



**State of New Jersey**  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 OFFICE OF THE COMMISSIONER  
 CN 402  
 TRENTON, N. J. 08625  
 609-292-2865

(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 SEPTEMBER 18, 1985  
 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 September 18, 1985, adopted an amendment to its approved district solid waste management plan which proposes to include the site of a resource recovery facility for Salem County. The site is

known as site #2D and is located in Carney's Point Township. Further, this amendment identifies a procurement strategy and establishes an implementation schedule concerning the development of this facility. The implementation schedule prepared by Salem County proposes to commence operation of their facility in July, 1989. Finally, the amendment, in conformance with C. 38, P.L. 1985 (A-1778), identifies the benefits which will accrue to the host community (Carney's Point Township) in exchange for the development and operation of a resource recovery facility in that municipality.

The amendment was received by the Department of Environmental Protection on October 16, 1985 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 September 18, 1985 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, Richard T. Dewling, Commissioner of the Department of Environmental Protection have studied and reviewed the September 18, 1985 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 the amendment is fully consistent with the Statewide Solid Waste Management Plan.

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

The Office of Recycling recommends the establishment of recycling programs where the proposed resource recovery facility and municipal source separation programs would operate jointly. This comment will be forwarded to the county for consideration in the development of the required application package for the proposed facility.

The Division of Fish, Game and Wildlife commented that additional information is needed before this agency can prepare a determination on the suitability of this site with respect to the fish and wildlife resources located in the area. Also, the agency indicated that a Great Blue Heron rookery exists in the Churchtown area which is near the proposed resource recovery site (Site #2D). Finally, the agency requests an assessment identifying all potential impacts to the fish and wildlife resources of the area. The Department acknowledges the comments expressed by the Division of Fish, Game and Wildlife and notes that, as part of the application package, an Environmental and Health Impact Statement will be required to address these concerns.

The Department of Health submitted comments indicating their concern over potential impacts on the community of Deepwater. These potential impacts include air emissions from the proposed facility, odor problems, and accident potential due to the proposed location of the facility in close proximity to the E.I. DuPont Chambers Works Chemical Processing facility. The issues identified by the Department of Health during their review of this site will be addressed when Salem County submits an Environmental and Health Impact Statement for the proposed resource recovery facility. The issues raised by this agency, as well as those noted above by the Division of Fish, Game and Wildlife, go beyond the scope of the initial plan inclusion phase of the review process and are more appropriate for detailed consideration during the technical review phase of the process.

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

I, Richard T. Dewling, 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 September 18, 1985 amendment to the approved Salem County District Solid Waste Management Plan and certify to the Salem County Board of Chosen Freeholders that the September 18, 1985 amendment is approved as further specified below.

1. The inclusion within the plan of the site of a proposed 240 ton-per-day Salem County mass-burn resource recovery facility known as Site #2D and located at Block 193, Lot 4 in the Township of Carney's Point, Salem County, New Jersey is approved. The construction or operation of any facilities at this site shall be preceded by the acquisition of all necessary permits and approvals under N.J.S.A. 13:1E-1 et. seq. and all other applicable laws. Issuance of construction and/or operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department to be fit and competent to manage such facilities.
2. The facility procurement approach as recommended in the amendment and as identified in C. 38, P.L. (A-1778) is approved and made a part of the Salem County District Solid Waste Management Plan.
3. The procedure for the disbursement of host community benefits as identified in amendment #85-1 is approved and made a part of the Salem County District

Solid Waste Management Plan. This procedure details an agreement between the Salem County Utilities Authority and the host community (Carney's Point Township) in which the township would receive \$1.00 per ton of waste received at the proposed resource recovery facility, a reduction in transportation costs of its solid waste delivered to this facility and no cost disposal of a portion of the township's waste stream at this facility.

4. The proposed resource recovery facility implementation schedule outlined below, which was submitted by Salem County as part of amendment #85-1, is approved.

1. Inclusion of site in solid waste plan	-	September 1985
2. Issue RFQ and Draft RFP	-	November 1985
3. Evaluate qualifications	-	December 1985
4. Issue RFP and Draft contracts	-	January 1986
5. AEC electric power contract executed	-	March 1986
6. Evaluate vendor proposals	-	March 1986
7. Negotiate contracts	-	April 1986
8. State level approval on contracts	-	May 1986
9. Prepare and submit EHIS/permits	-	June 1986
10. State level approval on EHIS/permits	-	October 1986
11. Finance Project	-	February 1987
12. Construction completed	-	May 1989
13. Full scale operation	-	July 1989

While this schedule has been approved, it is the Department's position that the specific timeframe associated with the preparation of the required Environmental Health and Impact Statement (EHIS) and engineering designs outlined in item #9 appears to have been underestimated. Generally, the preparation of these documents can take approximately six (6) months or longer to complete. Similarly, the implementation schedule appears to underestimate the amount of time the Department will require to review these documents (item #10). Generally, a review of these documents involves initial submission, the identification of deficiencies by the Department, correction of deficiencies by the applicant and resubmission, additional deficiency identification, correction and resubmission, the preparation of a draft permit, the holding of a public hearing, the preparation of a response to public hearing document and a final Department decision. From past experiences, the above process can take up to a year or longer to complete depending on the complexity of the project. In order to adjust the schedule items noted above and any other timeframes, it is recommended that Salem County officials meet with representatives of the Division of Waste Management's Engineering Element as soon as possible.

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, 10, 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 approved amendment to the Salem County District Solid Waste Management Plan contained herein shall take effect immediately.

7. Reservation of Authority

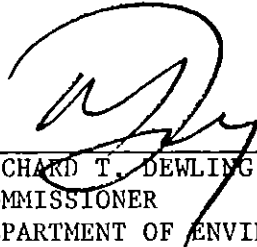
Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Salem County District Solid Waste Management Plan, including any amendment made thereto, shall conform with the Statewide Solid 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 September 18, 1985.

DATE

3/6/86

  
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RICHARD T. DEWLING  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION