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STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER
CN 402
TRENTON, N.J. 08625-0402
(609) 292-2885
Fax # (609) 984-3962

(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 MAY 17, 1989
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 May 17, 1989 adopted an amendment to its approved district solid waste management plan. The amendment provides for development of a transfer station located in Pennsville Township to process and transport solid waste generated within Pennsville Township to the Salem County Utilities Authority landfill located

in Alloway Township. The amendment was received by the Department of Environmental Protection on July 27, 1989, and copies were distributed to various state level agencies for review and comment, as required by law. The Department has reviewed this amendment, as well as the entire Salem County District Solid Waste Management Plan, and has determined that the amendment adopted by the Salem County Board of Chosen Freeholders on May 17, 1989, is approved as provided in N.J.S.A. 13:1E-24. With regard to the district plan, while the requirements of the act concerning the report have been met, the district plan remains deficient with regard to a lack of required modifications to the district recycling plan.

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, Christopher J. Daggett, Commissioner of the Department of Environmental Protection have studied and reviewed the May 17, 1987, 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 State Departments of Agriculture and Community Affairs, the Board of Public Utilities, the Pinelands Commission, and the New Jersey Advisory Council on Solid Waste Management. The following agencies failed to respond to our requests for comments: the NJDEP Divisions of Water Resources and Coastal Resources; the State Departments of Health, Transportation and the Public Advocate; the Green Acres Program, the New Jersey Turnpike Authority, and the U.S. Environmental Protection Agency. The NJDEP Divisions of Parks and Forestry, Solid Waste Management and Environmental Quality, submitted substantive comments which are further addressed below.

The NJDEP Division of Parks and Forestry commented that while there are no identified cultural properties listed in or eligible for listing in the State Register of Historic Places within the project location, no cultural resources survey has been conducted in the area. Therefore, there is a potential for archaeological resources within the designated project site and this potential for impact to resources should be addressed in any Environmental and Health Impact Statement that will be submitted to the Department of Environmental Protection. In response, the Department concurs with this comment, and Salem County is hereby notified to adhere to this requirement.

The Division of Solid Waste Management commented that it is concerned with deficiencies in the Salem County District Recycling Plan which have not yet been formally addressed by the County. On January 5, 1989, Salem County

submitted its District Recycling Plan to the Office of Recycling for review and certification. The plan was deficient in a number of important ways. As a result of its deficiencies, the Salem County District Recycling Plan was approved with modifications. The county was then required to address these deficiencies in a subsequent plan amendment to its solid waste management plan by August 18, 1989. Although the district submitted draft modifications to the Salem County Recycling Plan on November 17, 1989, to date, the Department has not received an adopted amendment which incorporates the required modifications to the district Recycling Plan and the county is in violation of State law. In response, the Department concurs with the Division of Solid Waste Management's comments, and Salem County is hereby notified to submit an adopted plan amendment which incorporates the required modifications as outlined in Section C. of this certification.

The Division of Environmental Quality commented that two Carbon Monoxide (CO) Hot Spots exist in Pennsville; the first at Route 49/Pennsville Shopping Center and South Road, and the second at Route 49/Humphrey Avenue (Old Pennsville Road). Accordingly, trucks traveling to and from the proposed transfer station should avoid the above mentioned hotspots if at all feasible. The Division also commented that transfer stations are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution" which prohibits odors and other air contaminants which interfere with the enjoyment of life or property and N.J.A.C. 7:27-8.2(a)6 which requires air pollution control permits for any equipment which vents a solid waste facility directly or indirectly into the outdoor atmosphere. In response, the Department concurs with the Division of Environmental Quality's comments and Salem County is hereby notified of these concerns.

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

I, Christopher J. Daggett, 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 May 17, 1989, amendment to the approved Salem County District Solid Waste Management Plan and certify to the Salem County Board of Chosen Freeholders that the May 17, 1989 amendment is approved as further specified below.

The inclusion within the Salem County Solid Waste Management Plan of the Pennsville Township Transfer Station to be located at Block 548A, Lot 8, is approved. This transfer station shall be used exclusively for the temporary receipt of solid waste generated within Pennsville Township and shall be used solely for the purpose of transferring solid waste in accordance with the waste flow rules of the Department to those solid waste facilities as are maintained within the County of Salem and are managed and operated by the Salem County Utilities Authority. 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.

The Department has reviewed the entire Salem County District Solid Waste Management Plan, including this amendment, to determine whether the Plan fulfills the requirements set forth in N.J.S.A. 13:1E-21. The result of that review is as follows:

1. N.J.S.A. 13:1E-21b(2) requires a statement of the solid waste disposal strategy to be applied . . . which strategy shall include the maximum practicable use of resource recovery procedures . . . in the Solid Waste Management District.

As noted in Section B. of this certification, Salem County has still not submitted an adopted amendment incorporating the required modifications to its district Recycling Plan which were due to be submitted to the Department by August 18, 1989. Therefore, the county is directed within 45 days of this certification to amend its solid waste management plan to incorporate the required modifications or the Department will take it upon itself to modify the Salem County Recycling Plan. Also, until these modifications become an approved part of the Salem County plan, the plan remains deficient with respect to N.J.S.A. 13:1E-21b(2).

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 Plans

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 and Notification of Deficiencies 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 May 17, 1989, and further direct the Salem County freeholders to remedy the deficiency outlined in Section C. of this certification within the prescribed timeframe.

December 21, 1989
DATE


CHRISTOPHER J. DAGGETT
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION