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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 NOVEMBER 13, 1986
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 Board 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 November 13, 1986 adopted an amendment to its approved district solid waste management plan. The amendment proposes to allow Ogden-Martin Systems of Pennsauken, Inc., the vendor for the Pennsauken Solid Waste Management Authority's (PSWMA)

resource recovery facility, to transport processible and/or non-conforming process residue which cannot be disposed of at the PSWMA Landfill to disposal sites located outside of New Jersey.

The amendment was received by the Department of Environmental Protection on November 24, 1986, 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 November 13, 1986, 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 some important ways.

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 November 13, 1986, 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 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 did not object to the proposed plan amendment: the N.J.D.E.P. Divisions of Environmental Quality, Fish, Game and Wildlife, Parks and Forestry, and Coastal Resources; the State Departments of Agriculture, Health, and Community Affairs; the Pinelands Commission, the Board of Public Utilities, the Green Acres Program, the Office of Recycling, and the New Jersey Turnpike Authority. The following agencies failed to respond to our requests for comments: the State Department of the Public Advocate, and the U.S. Environmental Protection Agency. The N.J.D.E.P. Division of Water Resources, New Jersey Department of Transportation, New Jersey Advisory Council on Solid Waste Management, and N.J.D.E.P. Division of Solid Waste Management submitted substantive comments which are further addressed below.

The N.J.D.E.P. Division of Water Resources submitted comments which concern the definitions stated within the amendment regarding processible solid waste and non-conforming process residue. Specifically, the Division of Water Resources requested additional information concerning the circumstances where the vendor would be required to transport and dispose of

processable wastes at disposal facilities located outside of New Jersey. Also, the agency questioned the criteria utilized by the vendor when determining which waste materials were excluded from the definition of processible wastes.

In response, in order to provide additional information and to obtain a specific definition of processible waste with respect to this issue, a condition has been included in Section C. of the certification which requires the vendor (Ogden-Martin Systems of Pennsauken, Inc.) to submit a specific definition of the processible waste that would not be combusted in the resource recovery facility, and the rationale for not processing it through the incinerator.

The New Jersey Advisory Council on Solid Waste Management commented that while this plan amendment addresses the disposal of ash and processible materials for the PSWMA resource recovery facility, a problem of long-term residual disposal within Camden County must be addressed.

In response, the Department is aware of the long term disposal situation concerning Camden County and Section C.2 of this certification addresses the issue. The amendment has been modified to reflect that the out-of-state disposal option is not considered by the Department to be an appropriate long-range solid waste management option.

N.J.D.E.P.'s Division of Solid Waste Management provided comments similar to those comments submitted by the Division of Water Resources, i.e. that the definition used to define processible waste and non-conforming process residue is too broad and needs to be specifically defined. Also, the Division of Solid Waste Management commented that if Ogden-Martin Systems of Pennsauken, Inc. plans to transport processible solid waste and non-conforming process residue to disposal facilities located outside of New Jersey, then the vendor must identify the proposed disposal facility to be utilized, secure a disposal contract for the period in which the facility is to be utilized and submit a schedule which identifies a timetable for securing such contracts. The above noted requirements would need to be completed in accordance with the proposed regulations set forth as N.J.A.C. 7:26-2B.4(a)7.

In response to the above noted comments, the certification of this amendment is conditioned to require Ogden-Martin Systems of Pennsauken, Inc. to more specifically define the processible waste that would be disposed of out-of-state, non-conforming process residue, and the performance standards utilized in making these determinations. The certification of the amendment is also conditioned to require Ogden-Martin Systems of Pennsauken, Inc. to identify the proposed out-of-state disposal facility or facilities to be utilized, to secure a disposal contract for the period in which the facility or facilities are to be utilized, and to submit a schedule which identifies a timetable for securing such contracts. Finally, since the Department considers the use of out-of-state disposal facilities to be inappropriate as a long-range solid waste management option, the amendment has been modified and conditioned to reflect that the out-of-state disposal of this waste is an interim solution that will be discontinued when a long-term residual disposal site in the county is developed. Since the Department estimates, as reflected in the State's Solid Waste Management Plan Update: 1985-2000

report, that it takes approximately thirty-six months (three years) to site, design, permit, construct, and operate a new landfill, approval is granted within Section C. of this document to cover a three year period beginning on the date of this certification.

The New Jersey Department of Transportation (NJDOT) submitted comments concerning use of the interstate roadway system and local roadways by haulage vehicles transporting these waste materials to disposal facilities located outside of New Jersey. The agency requested that all haulage vehicles comply with the axle load criteria requirements when utilizing interstate roadways. Also, the agency stated that a traffic analysis evaluating impacts to local roadways from these haulage vehicles would have been valuable during the agency's review of this amendment.

In response, the Department will inform the vendor and the PSWMA of the axle load requirements for all vehicles using the interstate roadway system. At this time, the Department is reviewing the Final Environmental and Health Impact Statement (FEHIS) for the proposed Pennsauken resource recovery facility. Potential transportation impacts to the current level-of-service on local roadways is evaluated in that document. Also, since the NJDOT is a state level review agency, the FEHIS document has been transmitted to them for their review and comment.

C. Certification of the 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 November 13, 1986 amendment to the approved Camden County District Solid Waste Management Plan and certify to the Camden County Board of Chosen Freeholders that the November 13, 1986 amendment is approved with modification, and made part of the Camden County District Solid Waste Management Plan, as further specified below.

1. For a three year period beginning on the date of this certification, Ogden-Martin Systems of Pennsauken, Inc., the selected vendor for the Pennsauken Solid Waste Management Authority (PSWMA) resource recovery facility, will be allowed to transport processible waste and/or non-conforming residue which cannot be disposed of at the landfill currently operated by the PSWMA to disposal sites located outside of New Jersey. This approval is subject to the following conditions:
 - a. Prior to initiating the use of disposal facilities located outside of New Jersey, Ogden-Martin Systems of Pennsauken, Inc. shall submit to the Department of Environmental Protection a specific definition concerning processible waste and non-conforming process residue and all criteria to be utilized in making the determination when such waste materials are identified as being non-processible.

- b. Processible materials will be disposed through the incineration process to the maximum feasible extent, i.e. processible materials will not bypass the facility when there is excess capacity.
 - c. The disposal of such materials shall not violate any rules or regulations concerning solid waste management of the receiving state.
 - d. Prior to initiating the use of disposal facilities located outside of New Jersey, Ogden-Martin Systems of Pennsauken, Inc. will identify the proposed out-of-state facility or facilities to be utilized. Ogden-Martin Systems of Pennsauken, Inc. will also secure a contract for the period in which the facility or facilities are to be utilized or submit a schedule which identifies a timetable for securing such contracts. This will also be accomplished prior to initiating the use of disposal facilities located outside of New Jersey.
 - e. The out-of-state disposal of processible and/or non-conforming process residue shall be discontinued at the end of the three year period specified in this certification, or when a long-term in-county residual disposal site is operational, whichever occurs first.
2. The Department has also reviewed the entire Camden County District Solid Waste Management Plan 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. The Department, in its November 25, 1985 certification of the Camden Plan, conditionally approved the inclusion of the Winslow Township site for use as a backup facility as a matter of contingency planning. This approval was conditioned upon Camden County obtaining all required Waivers of Strict Compliance from the Pinelands Commission as required by the Comprehensive Management Plan. Camden County has yet to obtain the required Waivers of Strict Compliance and, therefore, the feasibility of utilizing the Winslow Township site remains unclear.

In light of the inability of Camden County to advance the Winslow Township landfill project, and the overall lack of available in-county residuals disposal capacity, the county, within thirty (30) days of this certification, is hereby ordered to submit in writing its intentions for developing in-county residual landfill capacity to accommodate material from the Camden County resource recovery project and the processible waste and non-conforming residue from the Pennsauken facility when operational. Recent events with respect to Hunterdon, Sussex and Warren County and the closure of the Keystone Landfill have demonstrated the extremely tenuous nature of reliance upon out-of-state disposal. Therefore, the county must implement the Winslow Township project and/or revisit other options toward the development of alternative sites in order to provide for in-county landfill capacity.

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 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 N.J.A.C. 7:26-2.13.

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 Commissioner of the Department of Environmental Protection

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I, Richard T. Dewling, hereby approve with modification 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 November 13, 1986.

Also, I urge the Camden County Board of Chosen Freeholders to expeditiously resolve the remaining deficiency identified in Section C.2 of this certification.

4/22/87
DATE

Michael F. Catania for
RICHARD T. DEWLING
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION