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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)  
(SALEM COUNTY SOLID WASTE)  
(MANAGEMENT DISTRICT)

CERTIFICATION  
OF THE MARCH 21, 1990  
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 approved, with modifications, the Salem 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 Salem County Board of Chosen Freeholders completed such a review and on March 21, 1990 adopted an amendment to its approved district solid waste management plan.

The amendment proposed to include an exemption from the approved Salem County District Solid Waste Management Plan which would allow Mannington Mills, Inc. to remain open in a reserve status to complete the second lift of its landfill, facility #1705A, located on part of Lot 7 and Block 3 in Mannington Township.

The amendment was received by the Department of Environmental Protection on April 17, 1990 and copies were distributed to various state level agencies for review and comment, as required by law. The Department has reviewed this amendment and has determined that the amendment adopted by the Salem County Board of Chosen Freeholders on March 21, 1990, is approved 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, Judith A. Yaskin, Commissioner of the Department of Environmental Protection have studied and reviewed the March 21, 1990 amendment to the Salem 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 is consistent with the Statewide Solid Waste Management Plan.

In addition, the Division of Solid Waste Management circulated the plan amendment to fifteen 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 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. Division of Parks and Forestry, the State Departments of Agriculture and Transportation, the Board of Public Utilities, and the Green Acres Program. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Divisions of Fish, Game and Wildlife and Coastal Resources, the State Departments of Health, Community Affairs and the Public Advocate, the New Jersey Turnpike Authority, the New Jersey Advisory Council on Solid Waste Management and the U.S. Environmental Protection Agency. The N.J.D.E.P. Divisions of Environmental Quality, Water Resources and Solid Waste Management submitted substantive comments which are further addressed below.

The Division of Environmental Quality (DEQ) commented that landfills are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution" which prohibits odors and other air contaminants interfering with the enjoyment of life or property. Further, new and closed landfills should be equipped with positive ventilation systems which direct landfill gases to air pollution control devices. These vents and devices require air pollution control permits pursuant to N.J.A.C. 7:27-8.2(a)1 and 16. These regulations require permits for all stationary equipment used to ventilate a solid waste facility directly or indirectly to the ambient atmosphere. The Department concurs with the DEQ's comments and advises the county and applicant to adhere to these requirements.

The Division of Water Resources (DWR) commented that the proposed amendment would allow an existing New Jersey Pollution Discharge Elimination System permitted facility (Mannington Mills, Inc.), to remain open, however, this action has not been addressed by the Lower Delaware Water Quality Management Plan. In response, the Department concurs with DWR's comment and by way of this certification notifies the county and applicant of this outstanding issue.

The Division of Solid Waste Management (DSWM) commented that the Department's Certificate of Approved Registration and Engineering Design Approval (CAREDA) for the Mannington Mills, Inc. Landfill facility expired on October 25, 1987. Therefore, Mannington Mills, Inc. will be required to receive a new solid waste facility permit from the Department prior to the resumption of construction or operation of the second lift of its landfill. Further, DSWM notes that the proposed amendment indicated that no significant environmental impact will occur with the utilization of the remainder of the previously permitted second lift of this landfill. Although this assumption is premature pending an in-depth review of the environmental and health impact statement, this issue will be further addressed during the permitting phase of the application. Also, the DSWM commented that the Mannington Mills, Inc. Landfill could accept floor coverings waste (linoleum and vinyl) generated solely by Mannington Mills, Inc. while remaining in compliance with the requirements of the Salem County District Recycling Plan. However, the DSWM stated that Mannington Mills, Inc. must separate for recycling all items designated in the district recycling plan for the commercial sector. The Department concurs with the DSWM's comments and advises the applicant to adhere to these requirements.

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

I, Judith A. Yaskin, 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 March 21, 1990 amendment to the approved Salem County District Solid Waste Management Plan and certify to the Salem County Board of Chosen Freeholders that the March 21, 1990 amendment is approved as further specified below.

The proposal to include an exemption from the Salem County District Solid Waste Management Plan which will allow the Mannington Mills, Inc. Landfill, facility number 1705A, in Mannington Township, to remain open in a reserve status to complete its second lift, is approved. Utilization of the landfill's second lift will save existing capacity at the county's regional landfill while the county receives compensation revenues. The vertical expansion of the second lift of this landfill has previously been included in the district plan through the Department's certification of county's December 1, 1982 plan amendment. However, when the county's regional landfill was opened in April 1988, the construction of the second lift of this landfill was suspended, leaving a remainder of approximately forty percent of its capacity pursuant to a previous permit issued by the Department on October 25, 1985. This action was pursuant to the district plan which prohibited the operation of any private, public or municipal landfill following the development and operation of the county's regional landfill facility in 1988. Further, the district plan provided for the holding of this landfill in a reserve status with a view to utilize it as a back-up facility for disposal of the company's waste in the event of an interruption of service at the county's regional landfill as approved through the Department's certification of county's September 17, 1986 plan amendment. Also, the plan has previously included a similar exemption for allowing the operation of the DuPont Landfill to accept its own on-site generated waste.

The approval of another exemption to the plan requires Mannington Mills, Inc. to comply with all the conditions set forth in the approved amendment including Section B. of this certification which requires Mannington Mills, Inc. to receive a new solid waste facility permit for the landfill prior to the resumption of construction or landfilling activities. This facility shall remain open only until its second lift reaches its permitted capacity as a result of the landfilling of floor cuttings (including mainly linoleum and vinyl waste) generated solely by Mannington Mills, Inc. Further, Mannington Mills, Inc. shall also pay compensation revenues to the Salem County Utilities Authority in return for this exemption. Finally, the construction and operation of this facility shall be preceded by obtaining all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq. and all other applicable laws.

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 Salem 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 Salem 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 Salem County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Salem 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 Plan

The provisions of the Salem 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 Salem 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 -2.13.

6. Effective Date of Amendment

The amendment to the Salem 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 Salem 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 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 March 21, 1990.

7/6/90

DATE

J. A. Yaskin  
JUDITH A. YASKIN  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION