



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER
CN 402
TRENTON, N.J. 08625-0402
(609) 292-2885
Fax # (609) 984-3962

(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 NOVEMBER 12, 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 November 12, 1987, adopted an amendment to its approved district solid waste management plan. The amendment designated the Y&S and Community Refuse Limited Landfills, located in Pennsylvania, as the disposal sites to accept ash

residue and by-pass waste from the Camden County resource recovery facility.

Due to a delay in the submission of a public hearing transcript, the proposed amendment was not considered complete by the Department of Environmental Protection until September 2, 1988. Copies were distributed on that date 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 November 12, 1987, is approved with modification 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 several respects. These deficiencies are described in Section C. below.

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 November 12, 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, as modified, is consistent with the Statewide Solid Waste Management Plan.

In addition, the Division of Solid Waste Management circulated the plan amendment to fifteen 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 Water Resources, Fish, Game and Wildlife and Parks and Forestry; the State Departments of Agriculture and Community Affairs; the Board of Public Utilities, the Green Acres Program and the New Jersey Turnpike Authority. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Divisions of Environmental Quality and Coastal Resources; the State Departments of Health, Transportation and the Public Advocate; and the U.S. Environmental Protection Agency. The Division of Solid Waste Management and the New Jersey Advisory Council on Solid Waste Management submitted substantive comments which are further addressed below.

The Division of Solid Waste Management commented that pursuant to the March 23, 1988 certification of the October 8, 1987 amendment to the Camden County Solid Waste Management Plan, Camden County is required to submit a freeholder resolution which incorporates the necessary changes to the district recycling plan as outlined in Section B. of that certification. The resolution was to be submitted to the Department within forty-five days, or by May 7, 1988. The county has not yet submitted the required modifications. Thus, Camden County does not have a fully approved district

recycling plan. In response, the county is directed to address this deficiency in Section C. below.

The Division also noted that this amendment is contrary to Departmental policy of each solid waste management district becoming self-sufficient by December 31, 1992. Primary reliance on out-of-state disposal after this date will not be approved by the Department. In response, as specified in Section C. below, the primary reliance on out-of-state disposal is approved only until December 31, 1992.

The New Jersey Advisory Council on Solid Waste Management also commented that while Camden County has identified a site for disposal of ash and by-pass waste, no site within either Camden County or New Jersey has been designated to assure long-term disposal availability for Camden County. In response, this issue is also of concern to the Department and is the basis for the modification to the November 12, 1987 plan amendment submission as indicated in Section C. below.

C. Certification of the 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 November 12, 1987 amendment to the approved Camden County District Solid Waste Management Plan and certify to the Camden County Board of Chosen Freeholders that the November 12, 1987 amendment is approved with modification as further specified below.

The inclusion of a provision in the Camden County District Solid Waste Management Plan to allow Camden County to contract for the disposal of process residue and bypass waste from the South Camden resource recovery facility at the Y&S and Community Refuse, Ltd. Landfills located in Westmoreland County, Pennsylvania, and Franklin County, Pennsylvania, respectively, is approved as modified herein. The plan amendment contains a long-term disposal strategy whereby the process residues from the Camden County resource recovery facility and bypassed waste would be contracted for disposal at out-of-state disposal facilities for ten years. This portion of the amendment is hereby modified to reflect that primary reliance on out-of-state disposal is approved until December 31, 1992. The use of out-of-state disposal facilities as the primary disposal strategy for the disposal of residue, bypass waste and non-processible waste after 1992 is approved solely as a component of the county's contingency plan.

In addition, the Department has also 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 result of that review is that the Department has once again determined that the Camden County Plan is deficient with respect to the requirements of N.J.S.A. 13:1E-21b(3), which requires a site plan which shall include all existing solid waste disposal facilities located within the Solid Waste Management District . . . and sufficient additional available suitable sites to provide solid waste facilities to treat and

dispose of the actual and projected amounts of solid waste contained in the report accompanying the plan. Camden County has not yet identified sites that will provide necessary in-state disposal capacity, and the overall district solid waste management plan is deficient in this regard. Therefore, the Camden County Board of Chosen Freeholders is ordered to submit, in writing, its schedule for expeditiously resolving this plan deficiency.

Finally, Camden County is ordered to make the necessary modifications required by the Department in the certification of the October 8, 1987 amendment regarding the Camden County recycling plan in accordance with the Recycling Act, N.J.S.A. 13:1E-99 et seq., as outlined in Section B. above.

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 Acting 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.

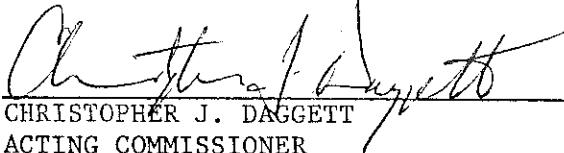
7. Reservation of Authority

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 with Modification and Notification of Deficiencies 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 with modification 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 November 12, 1987. Further, I once again direct the Camden County Board of Chosen Freeholders to address the deficiencies identified in Section C. of this certification in an expeditious manner.

JANUARY 30, 1989
DATE


CHRISTOPHER J. DAGGETT
ACTING COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION