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STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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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 OCTOBER 8, 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 October 8, 1987, adopted an amendment to its approved district solid waste management plan. In addition to allowing V.A. Associates/Ecology Landfill to accept waste type 13 limited to whole trees, branches, tree trunks, and tree stumps, the proposed amendment would allow V.A. Associates/Ecology Landfill to

accept waste type 13 demolition material provided it does not exceed 15% by volume of the total waste with no truckload containing greater than 50% demolition material, and type 23 vegetative waste limited to leaves. This material would be accepted from Camden County municipalities which do not have access to municipal or county compost facilities or any other alternative in-county solid waste facility. The landfill was previously permitted by the Department to accept solid waste limited to whole trees, branches, tree trunks and tree stumps.

The amendment was received by the Department of Environmental Protection on November 13, 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 October 8, 1987, is conditionally approved in part and rejected in part 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, Richard T. Dewling, Commissioner of the Department of Environmental Protection have studied and reviewed the October 8, 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 the conditionally approved part of 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 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 Department of Agriculture, the Department of Transportation, the Pinelands Commission 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 Parks and Forestry and Coastal Resources; the State Departments of Agriculture, Community Affairs and Transportation; the Green Acres Program and the New Jersey Advisory Council on Solid Waste Management. The following agencies failed to respond to our requests for comments: the NJDEP Division of Fish, Game and Wildlife; the State Departments of Health, and the Public Advocate; the New Jersey Turnpike Authority, and the U.S. Environmental Protection Agency. The Divisions of Water Resources and Environmental Quality, the Board of Public Utilities, and the Pinelands Commission submitted substantive comments which are further addressed below.

The Pinelands Commission commented that the facility is located within a rural development area district of the Pinelands Area. N.J.A.C.

7:50-6.75(b) provides that landfills designed and operated exclusively to accept vegetative wastes are a permitted use in the Rural Development Area District. This provision is limited to landfills that accept vegetative waste exclusively. The proposal to accept demolition debris at the V.A. Associates/Ecology Landfill is inconsistent with the requirements of state law. In order to designate the V.A. Associates/Ecology Landfill as a disposal site for demolition debris, the V.A. Associates/Ecology Landfill must demonstrate satisfaction with the requirements of N.J.A.C. 7:50-6.75(a) or qualify for a Waiver of Strict Compliance from the Pinelands Commission. By copy of this certification, Camden County is informed of this requirement, and departmental approval is conditioned upon the acquisition of this approval from the Pinelands Commission.

The Division of Water Resources (DWR) commented that the V.A. Associates/Ecology Landfill facility has a NJPDES Discharge to Ground Water Permit (DGW) requiring the permittee to sample three monitoring wells on a quarterly basis. If the permittee were permitted to dispose of demolition waste, the NJPDES/DGW permit will require modification to include additional monitoring wells and sampling parameters to reflect the change in registration. In response, such new requirements must be addressed during the technical phase of the Department's permit review process.

The Board of Public Utilities (BPU) commented that if this amendment is approved, V.A. Associates/Ecology Landfill, operating as a public utility and regulated by the BPU, must amend its filed tariff to reflect this additional service. At present, the landfill's tariff allows only for disposal of vegetative waste. In response, upon approval of this amendment, a new tariff must be negotiated by V.A. Associates/Ecology Landfill and the BPU.

The Division of Environmental Quality commented that landfills are regulated to prohibit odors and other air contaminants which interfere with the enjoyment of life or property. New and closed landfills should be equipped with positive ventilation systems which direct landfill gases to air pollution control devices. These vents and devices require air pollution control permits. In response, these requirements must be addressed during the technical review phase of the Department's permit process.

The Division of Solid Waste Management commented that this amendment would allow the VA Associates/Ecology Landfill to accept type 13 demolition material, provided it does not exceed 15%, by volume, of the total waste accepted by the landfill on an annual basis. Type 13 demolition material includes waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings, pavements and other structures. Much of this material, such as concrete, asphalt and wood may be recycled. The amendment also states that all other solid waste delivered to the landfill shall consist solely of type 13 bulky waste limited to whole trees, branches, tree trunks or tree stumps or type 23 vegetative waste limited to leaves. The bulky waste listed above may be recycled, while the leaves, as part of type 23, must be recycled as required by municipal ordinances, as of April 20, 1988, pursuant to the New Jersey Statewide Mandatory Source Separation and

Recycling Act, P.L. 1987, c. 102, ("the Act"), section 14. The Act also states, in section 13(b), that as of April 20, 1988, "No sanitary landfill facility in this state shall accept for final disposal truckloads composed primarily of leaves at any time, except that leaves source separated from solid waste may be accepted by a sanitary landfill facility in those instances where the facility has provided and maintains for that purpose separate leaf composting facilities, and the composted leaves are utilized as part of the final vegetative cover for the landfill, or for other uses as a soil conditioning material." The V.A. Associates/Ecology Landfill does not have a Department of Environmental Protection permit to conduct leaf composting activities. Therefore, the provision of the Camden County District Solid Waste Management Plan Amendment, which calls for the disposition of leaves at the V.A. Associates/Ecology Landfill, is not consistent with P.L. 1987, c. 102. In response, the V.A. Associates/Ecology Landfill has applied for a composting permit for the Pangia Compost Facility which is to be part of the landfill and the certification in Section C. rejects that portion of the amendment which provides for the landfilling of leaves.

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 October 8, 1987 amendment to the approved Camden County District Solid Waste Management Plan and certify to the Camden County Board of Chosen Freeholders that the October 8, 1987 amendment is conditionally approved in part and rejected in part as further specified below.

The inclusion of the V.A. Associates/Ecology Landfill within the district plan with the provision which allows the landfill to accept type 13 demolition material, limited to 15% of the total waste accepted by the landfill on an annual basis, with no more than 50% demolition waste per truckload, is conditionally approved. This conditional approval is subject to V.A. Associates demonstrating to the satisfaction of the Pinelands Commission and the Department that they can satisfy the requirements of N.J.A.C. 7:50-6.75(a) or qualify for a Pinelands Commission Waiver of Strict Compliance as required by section 6-704 of the Pinelands Comprehensive Management Plan. Further, if found acceptable by both agencies, the applicant will need a permit modification and may only accept material generated from within Camden County municipalities which do not have access to any other alternative in-county solid waste disposal facility or as specified in formal interdistrict agreements entered between the Camden County Board of Chosen Freeholders and any other county from which demolition debris is proposed to be accepted. The other type 13 solid waste which may currently be accepted by the landfill is restricted, by a prior facility permit, to whole trees, branches, tree trunks or stumps generated from within Camden County municipalities which do not have access to any other alternative in-county solid waste disposal facility.

The inclusion of the V.A. Associates/Ecology Landfill within the Camden County District Solid Waste Management Plan with the provision to allow the

landfill to accept type 23 waste material limited to leaves from all Camden County municipalities not having access to other compost facilities is rejected. To dispose of leaves at the V.A. Associates/Ecology Landfill is contrary to the New Jersey Statewide Mandatory Source Separation and Recycling Act. The Act provides that leaves source separated from solid waste may be accepted at a landfill facility in those instances where the facility has provided and maintains for that purpose separate leaf composting facilities and the composted leaves are utilized as part of the final vegetative cover for the landfill or for other uses such as a soil conditioning material. The application for the Pangia Compost Facility permit at the site of the V.A. Associates/Ecology Landfill is under Departmental review. Upon receipt of a compost facility permit from the Department, the V.A. Associates/Ecology Landfill may accept leaves for the above mentioned purposes, and the Pangia Compost Facility will be considered included in the Camden County District Solid Waste Management Plan. Should a permit be issued for a compost facility, leaves may be accepted from those Camden County municipalities which do not at present have access to any permitted leaf compost facility.

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. The plan 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 landfill capacity.

In light of the lack of progress 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 plan of action 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, reach an interdistrict agreement to provide this capacity, or attempt to certify its failure to do so through the adoption and submission of a plan amendment to be reviewed by the Department. This amendment must be approved by the board of chosen freeholders. In the absence of these actions, the county's use of long-term out-of-state disposal capacity is approvable beyond May 31, 1989 solely as a component of contingency planning. Further, the Department reiterates its policy that the primary reliance on out-of-state disposal will not be permitted beyond December 31, 1992.

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 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 conditionally approved portion of the 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 conditionally approved portion of 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 Conditional Approval in Part and Rejection in Part of the Amendment and Notification of Deficiency 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 conditionally approve in part and reject in part 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 October 8, 1987.

I also once again urge the Camden County Board of Chosen Freeholders to expeditiously resolve the remaining plan deficiency which is outlined in Section C. of this certification.

April 8, 1988

DATE



RICHARD T. DEWLING
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION