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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 JUNE 25, 1987
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 July 17, 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 June 25, 1987, adopted an amendment to its approved district solid waste management plan. The amendment allows the Pollution Control Financing Authority of Camden County to contract for the disposal of process residue and bypass waste

from the South Camden resource recovery facility at out-of-state facilities.

The 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, 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 June 25, 1987, is approved 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 one important way. This deficiency relates to the identification of sites to provide in-county disposal capacity.

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 June 25, 1987, 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 with the Statewide Solid Waste Management Plan.

In addition, the Division of Solid Waste Management circulated the plan amendment to sixteen 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 Pinelands Commission, 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, Community Affairs, Health, and Transportation; the Board of Public Utilities, and the Green Acres Program. The following agencies failed to respond to our requests for comments: the State Department of the Public Advocate, the Pinelands Commission, the New Jersey Turnpike Authority, the New Jersey Advisory Council on Solid Waste Management, and the U.S. Environmental Protection Agency. The Office of Recycling and the Division of Solid Waste Management submitted substantive comments which are further addressed below.

The Office of Recycling stated that they would require a determination of the recyclability of the bypass waste prior to the determination of disposal capacity needs. In response, the Department recognizes that this amendment merely empowers the Pollution Control Financing Authority of Camden County to contract for the disposal of process residue and bypass waste from the South Camden resource recovery facility at out-of-state facilities, and does not address waste flows directed to the facility.

The waste stream directed to the facility has and will be specified in other documents and will be subject to mandatory recycling requirements. Therefore, the issue need not be addressed herein.

The Bureau of Solid Waste and Resource Recovery Planning within the Department's Division of Solid Waste Management also provided substantive comments. The bureau stated that according to the existing district solid waste management plan, Camden County is authorized to direct waste to out-of-state facilities only until May 31, 1989. The bureau has stated, further, that the district has been consistently informed that their solid waste management plan is deficient with regard to locating sufficient in-county disposal capacity. Finally, the bureau has stated that it is the Department's policy that primary reliance on out-of-state waste disposal will not be permitted past 1992. This comment is noted and relayed to the Camden County Board of Chosen Freeholders in the cover letter to this certification and in Section C. below.

Finally, the Bureau of Resource Recovery, within the Division of Solid Waste Management, expressed concern regarding the consistency of the definitions of process residue and bypass waste within the amendment with the wording within the Solid Waste Facility Permit issued for the project. This concern is resolved in Section D.2. below.

C. Certification of the 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 June 25, 1987 amendment to the approved Camden County District Solid Waste Management Plan and certify to the Camden County Board of Chosen Freeholders that the June 25, 1987 amendment is approved as further specified below.

The inclusion of a provision in the Camden County District Solid Waste Management Plan to allow the Pollution Control Financing Authority of Camden County to contract for the disposal of process residue and bypass waste from the South Camden resource recovery facility at out-of-state facilities is hereby approved. However, as noted earlier, the county has previously been authorized to direct waste to out-of-state facilities only until May 31, 1989. Further, it is the Department's policy that primary reliance on out-of-state waste disposal will not be permitted beyond December 31, 1992. Therefore, in order for Camden County to continue using out-of-state disposal of process residue and bypass waste past May 31, 1989, a subsequent plan amendment must be adopted which specifies the term of such primary landfill arrangements (not to exceed December 31, 1992).

Finally, the Department has once again reviewed the entire Camden County District Solid Waste Management Plan and has found that it continues to be deficient with respect to the requirements of N.J.S.A. 13:1E-21(b)(3). This plan deficiency is related to interim and long-term in-county landfill capacity. In light of the inability of Camden County to advance an in-county residual landfill project which would provide the county with capacity to meet its total disposal demand, the county is hereby ordered to

submit in writing its schedule for developing in-county residual landfill capacity to accommodate material from the Camden County resource recovery projects. Recent events have demonstrated the extremely tenuous nature of reliance upon out-of-state disposal. Therefore, the county must develop sites in order to provide for in-county landfill capacity, or certify its failure to do so through the plan amendment process.

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 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, the solid waste facility permit issued for this project, 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 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 Camden County District Solid Waste Management Plan which was adopted by the Camden County Board of Chosen Freeholders on June 25, 1987. I also hereby notify the Camden County Board of Chosen Freeholders that the district solid waste management plan is deficient with regard to the identification of interim and long term in-state landfill capacity, and urge the board to expeditiously resolve this remaining deficiency.

February 16, 1988

DATE


 RICHARD T. DEFINA
 COMMISSIONER
 DEPARTMENT OF ENVIRONMENTAL PROTECTION