



STATE OF NEW JERSEY  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 ROBERT E. HUGHEY, 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 NOVEMBER 7, 1984 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 November 7, 1984, adopted an amendment to its approved District Solid Waste Management Plan. The amendment was received by the Department of Environmental Protection on November 28, 1984 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 November 7, 1984 is rejected in accordance with N.J.S.A. 13:1E-24.

B. Certification of the Salem County District Solid Waste Management Plan Amendment

I, Robert E. Hughey, 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 Plan, have reviewed the November 7, 1984 amendment to the approved Salem County District Solid Waste Management Plan and certify to the Salem County Board of Chosen Freeholders that the November 7, 1984 amendment is rejected as further specified below.

The Department has reviewed the plan amendment which proposes a vertical expansion for the Pennsville Township Sanitary Landfill on Block 548B, Lots 8 and 9 in that Township. However, this facility has already exceeded the final elevations proposed in the plan amendment without obtaining all the necessary permits and approvals as required under N.J.S.A. 13:1E-1 et seq. and all other applicable laws. Therefore, because the plan amendment provides no additional disposal capacity and only seeks retroactive approval of unpermitted disposal activity, this plan amendment is rejected and not made an approved part of the Salem County District Solid Waste Management Plan.

Furthermore, N.J.S.A. 13:1E-21b(3) requires each District to identify sufficient additional available suitable sites to provide solid waste facilities to treat and dispose of the actual and projected amounts of solid waste. Salem County has not designated sufficient interim disposal capacity to meet its solid waste disposal needs until the county landfill facility is prepared to accept all solid waste generated within Salem County. Therefore, the Salem County District Solid Waste Management Plan is deficient in that sufficient interim disposal capacity has not been identified.

C. 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) which are part of the Salem County District Solid Waste Management Plan.

4. 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.

5. Effective Date of Amendment

The Certification of the amendment to the Salem County District Solid Waste Management Plan contained herein shall take effect immediately.

6. 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

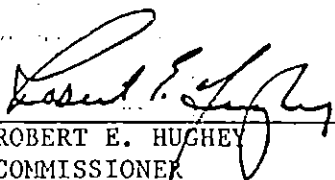
and rules, regulations, and orders of the Department, including the interdistrict and intradistrict waste flow rules, and also includes the compilation of individual District Plans and amendments as they are approved.

D. Certification of the Amendment and Notification of Deficiency 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 reject the amendment (as outlined in Section B of this Certification) to the Salem County District Solid Waste Management Plan which was adopted by the Salem County Board of Chosen Freeholders on November 7, 1984.

In accordance with N.J.S.A. 13:1E-24, I am directing the Salem County Board of Chosen Freeholders to amend the District Plan to address the deficiency identified above. This amendment shall be the subject of a public hearing conducted by the County within forty-five (45) calendar days from the date of this Certification. The amendment adopted by the County shall be submitted to the Department within thirty (30) days following the date of the hearing.

4/26/85  
DATE

  
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ROBERT E. HUGHEY  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION