



STATE OF NEW JERSEY
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 ROBERT E. HUGHEY, COMMISSIONER
 CN 402
 TRENTON, N.J. 08625
 609 - 292 - 2885

(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 SEPTEMBER 12, 1985
 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 Districts, 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 September 12, 1985, adopted an amendment to its approved district solid waste management plan. The amendment proposes the inclusion into the Camden County Plan of two municipal compost facilities located in Bellmawr and Mt. Ephraim Boroughs.

The amendment was received by the Department of Environmental Protection on October 2, 1985 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 Camden County Board of Chosen Freeholders on September 12, 1985 is approved as provided herein.

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, Robert E. Hughey, Commissioner of the Department of Environmental Protection have studied and reviewed the September 12, 1985 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 fully consistent with the Statewide Solid Waste Management Plan.

In addition, the Division of 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 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 had no objections to the proposed amendment: the N.J.D.E.P. Divisions of Parks and Forestry, Environmental Quality, Water Resources, and Fish, Game and Wildlife; the State Departments of Transportation, Agriculture, and Community Affairs; the New Jersey Advisory Council on Solid Waste Management, New Jersey Turnpike Authority, the Office of Recycling, and the Board of Public Utilities. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Division of Coastal Resources; the State Departments of Health and the Public Advocate; and the U.S. Environmental Protection Agency. The N.J.D.E.P. Green Acres Program submitted substantive comments concerning the plan amendment which are addressed below:

The N.J.D.E.P. Green Acres Program commented that portions of the proposed site for the borough of Bellmawr compost facility, specifically Block 78, Lot 1 of this site was acquired with Green Acres assistance for park and recreational purposes. Therefore, any proposed change in the land use, including the establishment of a compost facility, will require approval from the State House Commission. Further, officials from Green Acres have contacted officials of the borough of Bellmawr concerning this issue and advised them of the above noted requirement. The Department acknowledges the concerns expressed by the Green Acres Program and notes that plan inclusion approval will be subject to future State House Commission review and approval. I thus conclude that it is appropriate to approve the plan inclusion of the proposed compost facilities as provided in Section C.

C. Certification of Camden County District Solid Waste Management Plan Amendment

I, Robert E. Hughey, 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 September 12, 1985 amendment to the approved Camden County District Solid Waste Management Plan and certify to the Camden County Board of Chosen Freeholders that the September 12, 1985 amendment is approved as further specified below.

The inclusion within the plan of the following compost facilities is approved: the borough of Bellmawr compost facility located on Block 78, Lots 1 and 2, and the borough of Mt. Ephraim compost facility located on Block 100, Lots 6 and 7, Block 101, Lot 5 and Block 102, Lot 1. As stated in Section B. of this certification, the N.J.D.E.P Green Acres Program has identified that Block 78, Lot 1 of the proposed site for the borough of Bellmawr compost facility was acquired with Green Acres assistance for park and recreational purposes. Since the establishment of a compost facility represents a change in the land use of this site, the use of Block 78, Lot 1 will require approval from the State House Commission. Therefore, plan inclusion approval of this site, specifically the utilization of Block 78, Lot 1, is subject to future State House Commission review and approval. The construction or operation of any facilities at these sites shall be preceded by the acquisition of all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq. and all other applicable laws. Issuance of construction and/or operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department to be fit and competent to manage such facilities.

The Department has reviewed the entire Camden County District Solid Waste Management Plan, including this amendment, to determine whether the plan fulfills the requirements set forth in N.J.S.A. 13:1E-21. This review demonstrated the need to clarify the Department's position regarding the use of the Winslow Township site and the long-term use, by Camden County, of out-of-district disposal capacity. As stated in the November 25, 1985 certification of the Camden plan, the Department conditionally approved the inclusion of the Winslow site for use as a backup facility as a matter of contingency planning. The approval stipulated that Camden County must obtain approval from the New Jersey Pinelands Commission of all the required Waivers of Strict Compliance from the Comprehensive Management Plan which are needed for the increased utilization of this facility and that plan amendment approval did not relieve Camden County of its responsibility to pursue the development of disposal sites located within Camden County to handle its solid waste. Also, if Camden County is to utilize out-of-district disposal sites as a long term solid waste strategy, the county must adhere to the requirements contained in N.J.S.A. 13:1E-21(b)(3) including, but not limited to, the certification of the absence of sufficient existing or available suitable sites within the Camden County District.

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 the 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, 10, 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.

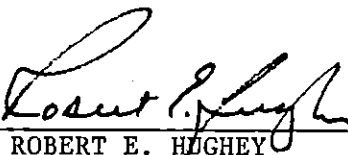
7. Reservation of Authority

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 September 12, 1985.

1/23/86
DATE



ROBERT E. HUGHEY
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION