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**IN THE MATTER OF CERTAIN AMENDMENTS
TO THE ADOPTED AND APPROVED SOLID
WASTE MANAGEMENT PLAN OF THE
SALEM COUNTY SOLID WASTE
MANAGEMENT DISTRICT**

**CERTIFICATION
OF THE JANUARY 3, 2007
AMENDMENT TO THE SALEM 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 (now known as the New Jersey Meadowlands Commission) develop comprehensive plans for waste management in their respective districts. On February 11, 1981, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Salem County District Solid Waste Management Plan (County 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 a 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 a ten-year period.

The Act further provides that a district may review its County Plan at any time and, if found inadequate, a new County Plan must be adopted. The Salem County Board of Chosen Freeholders (County Freeholders) completed such a review and on January 3, 2007 adopted an amendment to its approved County Plan. The January 3, 2007 amendment proposes County Plan inclusion of the response to the Statewide Solid Waste Management Plan.

The amendment was considered administratively complete for review by the Department on January 25, 2007 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this amendment, and has determined that the amendment adopted by the County Freeholders on February 3, 2007 is approved as provided in N.J.S.A. 13:1E-24.

On April 13, 2002 New Jersey Department of Environmental Protection Commissioner Bradley M. Campbell signed Administrative Order No. 2002-10, which requires, among other things, that the Department revise, update and readopt the Statewide Solid Waste Management Plan. On January 3, 2006 New Jersey Department of Environmental Protection Commissioner Lisa P. Jackson formally adopted the updated Statewide Solid Waste Management Plan.

The updated Statewide Solid Waste Management Plan reaffirms the state's goal of recycling 50% of the MSW stream. The overall strategy for achieving this ambitious goal starts with a quantification, on a statewide basis, of the increased tonnage of recycled materials needed. This is further calculated on a per county basis, with an analysis of current MSW recycling tonnages by county, and the necessary increases required by each county. The statewide increase needed is also expressed in terms of increased recycling tonnage by material, such as newspaper, corrugated, food waste, etc. Additionally, the plan targets specific classes of generators (schools, multi-family housing complexes, small and medium sized businesses) that need to be focused on in terms of expanded recycling opportunities for the materials identified.

The state, through this Solid Waste Management Plan update, establishes the overall policy objectives and goals for solid waste management in New Jersey. The counties and the NJMC shall have the responsibility for developing their respective district solid waste management plans consistent with the state's goals and objectives. Therefore, as noted in the State Plan, each district shall, within one year of the adoption of the Updated Statewide Solid Waste Management Plan or January 6, 2007, adopt and submit to the Department, an updated district solid waste plan. This district plan update shall demonstrate consistency with the State Plan. Further, the district plans shall reiterate the district plan requirements contained in N.J.S.A. 13:1E-21. Specifically, revised district plan updates shall include, but not be limited to the following components:

- 1) Designation of the department, unit or committee of the county government (or district in the case of the New Jersey Meadowlands Commission) to supervise the implementation of the district plan;
- 2) An inventory of the quantity of solid waste generated within the district for the ten-year period commencing with the adoption of updated district solid waste management plan;
- 3) An inventory of all solid waste and recycling facilities (lot and block and street address) including approved waste types and amounts, hours of operation and approved truck routes;
- 4) An outline of the solid waste disposal strategy to be utilized by the district for a ten-year planning period;
- 5) A procedure for the processing of applications for inclusion of solid waste and recycling facilities

within the district solid waste management plans. The procedure shall state the applicant requirements for inclusion into the district plan and the specific county review process/procedures, including time frames for county approvals or rejections and subsequent submittals to the Department. **Note-** the criteria for inclusion shall **not** include a requirement that local zoning or planning board approval(s) be obtained as a condition for inclusion within the district solid waste management plan, nor shall such a requirement be made a condition for subsequent construction or operation of any facility;

- 6) Identify the additional tonnage of recycled materials in the MSW stream (by material commodity types) required by each county to meet the mandated MSW recycling goal, a strategy for the attainment of the recycling goals as outlined above. The strategy shall include, as necessary:
 - a) the designation of the currently mandated recyclable materials and additional materials, if any, to be source separated in the residential, commercial and institutional sectors;
 - b) a listing of those entities providing recycling collection, processing and marketing services for each of the designated recyclable materials;
 - c) the communication program to be utilized to inform generators of their source separation and recycling responsibilities;
 - d) a comprehensive enforcement program that identifies the county and/or municipal entity(ies) responsible for enforcement of the recycling mandates, specifies the minimum number of recycling inspections that will be undertaken by these entities on an annual basis and details the penalties to be imposed for non-compliance with the municipal source-separation ordinance and county solid waste management plan. Additionally, the updated district plan shall include copies of each municipal source separation ordinance.

B. Findings and Conclusions with Respect to the Salem County District Solid Waste Management Plan Amendment

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the January 3, 2007 amendment to the County 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 consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the elements relative to the January 3, 2007 amendment, which are included below.

In conjunction with the review of the amendment, the Department circulated copies to sixteen administrative review agencies and solicited their review and comment. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various bureaus, divisions, and agencies within the Department. All agencies contacted are as follows:

Division of Water Quality, DEP
Division of Parks and Forestry, DEP
Division of Fish and Wildlife, DEP
Solid and Hazardous Waste Program, DEP
Green Acres Program, DEP
Land Use Regulation Program, DEP

Office of Local Environmental Management, DEP
Office of Air Quality Management, DEP
Bureau of Solid Waste Compliance and Enforcement, DEP
Department of Community Affairs
Department of Transportation
Department of Agriculture
Department of Health and Senior Services
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
U.S. Environmental Protection Agency

Elements of the January 3, 2007 Amendment

Designation of the department, unit or committee of the county government to supervise the implementation of the district plan.

The Salem County Board of Chosen Freeholders has designated the Salem County Utilities Authority as the solid waste district plan implementation agency.

Element: Inventory of all solid waste and recycling facilities (lot and block and street address) including approved waste types and amounts, hours of operation and approved truck routes.

Solid Waste Facilities

- Salem County Solid Waste Landfill Facility- This facility is located on Block 8, Lot 1 in Alloway Township.
- DuPont Chambers Works Landfill- This facility is located on Block 185, Lot 1 in Carney's Point Township.

Recycling Centers

Recycling Depot (Municipal Drop-off Centers)

- Alloway Township- This facility is located on Thomas Road, Alloway Township.
- Pennsville Township- This facility is located on Industrial Park Road, Pennsville Township.
- Pilesgrove Township- This facility is located on 1050 Porchtown Road, Pilesgrove Township.
- Salem County Utilities Authority- This facility is located on 36 McKillip Road, Alloway Township.

Class B Facilities

- South Jersey Agricultural Products- This facility is located on Block 60, Lot 1 in Alloway

Township.

- Soil Safe, Inc.- This facility is located on the Salem City Landfill in Pennsville Township.

The January 3, 2007 County Plan amendment contains an inventory of solid waste and recycling facilities (lot and block and/or street address). However, approved truck routes, waste (and/or source separated recyclable materials) types and amounts, and hours of operation have not been included.

Element: Solid Waste Disposal Strategy to be Utilized by the District for the Next Ten Years

Salem County has utilized a free market approach to solid waste disposal since 1998. The Salem County Landfill operates as a market participant in the local disposal market.

The January 3, 2007 plan amendment proposes a vertical expansion of the existing phase I area at the Salem County Solid Waste Facility. This expansion will add approximately 350,000 cubic yards of capacity to the existing landfill. This is estimated to add 1.5 years of life to the landfill at the disposal rate of 120,000 tons per year. The January 3, 2007 plan amendment also proposes a horizontal expansion of approximately 35 acres to the phase II area of the landfill.

Element: District Plan Inclusion Process

The Department notes that there is no mention in the January 3, 2007 amendment of the District Plan inclusion process for the inclusion of a solid waste facility and/or a recycling facility. Therefore, as noted in Section C. of this certification, Salem County is required to submit, in a subsequent plan amendment, the District Plan inclusion process for solid waste and recycling facilities.

Element: Additional tonnage of recycled materials in the MSW stream (by material commodity types) required to meet the mandated MSW recycling goal, and a strategy for the attainment of the recycling goals as outlined above, including, but not limited to: a listing of designated recyclable materials; those entities providing recycling collection, processing and marketing services for each of the designated recyclable materials; the communication program to be utilized to inform generators of their source separation and recycling responsibilities, and a comprehensive enforcement program that identifies the county and/or municipal entity(ies) responsible for enforcement of recycling mandates.

Additional tonnage of recycled materials in the MSW stream (by material commodity types) required to meet the mandated MSW recycling goal, and a strategy for the attainment of the recycling goals:

The Statewide Solid Waste Management Plan calculated Salem County's recycling rate for 2003 as 34.5% of the municipal waste stream and 34.2% of the total waste stream. As stated in the January 3, 2007 amendment, Salem County's recycling rate for 2004 was 38.4% of the

municipal waste stream and 39.9% of the total waste stream. Using 2004 data, Salem County will need to recycle an additional 7081 tons of material in order to reach the 50% municipal solid waste recycling rate mandate.

The January 3, 2007 amendment states that the SCUA believes that the 50% recycling goal is achievable through the increased recycling of designated recyclable materials by municipalities and generators. To this end, Salem County intends to encourage municipalities to consider incentive-based source separation programs. In addition, the amendment states that a strategy for reaching the statewide recycling goal is to make single and dual stream collection of source separated recyclable materials available to all residential and commercial generators. Also, increased enforcement of recycling mandates at the Salem County Landfill will be undertaken.

To achieve the 60% total waste stream goal, Salem County also intends to undertake a research, demonstration and development project (RD&D), to determine what materials can be separated at the landfill and prepared for reuse or recycling. The material recovered from the waste stream includes wood, rock, brick, concrete for use as road building material, asphalt, metal, corrugated paper, wallboard, and intermediate, daily, and final cover material at the landfill. As noted in Section C. of this certification, the County is directed to provide, in a subsequent submission, a timetable for the implementation of this project.

The amendment indicates that measures intended to increase recycling will result in the achievement of the mandatory recycling goals by 2016. This date is well beyond the time frame established in the 1987 Recycling Act. As further noted in Section C. of this certification, the County is directed to provide, in a subsequent submission, a timetable for achievement of these goals in a more timely fashion, and a more detailed description of how the SCUA will assist municipal recycling efforts to achieve the 50% and 60% recycling goals.

Designated Recyclable Materials

The Designated Recyclable Materials for the residential sectors are as follows:

- Glass
- Aluminum
- Newspaper
- Mixed Office
- Corrugated
- Other Paper/Magazines/Junk Mail
- Plastic
- Leaves
- Bi-metal Containers/Cans
- Tires
- White goods/Light Iron

The Designated Recyclable Materials for the commercial, industrial, and institutional sectors are as follows:

- Glass
- Aluminum
- Newspaper
- Mixed Office
- Corrugated
- Other Paper/Magazines/Junk Mail
- Plastic
- Bi-metal Containers/Cans
- Tires
- White goods/Light Iron

It should be noted that, to the Department's understanding, "Bi-metal containers/cans" are no longer, or very rarely used for food or beverage packaging. "Steel", or "tin-plated steel containers/cans" are the more appropriate material to be designated for mandatory recycling. As further noted in Section C. of this certification, the County is directed to provide, in a subsequent submission, either a justification for the continued designation of "BI-metal containers/cans", or the designation of "steel" or "tin-plated steel containers/cans".

Comprehensive enforcement program that identifies the county and/or municipal entity(ies) responsible for enforcement of recycling mandates

The January 3, 2007 states that all fifteen (15) Salem County municipalities have recycling ordinances and that within six (6) months of the approved amendment, each municipality will amend their recycling ordinance to reflect the necessary changes required by the approved county plan. Further, all fifteen municipalities will enforce the mandatory recycling ordinances by inspecting and enforcing the terms of the ordinances. In addition to the responsibility of each municipality, the Salem County Health Department (SCDH) is responsible for performing enforcement actions under the County Environmental Health Act (CEHA). The SCDH is responsible for inspections of solid waste facilities, recycling facilities, and solid waste generators, such as commercial businesses, apartments, and schools.

The January 3, 2007 County Plan amendment states that the SCUA has hired a recycling/solid waste inspection/enforcement officer to manage a monitoring and enforcement program at the Salem County Solid Waste Facility, which includes the following programs:

- 1) A waste/recycling advisory program using education to keep prohibited waste or recyclables from entering the facility.
- 2) Inspections of loads of solid waste prior to placement in the landfill.
- 3) Enforcement and/or prosecution of haulers that are not in compliance with recycling and solid waste rules and regulations.

The Department notes that whatever enforcement action taken should be consistent with the State's Solid Waste Management Plan and the Department's protocols. A detailed description is also required on the County's role in overseeing and coordinating the municipal recycling efforts

and, identifying the entity that will review each recycling ordinance to determine if it's consistent and complements the county plan. Clarification is needed on the SCUA's enforcement authority under CEHA.

C. Certification of the Salem County District Solid Waste Management Plan Amendment

In accordance with N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-21, which establishes specific requirements regarding the contents of the county solid waste management plans, I have reviewed the January 3, 2007 amendment to the approved County Plan and certify to the County Freeholders that the January 3, 2007 amendment is approved as further specified below.

The District Plan inclusion of a vertical expansion of the existing phase I area and a horizontal expansion of approximately 35 acres to the phase II area at the Salem County Solid Waste Facility is approved.

The District Plan inclusion of the district plan update in response to the updated Statewide Solid Waste Management Plan is approved; however, Salem County shall submit to the Department within 180 days from the date of this certification a subsequent plan amendment to correct deficiencies as noted in Section B. The County may submit the required amendment as an Administrative Action, pursuant to N.J.A.C. 7:26-6.11 et seq. Please note that the Department is requiring the County to meld the various submissions in response to the requirements contained in the State Plan update, as identified above, into one unified document for the purpose of general circulation.

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 this amendment to the County 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 and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the County 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, and for good cause shown, obtain an extension of time to complete such renegotiation.

2. Compliance

All solid waste facility operators and transporters registered with the Department and operating within the County and affected by the amendment contained herein shall operate in compliance

with this amendment and all other approved provisions of the County Plan. Any facility operator or transporter 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 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 County Plan

The provisions of the County 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 including waste types 10, 13, 23, 25, and 27 and all applicable subcategories and shall not apply to liquid and hazardous wastes. All nonhazardous materials separated at the point of generation for sale or reuse are subject to regulation in accordance with N.J.A.C. 7:26A-1 et seq.

4. Certification to Proceed with Implementation of Amendment

This document shall serve as the certification of the Commissioner of the Department to the County Freeholders and pursuant to N.J.S.A. 13:1E-24c. and f., the County Freeholders shall proceed with the implementation of the approved components of the amendment certified 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 -99.12, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of Amendment

The approved components of the amendment to the County 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 pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, and also includes the compilation of individual district plans and amendments as they are approved.

E. Certification of Approval of the Amendment 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 Salem County District Solid Waste Management Plan which was adopted by the Salem County Board of Chosen Freeholders on January 3, 2007.

4/17/07
Date



Lisa P. Jackson, Commissioner
Department of Environmental Protection