



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF THE 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 SEPTEMBER 22, 1988
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 September 22, 1988, adopted an amendment to its approved district solid waste management plan. The amendment designates a transfer station site in Winslow Township and, upon closure of the Winslow Township Landfill, redirects waste to the transfer station prior to out-of-state disposal.

The amendment was received by the Department of Environmental Protection on September 30, 1988, 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 September 22, 1988, 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.

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, Christopher J. Daggett, Acting Commissioner of the Department of Environmental Protection have studied and reviewed the September 22, 1988 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 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 and Parks and Forestry, the State Departments of Agriculture and Community Affairs, the New Jersey Turnpike Authority, and the New Jersey Advisory Council on Solid Waste Management. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Divisions of Fish, Game and Wildlife and Coastal Resources; the State Departments of Health, Transportation and the Public Advocate; the Board of Public Utilities, the Green Acres Program and the U.S. Environmental Protection Agency. The Pinelands Commission and the Division of Solid Waste Management submitted substantive comments regarding this amendment which are addressed below.

The Pinelands Commission commented that the proposed site appears to be located within the jurisdiction of the New Jersey Pinelands Commission in a Rural Development Area. Pursuant to N.J.A.C. 7:50-6.76, a solid waste transfer station may be permitted in a Pinelands Rural Development Area. Also pursuant to N.J.A.C. 7:50-6.76, if waste is accepted from outside of the Pinelands, it may only be from Pinelands municipalities or from counties with at least 50% of their land area within the Pinelands. The proposed transfer station would be developed pursuant to the definition of N.J.A.C. 7:50-2.11. Prior to initiation of development, approval of the Commission must be obtained pursuant to the provisions of N.J.A.C. 7:50-4.51 et seq. In response, the approval of the transfer station within the district plan is contingent upon receipt of all necessary permits and

approvals under N.J.S.A. 13:1E-1 et seq., and all other applicable laws, including those governing the Pinelands.

The Division of Solid Waste Management commented that when a new transfer station begins operation, a phase-in period during which municipalities are gradually directed to the facility according to a schedule is sometimes necessary to avoid operational problems. In response, the amendment will be clarified to allow for this contingency.

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

I, Christopher J. Daggett, Acting 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 22, 1988 amendment to the approved Camden County District Solid Waste Management Plan and certify to the Camden County Board of Chosen Freeholders that the September 22, 1988 amendment is approved as further specified below.

The inclusion within the Camden County District Solid Waste Management Plan of the Winslow Township Transfer Station to be located on Block 8802, Lots 4 and 5, in the Township of Winslow, is approved. Also approved for plan inclusion is the redirection of solid waste currently disposed of at the Winslow Township Landfill to the Winslow Township Transfer Station (upon commencement of operations at the Winslow Township Transfer Station) prior to out-of-state disposal. Upon commencement of operations at the Winslow Township Transfer Station, if phase-in operations should be necessary, waste from the municipalities may be directed to the Winslow Township Transfer Station according to a staggered schedule which is subject to the approval of the Department and the Board of Public Utilities. The construction or operation of any solid waste facility 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.

In addition to our review of the proposed amendment, the Department has also reviewed the entire Camden County District Solid Waste Management Plan to determine whether it fulfills the requirements set forth in N.J.S.A. 13:1E-21. The result of that review is that the Camden County plan is deficient with respect to the requirements of N.J.S.A. 13:1E-21b(3) which refers to identification of sufficient available suitable sites for solid waste disposal within the state. In the Department's certification of numerous Camden County plan amendments, former Commissioner Dewling and I have reiterated the Department's policy that primary reliance on out-of-state disposal is allowable only until December 31, 1992. Thereafter, such out-of-state disposal reliance can only be approved as a component of the county's contingency plan. Therefore, the Camden County freeholders are once again directed to identify sites that will provide in-state disposal capacity after 1992 to address the remaining deficiency in the Camden County District Solid Waste Management Plan. In this regard, the Camden County freeholders are hereby ordered to write to me within thirty (30) days of this certification to address the board's intentions toward resolving this continuing serious deficiency.

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 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, N.J.A.C. 7:26-1.4 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 Deficiency by the Acting 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 22, 1988.

Further, I hereby direct the Camden County Board of Chosen Freeholders to address the remaining deficiency within the district plan as identified in Section C. of this certification within thirty (30) days of this certification.

DATE

2/16/89

Michael L. Catania for
CHRISTOPHER J. DAGGETT
ACTING COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION