



## 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 APRIL 19, 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. The Salem County Board of Chosen Freeholders (County Freeholders) completed such a review and on April 19, 1995, adopted an amendment to its approved County Plan.

The April 19, 1995 amendment extends the closure date for the DuPont Chambers Works Landfill located in Deepwater, Salem County, until May 31, 2000 or until the current permitted capacity is exhausted, whichever occurs first.

The amendment was received by the Department on May 4, 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 April 19, 1995 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 have studied and reviewed the April 19, 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 this plan amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the issue of concern relative to the April 19, 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 Enforcement, DEP  
Division of Water Quality, 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 April 19, 1995 Amendment

The following agencies did not object to the proposed amendment:

Division of Parks and Forestry, DEP  
Division of Fish, Game and Wildlife, DEP  
Division of Enforcement, 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 Transportation  
Department of Community Affairs

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

Office of Air Quality Management, DEP  
Division of Water Quality, DEP  
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 April 19, 1995 Amendment

**Issue: Historical Background**

The Dupont Chambers Works Landfill comprises the A (27 acres) and B (19 acres) Landfills. These are not distinct landfills but the same facility separated by Patrol Road. Based on available information, the B Landfill appears to have commenced operation in the 1950's and the A Landfill in the 1960's. The first permit issued by the DEP to Dupont to operate this landfill was on September 15, 1975 and the total site was identified by facility number 1713B. The B landfill has not received waste since 1988.

Pursuant to the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6.5(r)13) adopted on December 6, 1982, upon operation of the Salem County Landfill all solid waste generated from within all Salem County municipalities was directed to the County landfill. The landfill commenced operations on April 18, 1988. However, no enforcement action was pursued to close the DuPont facility since remaining capacity existed and the County did not object to continued operations. Further, due to the available capacity and pursuant to a May 18, 1988 amendment to the County Plan which was certified by the Department on October 5, 1988, the DuPont Chambers Works Landfill was authorized to remain open until

May 31, 1995 or until the landfill reached its permitted capacity, whichever occurred earlier. The amendment also restricted the landfill to accepting only waste types 13 (bulky waste) and 27 (dry industrial waste) generated onsite of the Dupont Chambers Works Complex in Deepwater.

Finally, due to remaining permitted capacity at the Dupont Chambers Works Landfill and the previously specified May 31, 1995 closure date, the April 19, 1995 amendment has been adopted to grant an additional operational extension to the landfill until May 31, 2000 or until the current permitted capacity is reached, whichever occurs earlier. According to the latest available engineering data, the landfill has approximately 50,000 cubic yards of remaining capacity. Based on an annual disposal rate of 10,000 cubic yards, the landfill should reach capacity by the projected May 31, 2000 closure date.

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 district solid waste management plans, I have reviewed April 19, 1995 amendment to the approved County Plan and certify to the County Freeholders that the April 19, 1995 amendment is approved as further specified below.

The County Plan inclusion of authorizing the DuPont Chambers Work Landfill (Facility No. 1713B) to continue operation until May 31, 2000 or until its current permitted capacity is reached, whichever occurs earlier, is approved. The facility is restricted to accepting only asbestos (type 27 waste), building demolition debris (type 13 waste), and dry, nonhazardous chemical waste (type 27 waste) generated exclusively at the DuPont Chambers Works site located in Deepwater, Salem County.

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 Waste 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 Department 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 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 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

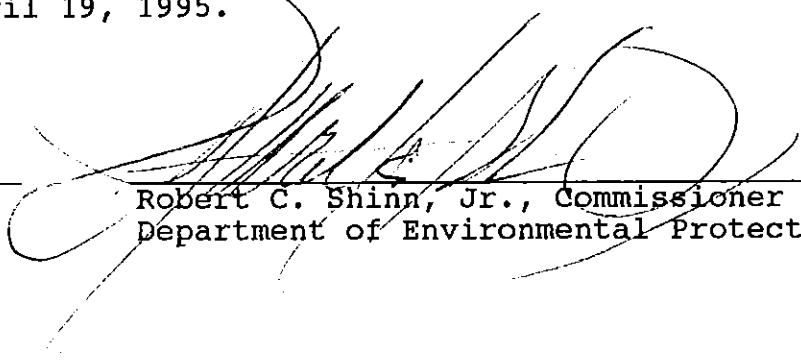
under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the DEP, interdistrict and intradistrict waste flow rules, and also includes 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 April 19, 1995.

Date

9/8/95

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