

Let's protect our earth



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
RICHARD T. DEWLING, Ph.D., P.E., 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 19, 1986  
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 Board 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 19, 1986 adopted an amendment to its approved district solid waste management plan.

This amendment identifies three disposal options which may be utilized by those Salem County municipalities which are affected by the closure of

Kinsley's Landfill, Inc., until the county landfill becomes operational. At that time, these municipalities are to use the county facility. The interim disposal options include the use of the Woodstown-Pilesgrove Landfill, the use of other municipal or private landfills operating in Salem County by the Township of Carney's Point, or the development or use of transfer stations either in New Jersey or another state.

The amendment was received by the Department of Environmental Protection on December 5, 1986, 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 November 19, 1986, is approved in part and rejected in part 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 November 19, 1986, 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 approved portions of this plan amendment are consistent with the Statewide Solid Waste Management Plan.

In addition, the Division of Solid Waste Management circulated the plan amendment to seventeen 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 Coastal Resources and Parks and Forestry, the New Jersey Turnpike Authority, the New Jersey Advisory Council on Solid Waste Management, and the New Jersey Departments of Health, Transportation, and Community Affairs. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Divisions of Water Resources, and Fish, Game and Wildlife, the State Departments of Agriculture and the Public Advocate, the Pinelands Commission, the Green Acres Program, and the U.S. Environmental Protection Agency. The Office of Recycling, the N.J.D.E.P. Division of Environmental Quality, and the Board of Public Utilities raised substantive comments, which are further addressed below. In addition to these agencies, the N.J.D.E.P. Division of Solid Waste Management provided substantive comments, which are also addressed below.

The Office of Recycling has reviewed the amendment and suggests that whichever option is chosen to provide for interim disposal, a recycling plan consistent with the state's 25% waste reduction goals should be incorporated and be made part of the amendment. In response, since the proposed amendment relates to the redirection of waste flows as a result of the

termination of operations at Kinsley's Landfill, Inc., this comment does not directly relate to the proposed amendments. The comment is acknowledged, however, and the county is encouraged to promote recycling efforts in its municipalities.

The Board of Public Utilities commented that any privately owned transfer station in New Jersey which accepts solid waste for a fee must hold a Certificate of Public Convenience and Necessity from the Board of Public Utilities in addition to the approval from the Department of Environmental Protection. In response, this comment has been incorporated through a condition to the plan amendment as described in Section C. of this certification.

The Division of Environmental Quality commented that landfills are subject to the general prohibition of air pollution defined in N.J.A.C. 7:27-5. This regulation prohibits odors and contaminants that interfere with the enjoyment of life or property. Air pollution control permits may be required for equipment to vent the landfill directly or indirectly into the outdoor atmosphere pursuant to N.J.A.C. 7:27-8.2(a)(16). In response, since the proposed amendment relates to the redirection of waste flows as a result of the termination of operations at Kinsley's Landfill, Inc., this comment does not directly apply to the proposed amendment. The comment is acknowledged, however, and is hereby relayed to the county for their information and use when new facilities are planned.

The Division of Solid Waste Management has concerns based upon previous conversations that this Division had with Salem County when the concept of sub-regional landfills was being pursued. At that time, the Division was requiring updated engineering designs to reflect proper grading for run-off, environmental upgrades, and the commencement of capping as prerequisites for any facility which was to receive additional waste flows. Additionally, the Division of Solid Waste Management raised concerns because the Woodstown-Pilesgrove Landfill has not developed a Closure and Post-Closure Plan pursuant to the Sanitary Landfill Facility Closure and Contingency Fund Act, N.J.S.A. 13:1E-100 et seq. In response, the plan amendment has been conditioned to require the submission of these documents within the next sixty (60) days.

#### 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 November 19, 1986 amendment to the approved Salem County District Solid Waste Management Plan and certify to the Salem County Board of Chosen Freeholders that the November 19, 1986 amendment is approved in part and rejected in part as further specified below.

##### 1. Approved Portion of the November 19, 1986 Amendment

The following portions of the November 19, 1986 amendment to the approved Salem County District Solid Waste Management Plan are approved,

as conditioned, for inclusion into the district solid waste management plan:

- a. The aforesaid Solid Waste Management Plan of Salem County is hereby amended to permit and allow the Township of Carney's Point, Borough of Elmer, and all other municipalities affected by the closure of Kinsley's Landfill, Inc. to use the Woodstown-Pilesgrove Landfill pursuant to proposed interlocal agreements to be negotiated by and between the said municipalities and the Woodstown-Pilesgrove Landfill after the court ordered closing of Kinsley's Landfill, Inc. This approval is conditioned upon the submission of a revised solid waste registration and a complete closure plan for the facility within the next sixty (60) days;
  - b. The aforesaid Solid Waste Management Plan of Salem County is hereby amended to permit and allow, in the alternative, for the Township of Carney's Point, Borough of Elmer, and all other municipalities affected by the closure of Kinsley's Landfill, Inc. to use a private trash transfer station(s) after the court ordered closing of Kinsley's Landfill, Inc. This approval is subject to the following conditions. If said private trash transfer station(s) is located within the State of New Jersey, it must have a certificate of approved registration and engineering design approval from the Division of Solid Waste Management of the New Jersey Department of Environmental Protection prior to accepting any solid waste. It must also hold a certificate of public convenience and necessity from the Board of Public Utilities. If the private trash transfer station(s) is located outside of the State of New Jersey, it shall be properly approved and registered under the solid waste laws and regulations of the receiving state;
  - c. That the Township of Carney's Point, Borough of Elmer, and all other municipalities shall dispose of all of their solid waste in the aforesaid county landfill immediately upon said county landfill becoming operational;
  - d. That immediately upon the aforesaid county landfill becoming operational, the Township of Carney's Point, Borough of Elmer, and all other municipalities shall cease and desist from disposing of any of their solid waste in the Woodstown-Pilesgrove Landfill or at a private trash transfer station(s).
2. Rejected Portion of the November 19, 1986 Plan Amendment

The section of the resolution is rejected that would have amended the Salem County Solid Waste Management Plan to permit and allow the Township of Carney's Point to utilize any operating landfill in Salem County, either municipal or private, during the interim between the closure of Kinsley's Landfill, Inc. and the commencement of operations at the county landfill with any such interlocal agreement to be negotiated directly between Carney's Point Township and the said landfill.

This disposal option is rejected since the only private landfill operating within Salem County, Eckert and Sons Sanitary Landfill, does not have an approved engineering design, nor does it possess a certificate of public convenience issued by the Board of Public Utilities. Also, this facility is currently under an Administrative Order by the Department to cease operations.

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 N.J.A.C. 7:26-2.13.

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 in Part and Rejection in Part 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 in part, and reject in part, 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 November 19, 1986.

4/27/87  
DATE

Michael J. Cotama for  
RICHARD T. DEWLING  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION