



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF THE COMMISSIONER  
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(IN THE MATTER OF THE ADOPTED AND)  
(MODIFIED SOLID WASTE MANAGEMENT )  
(PLAN OF THE SUSSEX COUNTY SOLID )  
(WASTE MANAGEMENT DISTRICT )

CERTIFICATION OF APPROVAL  
WITH MODIFICATION OF THE  
SUSSEX 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. as amended by C. 326, Laws of 1975) determines, among other things, "...that the management of solid waste in New Jersey consists largely of piecemeal, uncoordinated activities developed to meet the immediate needs of local government with little, if any, regard for regional planning and coordination..." and that "...the solid waste planning and management process is adversely affected by the absence of area-wide structures...." The Act addressed these and other findings by establishing "...a statutory framework within which all solid waste collection, disposal and utilization activity..." in New Jersey would be coordinated. This framework includes the designation of each of New Jersey's twenty-one counties and the Hackensack Meadowlands District as a Solid Waste Management District. Each District is authorized, either singly or jointly with one or more other Districts, to formulate and develop a comprehensive Solid Waste Management Plan. Following development, the resulting Plan is submitted by the District to the public for comment at an informational hearing. Thereafter, the District must adopt or reject, in whole or in part, the Solid Waste Management Plan.

After adoption of a Plan in whole or in part by a District, the Plan is then submitted to the Commissioner of the Department of Environmental Protection for review and final approval. The Commissioner has authority to modify, reject or approve such Plans and, in the final analysis, the Commissioner is authorized to adopt and promulgate any modification or replacement she deems necessary with respect to the Solid Waste Management Plan.

In order to establish a meaningful and responsible role for the State in the solution of solid waste problems, the Act grants broad powers to the Department of Environmental Protection. This includes the power "...to regulate and supervise all solid waste collection and disposal facilities and operations...", "...to register all persons engaged in the collection or disposal of solid waste...", "...to develop through a Statewide solid waste management plan objectives, criteria and procedures to assure the orderly preparation and evaluation of the [district] solid waste management plans...", "...to approve, modify or reject such solid waste management plans on the basis of their conformity with such objectives, criteria and procedures...", and "...to develop and implement such a plan where none is approved or forthcoming from any solid waste management district...."

Specifically, the solid waste planning process includes five stages. These include the promulgation of guidelines by the Department of Environmental Protection, Plan formulation by the Districts, public hearings on the Plans developed by the Districts, adoption of the Plan by the District, and approval, rejection or modification of the Plan by the Department of Environmental Protection.

At the beginning of the planning process, the Department of Environmental Protection set forth guidelines for the formulation and development of District Solid Waste Management Plans.\* The guidelines contain planning objectives, planning schedules and specific tasks to be addressed in the planning process. The objectives identified in the guidelines include the protection and enhancement of environmental quality and the conservation of natural resources. Through these objectives, the Department encouraged District Plans which would provide for the termination of existing solid waste disposal operations which cannot be upgraded to meet environmental standards, the provision of alternative services and facilities capable of meeting environmental standards and conservation of natural resources by the implementation of waste reduction techniques and resource recovery systems. In Sussex County, for example, the four municipal landfills which the Sussex County Freeholders directed to receive Sussex County's waste do not, at present, meet state of the art landfill design requirements.

In order to achieve these objectives, the Department of Environmental Protection has and continues to encourage the development of a comprehensive regional scheme to ensure recovery systems and environmentally sound disposal facilities. To this end, the Commissioner of the Department of Environmental Protection, after study and review, issued a Certification of Modification to the Adopted Solid Waste Management Plan of the Sussex County Solid Waste Management District on December 11, 1980. The Certification required the Sussex County Solid Waste Management District to, among other things, develop schedules for resource recovery implementation and the development of the Plan's regional County landfill.

On April 28, 1981, the Sussex County Board of Chosen Freeholders formally adopted modifications to the District's Plan. The modifications were received by the Department of Environmental Protection on May 1, 1981. The Department of Environmental Protection has studied and reviewed the Plan and its modifications in accordance with the Solid Waste Management Act. Based on the results of this review and evaluation, I have determined that the Sussex County District Solid Waste Management Plan be granted approval as amended by the modifications adopted herein and promulgated by me (see N.J.S.A. 13:1E-24).

#### B. Solid Waste Management Plan Modifications

The Sussex County Solid Waste Management Plan has been reviewed by the Department of Environmental Protection and other State level agencies and, with the District's adopted modifications along with the replacement modifications herein set forth, provides for environmentally sound solid waste management in Sussex County. I am confident that with the implementation of this Plan,

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\*"Guidelines for the Development and Formulation of District Solid Waste Management Plans," New Jersey Department of Environmental Protection, Solid Waste Administration (Trenton, August 1977).

a comprehensive solid waste management program will be established in Sussex County.

The Plan provides for the development of a County-operated landfill to accept solid waste from all of the County's sources. This facility will provide disposal capacity for the County's solid waste as the existing landfills terminate.

The Plan also includes a comprehensive strategy for the use of terminated landfill sites.

The Plan also provides for the continuation of the County's comprehensive public involvement and participation program.

While the selected waste management plan for the County includes the construction of an environmentally safe landfill to handle wastes generated within the County for the next ten years, the Plan additionally provides a timetable for resource recovery feasibility studies and implementation on a regional basis.

The Plan contains provisions for the development and expansion of source separation/recycling programs throughout the County.

C. Approved Sussex County District Solid Waste Management Plan

I, Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq., do hereby approve the following key elements of the adopted Sussex County District Solid Waste Management Plan and the Modifications adopted by the Sussex County Board of Chosen Freeholders on April 28, 1981.

1) Data Base

The basic data utilized in the Plan is approved. However as further data, particularly in the area of solid waste generation and composition becomes available as part of the District's resource recovery feasibility studies, such data will supercede existing data, and be made part of any Plan revision or update.

2) Schedule for Resource Recovery Implementation

The Plan's schedule for the study and implementation of a regional resource recovery facility is approved. The Department of Environmental Protection will monitor the progress of the District in meeting the milestones of this implementation schedule. Sussex County shall make quarterly status reports to the Department of Environmental Protection concerning the District's progress in meeting these milestones. The first status report shall be submitted to the Department's Solid Waste Administration by September 1, 1981.

3) Public Participation Program

The Plan's public participation program is approved.

4) Terminated Landfills

The procedure outlined in the Plan for the use of terminated landfill sites is approved.

5) Recycling/Source Separation Program

The recycling/source separation program outlined in the Plan is approved.

D. Modifications Adopted and Promulgated by the Commissioner Pursuant to N.J.S.A. 13:1E-1 et seq. and Made an Approved Part of the Sussex County District Solid Waste Management Plan

I, Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq., do hereby adopt and promulgate the following modifications to the Sussex County District Solid Waste Management Plan and certify to the Sussex County Board of Chosen Freeholders that the modifications contained herein are hereby made a final approved part of the Sussex County District Solid Waste Management Plan.

1) In-County Wastes

- a) At present, Hamm's Sanitation, Inc. Landfill (herein referred to as Hamm's) has submitted engineering designs for its sanitary landfill to the Solid Waste Administration for its approval. Should the Solid Waste Administration approve these engineering designs, the life of the landfill could be extended. Should these engineering designs be disapproved, closure would be required. In light of this situation, the Department has temporarily designated a waste flow to Hamm's. In the event that Hamm's obtains an approval from the Solid Waste Administration, the waste flows directed to this facility shall continue until the new County landfill is operational on December 1, 1982. Prior to the Solid Waste Administration's action on Hamm's application, the waste stream which has been designated to Hamm's as outlined below could be redirected to the four municipal landfills recommended by the Sussex County Board of Chosen Freeholders if certain conditions are met: 1) the landfills shall obtain a Board of Public Utilities license or the host communities enter into municipal agreements with the export communities, 2) the municipal landfills are upgraded to meet state of the art environmental standards. If Hamm's is unable to obtain Solid Waste Administration approval of its design, and the four municipal landfills meet the above conditions, waste flows will be redirected.
- b) All solid wastes, with the exception of those noted in Section 4.c. herein, generated from within the Sussex County municipalities of Andover Borough, Andover Township, Branchville, Byram, Frankford, Franklin, Fredon, Green, Hamburg, Hampton, Lafayette, Montaque, Newton, Ogdenburg, Sandyston, Stanhope, Sussex, Vernon, Walpack, and Wantage shall be disposed of at the Hamm's Sanitation, Inc. Landfill, facility number 1913A, located in Lafayette, Sussex County, New Jersey.

- c) All solid wastes, with the exception of those noted in Section 4.c. herein, and bulky (type 13) wastes, animal and food processing (type 25) wastes, and non-chemical industrial (type 27) wastes, generated from within the Sussex County municipality of Hardyston shall be disposed of in the Hardyston Township Sanitary Landfill, facility number 1911A, located in Hardyston Township, Sussex County, New Jersey. All bulky (type 13) wastes, animal and food processing (type 25) wastes, and non-chemical industrial (type 27) wastes generated from within the Sussex County municipality of Hardyston Township shall be disposed of at the Hamm's Sanitation, Inc. Landfill, facility number 1913A, located in Lafayette, Sussex County, New Jersey.
- d) All solid wastes, with the exception of those noted in Section 4.c. herein, and animal and food processing (type 25) wastes and non-chemical industrial (type 27) wastes generated from within the Sussex County municipality of Hopatcong shall be disposed of at the Hopatcong Sanitary Landfill, facility number 1912A, located in Hopatcong, Sussex County, New Jersey. All animal and food processing (type 25) wastes and non-chemical industrial (type 27) wastes generated from within the Sussex County municipality of Hopatcong shall be disposed of at the Hamm's Sanitation, Inc. Landfill, facility number 1913A, located in Lafayette, Sussex County, New Jersey.
- e) All solid wastes, with the exception of those noted in Section 4.c. herein, and animal and food processing (type 25) wastes, generated from within the Sussex County municipality of Sparta Township shall be disposed of at the Sparta Township Sanitary Landfill, facility number 1918A, located in Sparta Township, Sussex County, New Jersey. All animal and food processing (type 25) wastes generated from within the Sussex County municipality of Sparta Township shall be disposed of at the Hamm's Sanitation, Inc. Landfill, facility number 1913A, located in Lafayette, Sussex County, New Jersey.
- f) All solid wastes, with the exception of those noted in Section 4.c. herein, animal and food processing (type 25) wastes and non-chemical industrial (type 27) wastes, generated from within the Sussex County municipality of Stillwater Township shall be disposed of at the Stillwater Township Sanitary Landfill, facility number 1920A, located in Stillwater Township, Sussex County, New Jersey. All animal and food processing (type 25) wastes and non-chemical industrial (type 27) wastes generated from within the Sussex County municipality of Stillwater Township shall be disposed of at the Hamm's Sanitation, Inc. Landfill, facility number 1913A, located in Lafayette, Sussex County, New Jersey.
- g) Upon closure of Hardyston Township Sanitary Landfill, facility number 1911A; the Hopatcong Sanitary Landfill, facility number 1912A; the Sparta Township Sanitary Landfill, facility number 1918A; and the Stillwater Sanitary Landfill, facility number 1920A; (all the landfill facilities identified in this section, according to the modifications adopted and promulgated herein, close by November 30, 1982) wastes pursuant to paragraphs c, d, e, and f of this Section shall be redirected to the Sussex County regional

landfill scheduled to be operational by December 1, 1982.\*

- h) When the Sussex County regional landfill becomes operational on December 1, 1982, all of Sussex County's municipalities disposing of their waste at Hamm's Sanitation, Inc. Landfill shall be redirected to this new facility.

2) Out-of-County Wastes

- a) All solid wastes, with the exception of those noted in Section 4.c. herein, generated from within the Morris County municipalities of Boonton Town, Boonton Township, Butler, Denville, Jefferson, Kinnelon, Lincoln Park, Montville, Mountain Lakes, Pequannock, Riverside, and Rockaway Township shall be disposed of at the Hamm's Sanitation, Inc. Landfill, facility number 1913A, located in Lafayette Township, Sussex County, New Jersey until completion of the new Morris County landfill directed to be operational January 31, 1982.
- b) All solid wastes, with the exception of those noted in Section 4.c. herein, generated from within the Passaic County municipalities of Bloomingdale, Pompton Lakes, Ringwood, Wanaque, and West Milford shall be disposed of at the Hamm's Sanitation, Inc. Landfill, facility number 1913A, located in Lafayette, Sussex County, New Jersey until Hamm's Sanitation, Inc. Landfill ceases operation. When Hamm's Sanitation, Inc. Landfill ceases operation, Passaic County's waste shall be redirected to facilities identified in subsequent modifications to the Passaic County Solid Waste Management Plan.

3) Other Modifications

- a) The Department approves of the procedure outlined in the Plan which recognizes the need to uniformly distribute disposal costs throughout the District so as to reflect the environmental costs of improving solid waste facilities and provide for the orderly flow of waste. It is the Department's position, however, that the County must obtain uniform disposal rate approval from the New Jersey Board of Public Utilities.
- b) While the Department approves of the schedule outlined in the Plan for the development of a regional resource recovery facility, Sussex County shall submit to the Department any revisions in same should the County decide to pursue the development of a more localized resource recovery facility.
- c) The Sussex County Board of Chosen Freeholders shall designate a Plan implementation agency on or before August 1, 1981.

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\*In the event that any existing landfill reaches capacity or develops operational problems requiring enforcement actions, it may be closed at an earlier date.

- d) Sussex County shall comply with the schedule outlined below in order to construct a regional County landfill to assure that a site capable of handling Sussex County's solid waste is available for use by December 1, 1982. The County shall submit quarterly status reports to the Department outlining progress made in meeting these milestones. The first report will be due on September 1, 1981. The facility should be of sufficient capacity to handle all of Sussex County's solid waste.
- November 1, 1981 - Site selection for regional County landfill
  - January 1, 1982 - Site acquisition
  - April 1, 1982 - Submittal of all necessary applications and engineering plans
  - December 1, 1982 - Facility to be operational
- e) Sussex County shall conform with the State Septage Management Plan when adopted and the Department Rules and Regulations regarding septage management and disposal. All septage shall be directed to the new Sussex County Municipal Utility Authority's treatment plant upon its completion pursuant to the regional facilities plan. Until completion of this new facility, septage shall be disposed of in accordance with the approved interim County septage management plan and the Rules and Regulations of this Department.
- f) The Plan shall conform with any Rules and Regulations of the Department concerning sludge.

4) Other Provisions Effecting the Plan Modifications

a) Contracts

Nothing contained in these Modifications shall be construed as to interfere with, or in any way modify, the provisions of any contract for solid waste collection or solid waste disposal in force in any solid waste management district upon the effective date of this Act (July 29, 1977); provided, however, as set forth at N.J.S.A. 13:1E-29 no renewal of any such contract upon the expiration or termination of the original term thereof, and no new contract for solid waste collection or solid waste disposal, shall be entered into after the effective date of this act, unless such renewal or such new contract shall conform with the applicable provisions of the approved solid waste management plan, as set forth herein, of the relevant solid waste management district or unless such contract is approved by the Commissioner.

Any contract renewal or new contract for solid waste collection or solid waste disposal which was executed prior to the approval of the within modifications to the Sussex County District Solid Waste Management Plan, 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 these Modifications and of the Sussex County District Solid Waste Management Plan if such renegotiation is not completed by the effective date of these Modifications (September 1, 1981); 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.

b) Compliance

All solid waste facility operators registered with the Department of Environmental Protection and operating within Sussex County and effected by the Modifications contained herein shall operate in compliance with these Modifications and all other approved provisions of the Sussex County District Solid Waste Management Plan. Any facility operator 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 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.

c) Types of Solid Wastes Covered by the Sussex County District Solid Waste Management Plan Modifications

The Modifications contained herein shall apply to all "solid wastes" generated within the identified County municipalities, as defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-2.5.27 and with the exceptions of liquid wastes, sewage sludge, septage, hazardous wastes, oil spill clean-up waste, infectious waste and those wastes separated and recovered at the point of generation.

d) Certification to Proceed with the Implementation of Plan Modifications

This Document shall serve as the Certification of the Commissioner of the Department of Environmental Protection to the Sussex County Board of Chosen Freeholders, as provided for by N.J.S.A. 13:1E-24f., to proceed with the implementation of the Modifications contained herein.

e) Definitions

For the purpose of these Modifications 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 -2.5.27.\*

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\*Note: In a municipal collection system where commercial and residential solid wastes are collected together, the wastes shall be considered, for the purposes of District solid waste planning, as residential solid waste.



f) Effective Date of Modifications


The adopted and promulgated Modifications to the Sussex County District Solid Waste Management Plan contained herein shall take effect on September 1, 1981.

- g) 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 Sussex County District Solid Waste Management Plan shall conform with the Statewide Solid Waste Management Plan. The Statewide Solid Waste Management Plan includes the Department's Planning Guidelines and rules, regulations, and orders of the Department, and will include the compilation of individual District Plans and modifications as they are approved.\*\*

E. Certification of Approval and Adoption and Promulgation of Modifications 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 Sussex County District Solid Waste Management Plan and its adopted modifications, subject to the modifications and replacements contained and adopted herein.

6/1/81  
DATE

  
JERRY FITZGERALD ENGLISH  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

\*\*The Commissioner may adopt modifications to the approved District Plans in the Statewide Solid Waste Management Plan when it is promulgated.