



1985

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 OCTOBER 24, 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 October 24, 1985, adopted an amendment to its approved district solid waste management plan.

The amendment includes major changes in the current Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6.5 (d.)) as they relate to portions of Camden County, and further provides for the inclusion of a financial

plan which addresses the disbursement of funds from the Resource Recovery Investment Tax at the disposal of the county pursuant to the provisions of the Resource Recovery Financing and Procurement Act of 1985 (A-1778). Finally, the amendment identifies revisions to the mandatory recycling program adopted by Camden County and approved by the Department within the February 14, 1985 plan certification. While the amendment addresses the three above noted areas, the waste flow portions of the amendment relate to Court Orders which require an expedited review by the Department of the proposed waste flow changes. Therefore, this certification will address only the waste flow portions of the October 24, 1985 Camden County Plan Amendment, which are outlined in detail in sections B. and C. below. The financial plan and recycling program portions of the amendment will be addressed in a subsequent certification document.

The amendment was received by the Department of Environmental Protection on October 28, 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 October 24, 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 October 24, 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 the amendment is fully consistent with the Statewide Solid Waste Management Plan.

In addition, the Division of 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 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 plan amendment: the N.J.D.E.P Divisions of Parks and Forestry and Environmental Quality; the State Department of Transportation; the 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 Divisions of Coastal Resources and Water Resources; the State Departments of Health, Agriculture and the Public Advocate; the N. J. Advisory Council on Solid Waste Management, N. J. Green Acres Program and U. S. Environmental Protection Agency. The N. J. Pinelands Commission, Division of Fish, Game and Wildlife and Department of Community Affairs submitted substantive comments concerning the plan amendment which are addressed below.

The New Jersey Pinelands Commission has expressed opposition to portions of this amendment stating that it is inconsistent with the New Jersey Pinelands Comprehensive Management Plan, since it designates the Winslow Township Landfill as a backup solid waste facility for many Camden County municipalities located

outside of the Pinelands area. The Department acknowledges the concerns of the Pinelands Commission regarding consistency of this amendment with the Pinelands Plan. However, as in the case of the inclusion of the Winslow facility in the county's plan and the Department's certification thereof dated July 11, 1985, the Department has taken the position that it could approve the site subject to the county's obtaining all necessary Waivers of Strict Compliance of the Pinelands Comprehensive Management Plan.

The New Jersey Department of Community Affairs indicated that the proposed amendment is inconsistent with plans and programs administered by that agency, particularly with regard to the financial impacts associated with the proposed waste flow changes. Recognizing that the Department of Community Affairs administers laws regarding local finance, the Department has inserted a provision within Section C. of this certification which requires the county's compliance with applicable laws administered by the Department of Community Affairs. The N.J.D.E.P. Division of Fish, Game and Wildlife expressed concern over potential leachate problems at the Winslow Township Landfill resulting from additional waste acceptance. The Department, within Section C. below, has approved the redirection of municipally collected solid waste generated from within Berlin Borough and Berlin Township to the existing Winslow Township Landfill. It is the Department's position that the management of leachate is currently addressed in the existing Nonhazardous Waste Regulations with which this facility must comply.

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 October 24, 1985 amendment to the approved Camden County District Solid Waste Management Plan and certify to the Camden County Board of Chosen Freeholders that the October 24, 1985 amendment is approved as further specified below.

1. Sections a, b, and c of the waste flow portion of the October 24, 1985 Amendment proposes specific waste flow redirections concerning the affected municipalities and are identified below:

All waste types 10, 13, 23, 25, and 27 generated within the municipalities of Audubon Park, Barrington, Bellmawr, Brooklawn, Clementon, Collingswood, Gibbsboro, Gloucester City, Gloucester Township, Haddon Heights, Hi-Nella, Laurel Springs, Lawnside, Magnolia, Mt. Ephraim, Oaklyn, Pine Hill, Pine Valley, Runnemede, Somerdale, Stratford, Woodlynne, and all of the above solid waste types generated within Berlin Borough and Berlin Township and not collected by the public works departments of Berlin Borough and Berlin Township are redirected from Kinsley's Landfill, located in Deptford Township, Gloucester County, to the Forge, Inc. Transfer Station, located on Milnor and Bleigh Avenues in Philadelphia, Pennsylvania for a period of 3.5 years commencing December 1, 1985 and ending May 31, 1989.

All waste types 10, 13, 23, 25 and 27 generated in Berlin Borough and Berlin Township and collected and transported by the public works departments of Berlin Borough and Berlin Township, are redirected from Kinsley's Landfill, located in Deptford Township, Gloucester County to the Winslow Township Landfill, facility number 0436A, located in Winslow Township, Camden County.

All waste types 10, 23, 25 and 27 generated within the municipality of Camden City are redirected from Kinsley's Landfill, located in Deptford Township, Gloucester County to the Forge, Inc. Transfer Station, located on Milnor and Bleigh Avenues, in Philadelphia, Pennsylvania for a period of 3.5 years commencing on December 1, 1985 and ending May 31, 1989.

These portions of the amendment are in response to the Orders issued by Superior Court of Gloucester County which concerned the case of Borough of Glassboro v. Gloucester County Board of Chosen Freeholders, et al. These orders collectively directed Camden County to select a solid waste disposal alternative to the Kinsley's Landfill and to begin utilizing the alternative facility as of December 1, 1985.

In addition to the above noted waste flow changes which were specifically addressed by Camden County within the October 24, 1985 Plan Amendment, the Department has modified said Amendment to include the following waste flow directive. This additional section is necessary to fully comply with the Court Orders noted above which require redirection of all Camden County solid waste currently disposed of at the Kinsley's Landfill. These waste flow changes were not addressed by Camden County in the October 24, 1985 Plan Amendment.

All waste type 25 generated from within the municipalities of Audubon, Cherry Hill, Haddonfield, Haddon Township, Lindenwold, Merchantville, Pennsauken, Tavistock and Voorhees are redirected from Kinsley's Landfill, located in Deptford Township, Gloucester County to the Forge, Inc. Transfer Station, located on Milnor and Bleigh Avenues in Philadelphia, Pennsylvania for a period of 3.5 years commencing on December 1, 1985 and ending May 31, 1989.

Inasmuch as the above amendment complies with applicable Court Orders, the inclusion in the plan of the Forge, Inc. Transfer Station, located on Milnor and Bleigh Avenues, city of Philadelphia, Pennsylvania for use during a period of 3.5 years commencing December 1, 1985 and ending May 31, 1989, is approved. However, the County must comply with all applicable laws administered by the New Jersey Department of Community Affairs as they relate to public contracts.

Also in accordance with the provisions of the Order of Preliminary Injunction issued by Superior Court of Gloucester County on November 13, 1984 and subsequently amended on October 18, 1985, the proposed

redirections noted above are approved and hereby made part of the Camden County District Solid Waste Management Plan, provided, however, that all applicable laws and regulations administered by the New Jersey Department of Community Affairs must be complied with. Final disposition of such proposed changes in the state waste flow rules will be determined pursuant to formal rule making by the Department and the Board of Public Utilities in accordance with N.J.A.C. 7;26-6.6.

2. Section d. of the waste flow portion of the October 24, 1985 Amendment proposes that "the Kinsley Sanitary Landfill shall serve as the backup facility for any solid waste types, 10, 13, 23, 25 and 27 inclusive, that cannot be accepted by The Forge Inc. due to permit restrictions or operational limitation at the Pennsylvania facility. Kinsley shall serve as a backup facility only until that facility is closed for use by Camden County municipalities."

The October 18, 1985 decision of the Superior Court allows Camden County to continue to utilize Kinsley's Landfill beyond January 1, 1986 in the event Kinsley's remains in operation for disposal of its solid waste which may not be accepted at the Forge, Inc. Transfer Station due to permit restrictions, but establishes a cumulative limit of 6500 tons of waste material which can be disposed of at Kinsley's Landfill. Therefore, this section of the amendment is approved, but modified to require that Camden County designate such suitable additional solid waste disposal sites as are necessary to treat and dispose of all solid waste generated in the county.

3. Amendment e. of the waste flow portions of the October 24, 1985 Camden County Plan Amendment proposes that "Upon the closure of the Kinsley Landfill to Camden County Municipalities the Winslow Township Landfill (Facility No. 0436A) shall serve as the Backup Facility for any Solid Waste Types, 10, 13, 23, 25 and 27 inclusive, that cannot be accepted by The Forge Inc. due to permit restrictions on the Pennsylvania Facility. The Winslow Landfill shall serve as a backup facility only until such time as applicable permits can be obtained by The Forge Inc. to receive these waste types. Under no circumstances shall the volume of waste accepted by the Winslow Landfill exceed 20,000 cubic yards. This volume does not include waste accepted by Winslow from Berlin Borough and Berlin Township pursuant to Section B above."

The Department finds it necessary to conditionally approve the inclusion of the Winslow site as a matter of contingency planning. The approval of the Amendment designating the Forge Inc. Transfer Station is to be construed as an interim measure in order to respond to the disposal capacity shortfall resulting from the court imposed exclusion of Camden County's waste from the Kinsley Landfill. This approval is not to be construed as an amendment to the existing solid waste strategy contained in the approved Camden County Plan which requires the county to pursue the development of disposal sites located within Camden County to handle its solid waste.

In order to utilize out-of-district disposal sites as a long term solid waste strategy, the county must pursue the steps 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.

The Department recognizes that it will be necessary for the county to obtain necessary Waivers of Strict Compliance from the Pinelands Commission prior to use of the Winslow facility by any communities outside of the Pinelands area. Therefore, that approval of the Winslow Landfill in this amendment is conditioned on the granting of a Waiver of Strict Compliance for this facility by the Pinelands Commission and the designation of suitable additional solid waste disposal sites.

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, 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, as provided for by N.J.S.A. 13:1E-24F., to 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 approved amendment to the Camden County District Solid Waste Management Plan contained herein shall take effect on December 1, 1985.

7. Reservation of Authority

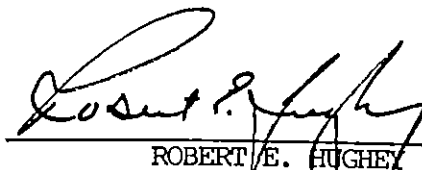
Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Camden County District Solid Waste Management Plan, including any amendment made thereto, shall conform with the Statewide Solid 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 October 24, 1985.

DATE

11/25/85



ROBERT E. HUGHEY
COMMISSIONER

DEPARTMENT OF ENVIRONMENTAL PROTECTION