operate in compliance with these Modifications and all other approved provisions of the Camden County District Solid Waste Management Plan. Any facility operator 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 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, 10 and 12 and all other applicable laws.

c) Types of Solid Wastes Covered by the Camden County District Solid Waste Management Plan Modifications

The Modifications contained herein shall apply to all "solid wastes" generated within the identified Camden County municipalities, as defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-2.5.27 and with the exceptions of liquid wastes, sewage sludge, septage, hazardous wastes, oil spill clean-up waste, infectious waste and those wastes separated and recovered at the point of generation.

d) Certification to Proceed with the Implementation of Plan Modifications

This Document shall serve as the Certification of the Commissioner of the Department of Environmental Protection to the Camden County Board of Chosen Freeholders, as provided for by N.J.S.A. 13:1E-24f., to proceed with the implementation of the Modifications contained herein.

e) Definitions

For the purpose of these Modifications 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 -2.5.27.



f) Effective Date of Modifications

The adopted and promulgated Modifications to the Camden County District Solid Waste Management Plan contained herein shall take effect on November 1, 1980.

- g) Nothing contained herein shall be construed as a bar to 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 shall conform with the Statewide Solid Waste Management Plan. The Statewide Solid Waste Management Plan includes the Department's Planning Guidelines and rules, regulations, and orders of the Department, and will include the compilation of individual District Plans and modifications as they are approved. The Statewide Solid Waste Management Plan is scheduled for completion in the early months of 1981.

E. Approved Camden County District Solid Waste Management Plan

The following key elements of the adopted Camden County District Solid Waste Management Plan and Modifications are approved.

1) Data Base

The basic data utilized in the Plan is approved. However, as the Plan notes, more accurate data, particularly in the area of solid waste generation and composition, will be collected as part of the District's resource recovery feasibility study.

2) Schedule For Resource Recovery Implementation

The Plan's schedule for the implementation of resource recovery is approved. The Department of Environmental Protection will monitor the progress of the District in meeting the milestones of this implementation schedule. The County's Department of Solid Waste Management shall make quarterly status reports to the Department of Environmental Protection concerning the District's progress in meeting these milestones. The first status report shall be submitted to the Department's Solid Waste Administration by January 1, 1981.

3) Recycling/Source Separation Program

The recycling/source separation program outlined in the Plan is approved.

4) Public Participation Program

The Plan's public education and participation program is approved.

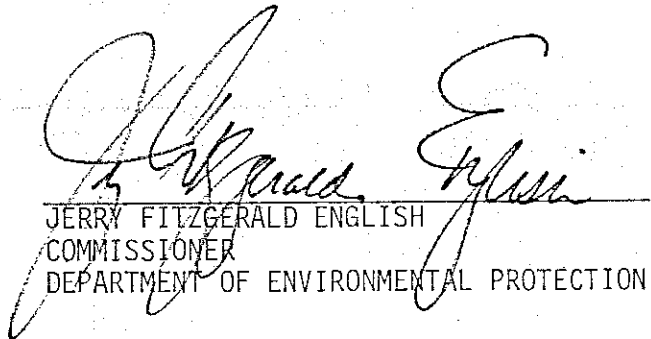
5) Sludge and Septage

The Plan's sludge and septage management program is approved subject to the Rules and Regulations of the Department.

F. Certification of Approval and Adoption and Promulgation of Modifications 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 Camden County District Solid Waste Management Plan and its adopted modifications, subject to the modifications and replacements contained and adopted herein.

17 July 1980  
Date

  
JERRY FITZGERALD ENGLISH  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION