



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER
CN 402
TRENTON, N.J. 08625
609 - 292 - 2885

(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 18, 1988
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 18, 1988, adopted an amendment to its approved district solid waste management plan. The amendment will allow Landfill No. 1713B, located at the site of the Dupont Chambers Works, to remain open and accept waste type 27 (fly ash and asbestos) and type 13 (building demolition rubble) generated on the site of the DuPont Chambers Works until May 31, 1995 or until the landfill reaches

its permitted capacity. Previously, the Salem County District Solid Waste Management Plan had called for the closing of all landfills within the county with the opening of the Salem County Landfill, with the exception of Mannington Mills which is to be held in a reserve status.

The amendment was received by the Department of Environmental Protection on June 2, 1988 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 May 18, 1988 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, Christopher J. Daggett, Acting Commissioner of the Department of Environmental Protection have studied and reviewed the May 18, 1988 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. Divisions of Environmental Quality, Water Resources, Fish, Game and Wildlife and Coastal Resources; the State Departments of Agriculture, Community Affairs and Transportation, the Board of Public Utilities and the New Jersey Advisory Council on Solid Waste Management. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Division of Parks and Forestry, the State Departments of Health and the Public Advocate, the Green Acres Program, the New Jersey Turnpike Authority and the U.S. Environmental Protection Agency. The Division of Solid Waste Management submitted substantive comments which are further addressed below.

The Division of Solid Waste Management has reviewed the above referenced amendment and has the following comments. This amendment would allow Landfill No. 1713B located on the site of the DuPont Chambers Works to remain open and accept type 13 demolition waste and type 27 industrial waste generated on the site of the DuPont Chambers Works. Type 13 demolition material includes waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings, pavements and other structures. Much of this material, such as concrete, asphalt, brick and wood may be recycled.

However, the Department notes that Dupont's Chambers Works Facility is directly involved in the production of products of a chemical nature. As the construction/demolition debris generated at the facility may contain waste types of this nature, they are, at that point, generally unacceptable for recycling. Therefore, the Division has no objection to landfilling these materials, provided they do not contain contaminants that would cause them to be classified as hazardous waste.

The Division of Solid Waste Management also noted that, pursuant to Section 3 of the New Jersey Statewide Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, "Each county shall, within six months of the effective date of this amendatory and supplementary act and after consultation with each municipality within the county, prepare and adopt a district recycling plan to implement the State Recycling Plan goals." Salem County has not yet submitted an adopted district recycling plan to the Department for review and certification. While the county did forward a proposed recycling plan to the Department in August 1987, the plan was returned to Salem County with the request for minor revisions.

Also, the Division of Solid Waste Management noted that ID #27 waste requires a Class II landfill design for disposal. This includes a liner and leachate collection system which the facility does not have. However, the Department notes that the requirement for Class II landfill designs having a liner and a leachate collection system pertains to new landfills. DuPont is an existing landfill which has been issued a permit by the Department. Also, the coal ash which the landfill receives has been deemed non-hazardous and the Department has determined that annual testing of the ash is no longer required unless coal burning procedures or specifications are changed.

Finally, the Division of Solid Waste Management has been informed by the Salem County Utilities Authority that the Dupont Chambers Works Landfill has been accepting ash generated by Atlantic Electric. The amendment adopted by the Salem County freeholders on May 18, 1988 restricts the acceptance of waste permitted at the Dupont Chambers Work Landfill to that generated on-site by Dupont and does not provide for the acceptance of waste generated off-site by Atlantic Electric or any other generator. Therefore, by way of this certification, Salem County is hereby informed that ash generated by Atlantic Electric is prohibited from disposal at the DuPont Chambers Works Landfill, facility number 1713B.

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

I, Christopher J. Daggett, Acting 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 18, 1988 amendment to the approved Salem County District Solid Waste Management Plan and certify to the Salem County Board of Chosen Freeholders that the May 18, 1988 amendment is approved as further specified below.

1. The inclusion within the plan of Landfill No. 1713B, which is located on the site of the DuPont Chambers Works, to be exempted from the

amendment of the Salem County Solid Waste Management Plan which prohibits the operations of any public, municipal or private landfill within Salem County after the opening of the Salem County Solid Waste Disposal Facility, is approved.

2. The inclusion within the plan of Landfill No. 1713B to be permitted to remain open until May 13, 1995, or until such earlier time as the landfill has reached its permitted capacity, solely for the receipt of and disposal of the following waste types generated on the DuPont Chambers Works site, is approved.

- a. Fly ash (type 27 dry industrial waste)
- b. Building demolition rubble (type 13 bulky waste)
- c. Asbestos (type 27 dry industrial waste)

3. The inclusion within the plan of the DuPont Company to pay to the Salem County Utilities Authority an annual exemption fee for each year that the landfill is in operation is approved.

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.

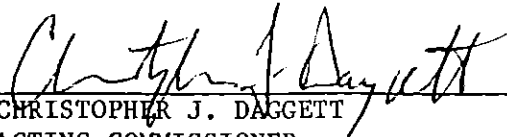
7. Reservation of Authority

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 by the Acting 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 18, 1988.

October ⁵ 7, 1988 
DATE


CHRISTOPHER J. DAGGETT
ACTING COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION