



## State of New Jersey

Christine Todd Whitman  
Governor

Department of Environmental Protection

Robert C. Shinn, Jr.  
Commissioner

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 FEBRUARY 15, 1995  
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 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, 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 County Plan at any time and, if found inadequate, a new County Plan must be adopted. Amendments to the Act found in N.J.S.A. 13:1E-136 et seq. require that, among other things, counties amend their plans to include an outline of the proposed uses of moneys in the District Resource Recovery Investment (RRIT) Fund as well as establish a schedule for the disbursement of the moneys in that Fund. The Salem County Board of Chosen Freeholders (County Freeholders) completed such a review and on February 15, 1995 adopted an amendment to its approved County Plan.

The amendment proposed the specified uses of and a disbursement schedule for \$2,865,452.00 of the County's RRIT Fund for program years 1995-1997. As adopted, the specified uses included: promoting recycling programs on a municipal level; augmenting funding for the closure/post closure and construction reserve accounts for the County landfill; financing the household hazardous waste collection program; financing leachate cost control studies; and administration.

The February 15, 1995 amendment was received by the Department on March 10, 1995 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 15, 1995 is approved in part, modified in part, and rejected in part as provided in N.J.S.A. 13:1E-24.

**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 February 15, 1995 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 approved portions of this plan amendment are consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the issue of concern relative to the February 15, 1995 amendment which is included in Section B.2. below.

In conjunction with the review of the amendment, the Department circulated copies to fifteen federal and state 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 Parks and Forestry, DEP  
Division of Fish, Game and Wildlife, DEP  
Division of Solid and Hazardous Waste, DEP  
Division of Water Quality, DEP

Division of Enforcement, DEP  
Office of Air Quality Management, DEP  
Green Acres Program, DEP  
Land Use Regulation Element, DEP  
New Jersey Turnpike Authority  
New Jersey Advisory Council on Solid Waste Management  
Department of Agriculture  
Department of Health  
Department of Transportation  
Department of Community Affairs  
U.S. Environmental Protection Agency

**1. Agency Participation in the Review of the February 15, 1995 Amendment**

The following agencies did not object to the proposed amendment:

Division of Parks and Forestry, DEP  
Division of Enforcement, DEP  
Division of Water Quality, DEP  
Green Acres Program, DEP  
New Jersey Turnpike Authority  
Department of Agriculture  
Department of Transportation  
Department of Community Affairs

The following agencies did not respond to our requests for comment:

Division of Fish, Game and Wildlife, DEP  
Office of Air Quality Management, DEP  
Land Use Regulation Element, DEP  
New Jersey Advisory Council on Solid Waste Management  
Department of Health  
U.S. Environmental Protection Agency

The following agency provided substantive comments as shown in Section B. of the certification document:

Division of Solid and Hazardous Waste, DEP

**2. Issue of Concern Regarding the February 15, 1995 Amendment**

**Issue: RRIT Fund Use and Disbursement Schedule**

Pursuant to N.J.S.A. 13:1E-150b., the Department has reviewed the eligibility of each of the proposed uses for RRIT Fund moneys. The use of RRIT Fund moneys for the reimbursement of expenses associated with the operation of a household hazardous waste collection program for program years 1995 and 1996 is an approvable activity. However, the Department is encouraging counties to develop permanent household hazardous waste collection facilities rather than the continued reliance on household hazardous waste

collection days. Burlington County is the first New Jersey county to construct and operate a permanent household hazardous waste collection facility. This facility cost about \$400,000.00 to develop and has an anticipated cost of \$300,000.00 to operate on an annual basis. Rather than the County continuing to allocate RRIT Fund moneys to finance household hazardous waste collection days, these moneys should be allocated toward the development of a permanent household hazardous waste collection facility or the entering into of a regional agreement for the shared use of such a facility. Therefore, while Section C. of this certification approves the reimbursement for operating expenses of the household hazardous waste collection program for program years 1995 and 1996, thereafter, the County is encouraged to utilize RRIT Fund moneys to finance the development of a permanent household hazardous collection facility or enter into a regional agreement for the shared use of such a facility.

Also, pursuant to N.J.S.A. 13:1E-150b.(5), an amount not to exceed 2% of the total moneys appropriated to the Fund during the fiscal year may be allocated to administer the RRIT Fund. The amendment contains a disbursement schedule for program years 1995 through 1997. For this time period, the County has allocated 3% for administration. Since this amount exceeds by 1% the allowable threshold for administration, within Section C. of the certification this component of the RRIT Fund use and disbursement schedule is approved with modification to restrict to 2% the amount of RRIT Fund moneys allocated for administrative purposes.

Further, the amendment proposes utilizing RRIT Fund moneys to finance a leachate cost control study. Specifically, this study would investigate alternative methods of controlling leachate production and disposal to decrease the cost of leachate treatment which has become one of the rapidly escalating elements of operation of the Salem County Utilities Authority (SCUA) solid waste facility. The Environmental Protection Agency (EPA) has issued new landfill regulations (known as Part 258 of Subtitle D of the Resource Conservation and Recovery Act) which require a flexible membrane cap for the SCUA landfill. The SCUA has not complied with this regulation due to the additional cost for installing such a cap. The SCUA has appealed to the EPA for a waiver from the federal regulations but the EPA has declined the waiver request. Therefore, within Section C., the Department is rejecting this proposed use of RRIT Funds for being inconsistent with federal regulations.

Finally, as noted within Section C., the Department is directing the County to adopt and submit a subsequent plan amendment containing a revised use of and disbursement schedule for \$132,483.00 in RRIT Fund moneys not being approved for use and disbursement within this certification.

C. Certification of the February 15, 1995 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 district solid waste management plans, and N.J.S.A. 13:1E-150 which establishes eligible uses of and disbursement schedule requirements for a district RRIT Fund, I have reviewed the February 15, 1995 amendment to the approved County Plan and certify to the County Freeholders that the February 15, 1995 amendment is approved in part, modified in part, and rejected in part as further specified below.

The County Plan inclusion of the uses of and disbursement schedule for RRIT Fund moneys for program years 1995 through 1997 is approved in part, modified in part, and rejected in part. Specifically, funding for the recycling programs, household hazardous waste collection program, and closure/post closure and construction reserve accounts for the County landfill is approved. However, the amount of moneys allocated for administration is modified to reflect the legislatively mandated 2% cap. Finally, funding the leachate cost control study is rejected for being inconsistent with federal regulations. Therefore, of the total requested amount of \$2,865,452.00 only \$2,732,969.00 of RRIT Fund moneys shall be disbursed to the County for the specified uses as follows:

PROGRAM	ALLOCATION	YEAR(S)
Municipal recycling programs	\$1,517,660.00	1995-97
Closure/Post Closure Reserve	750,000.00	1995
Construction Reserve	300,000.00	1995
Household Hazardous Waste Collection	108,000.00	1995-96
Administration (2%)	<u>57,309.00</u>	1995
TOTAL DESIGNATED	\$2,732,969.00	

The County is hereby directed to adopt and submit a subsequent plan amendment containing a revised use of and disbursement schedule for \$132,483.00 in RRIT Fund moneys not approved for use and disbursement within this certification.

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 District Solid Waste Management 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 and shall not apply to liquid wastes, sewage sludge, septage, and hazardous wastes. All nonhazardous 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 set forth at N.J.A.C. 7:26A-1 et seq.

## 4. Certification to Proceed with the Implementation of the Plan Amendment

This document shall serve as the certification of the Commissioner of the DEP to the County Freeholders and pursuant to N.J.S.A. 13:1E-24c and f, the County shall proceed with the implementation of the approved amendment, as modified, 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 the Amendment**

The amendment, as modified, to the County Plan contained herein shall take effect immediately.

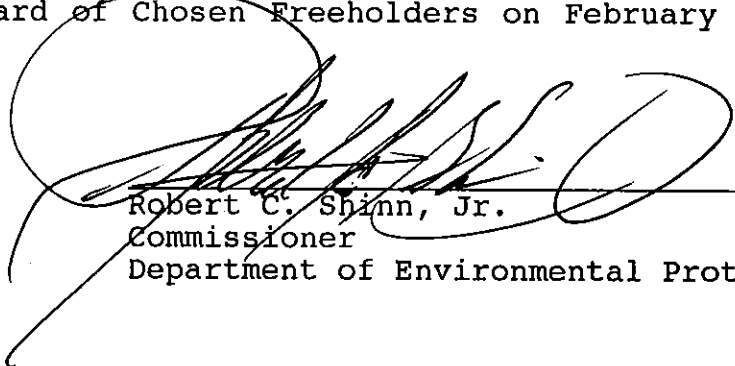
**7. Reservation of Authority**

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, 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 in Part, Modification in Part, and Rejection in Part 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 in part, modify in part, and reject in part 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 February 15, 1995.

7/21/95  
Date

  
Robert C. Shinn, Jr.  
Commissioner  
Department of Environmental Protection