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STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
JERRY FITZGERALD ENGLISH, COMMISSIONER
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(IN THE MATTER OF THE ADOPTED AND)
(MODIFIED SOLID WASTE MANAGEMENT)
(PLAN OF THE SALEM COUNTY SOLID)
(WASTE MANAGEMENT DISTRICT)

CERTIFICATION OF APPROVAL
WITH MODIFICATION OF 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. 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 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 Salem County Solid Waste Management District on August 6, 1980. The Certification required the Salem 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 January 7, 1981, the Salem County Board of Chosen Freeholders formally adopted modifications to the District's Plan. The modifications were received by the Department of Environmental Protection on January 12, 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 Salem 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 Salem County District 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 Salem County. I am confident that with the implementation of this Plan, a comprehensive solid waste management program will be

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

established in Salem County.

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

The Plan designates the Salem County Utilities Authority as the County's responsible implementation agency. This agency has been charged by the County Board of Chosen Freeholders with the responsibility to plan, acquire, operate and maintain solid waste facilities for the benefit of the Salem County residents and respective municipalities.

The Plan also contains a detailed public participation program which alots specific responsibilities to the Solid Waste Advisory Council, County Utilities Authority and County Planning Staff with the goal of integrating public participation into Plan development and implementation.

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

The Plan concludes that sanitary landfilling remains the most cost-effective and environmentally sound disposal alternative for the District; however, the Plan recommends a resource recovery implementation schedule based on the Environmental Protection Agency's six phase Resource Recovery Management Model. If implemented, this schedule would provide for an operational resource recovery facility near the end of 1986.

C. Approved Salem 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 Salem County District Solid Waste Management Plan, and the Modifications adopted by the Salem County Board of Chosen Freeholders on January 7, 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 of resource recovery is approved. The Department of Environmental Protection will monitor the progress of the District in meeting the milestones of this implementation schedule. The Salem County Utilities Authority 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 August 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.

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 Salem 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 Salem County District Solid Waste Management Plan and certify to the Salem County Board of Chosen Freeholders that the modifications contained herein, are hereby made a final approved part of the Salem County District Solid Waste Management Plan.

1) In-County Wastes

- a) All solid wastes, with the exception of those noted in Section 4.c. herein, and non-chemical industrial (type 27) wastes, generated from within the Salem County municipalities of Elmer Borough, Elsinboro Township and Mannington Township shall be disposed of at the Q.T. landfill, facility number 1711B, located in Quinton Township, Salem County, New Jersey. All non-chemical industrial (type 27) wastes generated from within the Salem County municipalities of Elmer Borough, Elsinboro Township and Mannington Township shall be disposed of at the Clemente landfill, facility number 1713A, located in Carney's Point Township, Salem County, New Jersey.
- b) All solid wastes, with the exception of those noted in Section 4.c. herein, and non-chemical industrial (type 27) wastes, generated from within the Salem County municipality of Quinton Township shall be disposed of at the Q.T. landfill, facility number 1711B, located in Quinton Township, Salem County, New Jersey; or (for municipal, type 10, bulky, type 13, and vegetative, type 23 wastes only) residents hauling their own wastes may use the Quinton Township landfill, facility number 1711A, located in Quinton Township, Salem County, New Jersey. All non-chemical industrial (type 27) wastes generated from within the Salem County municipality of Quinton Township shall be disposed of at the Clemente landfill, facility number 1713A, located in Carney's Point Township, Salem County, New Jersey.
- c) All solid wastes, with the exception of those noted in Section 4.c. herein, and non-chemical industrial (type 27) wastes, generated from within the Salem County municipality of Lower Alloways Creek Township shall be disposed of at the Q.T. landfill, facility number 1711B, located in Quinton Township, Salem County, New Jersey; or (for municipal, type 10 wastes only) residents hauling

their own wastes may use the Lower Alloways Creek Township landfill, facility number 1704A, located in Lower Alloways Creek Township, Salem County, New Jersey. All non-chemical industrial (type 27) wastes generated from within the Salem County municipality of Lower Alloways Creek Township shall be disposed of at the Clemente landfill, facility number 1713A, located in Carney's Point Township, Salem County, New Jersey.

- d) 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 Salem County municipalities of Pilesgrove Township and Woodstown Borough shall be disposed of at the Woodstown-Pilesgrove landfill, facility number 1709A, located in Pilesgrove Township, Salem County, New Jersey. All animal and food processing (type 25) wastes generated from within the Salem County municipalities of Pilesgrove Township and Woodstown Borough shall be disposed of at the Q.T. landfill, facility number 1711B, located in Quinton Township, Salem County, New Jersey. All non-chemical industrial (type 27) wastes generated from within the Salem County municipalities of Pilesgrove Township and Woodstown Borough shall be disposed of at the Clemente landfill, facility number 1713A, located in Carney's Point Township, Salem County, New Jersey.
- e) 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 Salem County municipality of Alloway Township shall be disposed of at the Alloway Township landfill, facility number 1701A, located in Alloway Township, Salem County, New Jersey. All animal and food processing wastes generated from within the Salem County municipality of Alloway Township shall be disposed of at the Q.T. landfill, facility number 1711B, located in Quinton Township, Salem County, New Jersey. All non-chemical industrial (type 27) wastes generated from within the Salem County municipality of Alloway Township shall be disposed of at the Clemente landfill, facility number 1713A, located in Carney's Point Township, Salem County, New Jersey.
- f) 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 Salem County municipality of Carney's Point Township shall be disposed of at the Clemente landfill, facility number 1713A, located in Carney's Point Township, Salem County, New Jersey. All animal and food processing (type 25) wastes generated from within the Salem County municipality of Carney's Point Township shall be disposed of at the Q.T. landfill, facility number 1711B, located in Quinton Township, Salem County, New Jersey.
- g) 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 Salem County municipality of Oldmans Township shall be disposed of at the Oldmans Township landfill, facility number 1706A, located in Oldmans Township, Salem County, New Jersey.

All animal and food processing (type 25) wastes generated from within the Salem County municipality of Oldmans Township shall be disposed of at the Q.T. landfill, facility number 1711B, located in Quinton Township, Salem County, New Jersey.

- h) All solid wastes, with the exception of those noted in Section 4.c. herein and non-chemical industrial (type 27) wastes, generated from within the Salem County municipality of Penns Grove Borough shall be disposed of at the Eckert landfill, facility number 1706B, located in Oldmans Township, Salem County, New Jersey. All non-chemical industrial (type 27) wastes generated from within the Salem County municipality of Penns Grove Borough shall be disposed of at the Clemente landfill, facility number 1713A, located in Carney's Point Township, Salem County, New Jersey.
- i) 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 Salem County municipality of Pennsville Township shall be disposed of at the Pennsville Township landfill, facility number 1708A, located in Pennsville Township, Salem County, New Jersey. All animal and food processing (type 25) wastes generated from within the Salem County municipality of Pennsville Township shall be disposed of at the Q.T. landfill, facility number 1711B, located in Quinton Township, Salem County, New Jersey.
- j) 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 Salem County municipality of Pittsgrove Township shall be disposed of at the Pittsgrove Township landfill, facility number 1710A, located in Pittsgrove Township, Salem County, New Jersey. All animal and food processing (type 25) wastes generated from within the Salem County municipality of Pittsgrove Township shall be disposed of at the Q.T. landfill, facility number 1711B, located in Quinton Township, Salem County, New Jersey. All non-chemical industrial (type 27) wastes generated from within the Salem County municipality of Pittsgrove Township shall be disposed of at the Clemente landfill, facility number 1713A, located in Carney's Point Township, Salem County, New Jersey.
- k) All solid wastes, with the exception of those noted in Section 4.c. herein, generated from within the Salem County municipality of Salem City shall be disposed of at the Salem City landfill, facility number 1712A, located in Salem City, Salem County, New Jersey.
- l) 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 Salem County municipality of Upper Pittsgrove Township shall be disposed of at the Upper Pittsgrove Township landfill, facility number 1714A, located in Upper Pittsgrove Township, Salem County, New Jersey. All animal and food processing (type 25) wastes generated from within the Salem County municipality of Upper Pittsgrove Township shall be disposed of at the Q.T. landfill, facility number

1711A, located in Quinton Township, Salem County, New Jersey. All non-chemical industrial (type 27) wastes generated from within the Salem County municipality of Upper Pittsgrove Township shall be disposed of at the Clemente landfill, facility number 1713A, located in Carney's Point Township, Salem County, New Jersey.

- m) Upon closure of the Clemente landfill, facility number 1713A; the Eckert landfill, facility number 1706B; the Lower Alloways Creek Township landfill, facility number 1704A; the Oldmans Township landfill, facility number 1706A; the Pennsville Township landfill, facility number 1708A; the Quinton Township landfill, facility number 1711A; and the Q.T. landfill, facility number 1711B, (the seven facilities identified in this section shall, according to the modifications adopted and promulgated herein, close by May 31, 1982) wastes going to these facilities shall be disposed of at the regional County landfill which is to be operational as of June 1, 1982.*
- n) Upon closure of the Alloways Township landfill, facility number 1701A; the Pittsgrove Township landfill, facility number 1710A; the Salem City landfill, facility number 1712A; the Upper Pittsgrove Township landfill, facility number 1714A; and the Woodstown-Pilesgrove landfill, facility number 1709A, (the five facilities identified in this section shall, according to the modifications adopted and promulgated herein, close by December 31, 1982) wastes going to these facilities shall be disposed of at the regional County landfill which is to be operational as of June 1, 1982.*
- o) Salem County shall comply with the schedule outlined below in order to construct a regional County landfill to assure that a site capable of handling Salem County's solid waste is available for use by June 1, 1982. The facility should be of sufficient capacity to handle all of the Salem County's solid waste.
 - March 1, 1981 - Site selection for regional County landfill
 - August 1, 1981 - Site acquisition
 - October 1, 1981 - Submittal of all necessary applications and engineering plans
 - June 1, 1982 - Facility to be operational

2) Out-of-County Wastes

- a) Due to decreasing landfill capacity in Salem County, out-of-County wastes will be prohibited from entering the County as of the effective date of the modifications adopted and promulgated herein.

3) Other Modifications

- a) The Department recognizes the Salem County Freeholders position not to include a procedure for the uniform distribution of resource recovery and disposal costs at this time in light of the Plan's recommendation of one solid waste disposal facility to handle all

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

solid wastes generated from within the County. However, it is the Department's position that a scheme for uniform rate averaging is an integral component of the County Plans. Therefore, at a future date, Salem County may be required to comply with a statewide procedure for the uniform distribution of resource recovery and disposal costs within the District.

- b) Salem County shall submit their Resource Conservation and Recovery Act funded source separation study to the New Jersey Solid Waste Administration on or before April 1, 1981.
- c) The Plan shall conform with any Rules and Regulations of the Department concerning sludge and septage.

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 Salem 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 Salem County District Solid Waste Management Plan if such renegotiation is not completed by the effective date of these Modifications (June 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 Salem County and effected by the Modifications contained herein shall operate in

compliance with these Modifications and all other approved provisions of the Salem 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 Salem 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 Salem 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.*

f) Effective Date of Modifications

The adopted and promulgated Modifications to the Salem County District Solid Waste Management Plan contained herein shall take effect on June 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 Salem 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,

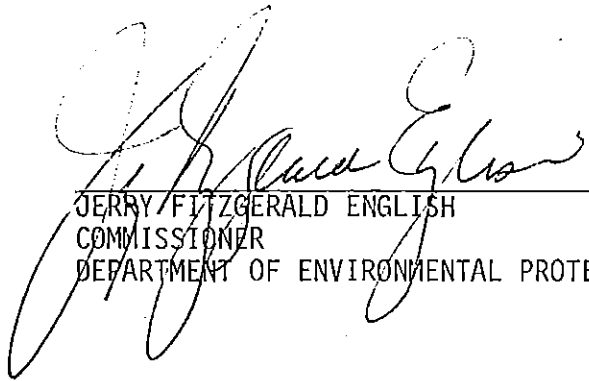
*Note: In a municipal collection system where commercial and residential solid wastes are collected together, the wastes shall be considered, for the purposes of District solid waste planning, as residential solid waste.

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 Salem County District Solid Waste Management Plan and its adopted modifications, subject to the modifications and replacements contained and adopted herein.

February 11, 1981
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.