

**IN THE MATTER OF CERTAIN AMENDMENTS
TO THE ADOPTED AND APPROVED SOLID
WASTE MANAGEMENT PLAN OF THE
CUMBERLAND COUNTY SOLID WASTE
MANAGEMENT DISTRICT**

**CERTIFICATION
OF THE NOVEMBER 17, 2005
AMENDMENT TO THE CUMBERLAND 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 (now the New Jersey Meadowlands Commission) develop comprehensive plans for waste management in their respective districts. On March 4, 1981, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Cumberland County District Solid Waste Management Plan (County 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 a 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 a ten-year period.

The Act further provides that a district may review its County Plan at any time and, if found inadequate, a new County Plan must be adopted. The Cumberland County Board of Chosen Freeholders (County Freeholders) completed such a review and on November 17, 2005, adopted an amendment to its approved County Plan.

The November 17, 2005 amendment proposes an expansion of the Cumberland County Improvement Authority (CCIA) landfill located at Block 76, Lots 14, 15, 16, 18, 19, and portions of Lots 2, 3, and 4 in Deerfield Township; infrastructure improvements at the Cumberland County Solid Waste Complex (CCSWC) and the deletion of a solid waste and recycling facility from the County Plan.

Specifically, the November 17, 2005 amendment proposes to raise the existing elevation of the CCIA landfill from 212 feet to 226 feet and to allow for a 31.9 acre lateral expansion of the landfill footprint into Block 76, Lots 15, 18, and 19 in Deerfield Township, Cumberland County, New Jersey.

The plan amendment proposes to improve/replace certain infrastructure at the Cumberland County Solid Waste Complex. These infrastructure improvements include:

1. A new commercial convenience center to better accommodate unregistered vehicles;
2. A new access road, scales, and scale house;
3. A new equipment storage and maintenance facility;
4. A new diesel and gasoline fueling station with the capability of being expanded to accommodate and an "alternative fuel" tank and pump;
5. Modification at the Administration/Maintenance building;
6. Conversion of the existing administrative and personnel facilities at the Material Separating Facility into a public education and employee training center and relocating the operations office from the second floor to the first floor;
7. Improvements to the Leachate Collection, Pretreatment and Load-out/Pumping Facilities;
8. Under a Certificate of Authority to Operate, the Cumberland County Improvement Authority will construct and operate side by side aerobic and anaerobic bioreactor cells as a Research, Development and Demonstration (RD&D) project.

The plan amendment also proposes the deletion from the County Plan of the Federal Disposal, Inc. Class A and B Recycling Facility and Material Recovery/Solid Waste Transfer Station, located at Block 515, Lot 2 in the City of Vineland.

The amendment was considered administratively complete for review by the Department on December 16, 2005 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this amendment, and has determined that the amendment adopted by the County Freeholders on November 17, 2005 is approved as provided in N.J.S.A. 13:1E-24.

B. Findings and Conclusions with Respect to the Cumberland County District Solid Waste Management Plan Amendment

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the November 17, 2005 amendment to the County 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

consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the elements relative to the November 17, 2005 amendment which are included below.

In conjunction with the review of the amendment, the Department circulated copies to seventeen administrative review agencies and solicited their review and comment. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various bureaus, divisions, and agencies within the Department. All agencies contacted are as follows:

Division of Water Quality, DEP
Division of Parks and Forestry, DEP
Division of Fish and Wildlife, DEP
Solid and Hazardous Waste Management, DEP
Office of Local Environmental Management, DEP
Office of Air Quality Management, DEP
Green Acres Program, DEP
Land Use Regulation Program, DEP
County Environmental and Waste Enforcement, DEP
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Pinelands Commission
Department of Agriculture
Department of Health and Senior Services
Department of Transportation
Department of Community Affairs
U.S. Environmental Protection Agency

Elements of the November 17, 2005 Amendment

Background

On March 15, 1984, the Cumberland County Board of Chosen Freeholders adopted an amendment to their County Solid Waste Management Plan (County Plan) to include the Cumberland County sanitary landfill located at Block 42, Lots 34-37, and the Cumberland County Solid Waste Complex (CCSWC) located at Block 76, portions of Lots 2-4, and Lots 14-16. This amendment was certified as approved by the Department on July 30, 1984.

On June 13, 1989, the Cumberland County Freeholder Board adopted an amendment to their County Plan to include the use of a portion of Block 42, Lots 34-37 in Deerfield Township, for the Material Separating Facility site. This amendment was certified as approved by the Department on November 27, 1989.

On July 18, 1991, the Cumberland County Freeholder Board adopted an amendment to their County Plan to clarify site designation of the Cumberland County Solid Waste Complex. The

CCSWC is designated at Block 76, portions of Lots 2-4, 14-16, and Lots 18, 19. This amendment was certified as approved by the Department on January 3, 1992.

On May 11, 2000, the Cumberland County Freeholder Board adopted an amendment to their County Plan to include Block 76, Lots 18 and 19 and portions of 2, 3, and 4, in Deerfield Township to the permitted area of the CCIA Landfill for additional buffer and storm water detention facilities.

The May 11, 2000, the Cumberland County Freeholder Board adopted an amendment to their County Plan to include the Federal Disposal, Inc. facility, located at Block 515, Lot 2 in the City of Vineland, Cumberland County, as a recycling center for Class A and Class B recycling material and as a Transfer Station/Materials Recovery Facility (TS/MRF). This amendment was certified as approved by the Department on October 9, 2000.

On March 11, 2002, the Department denied Federal Disposal Inc.'s application for a Class B Recycling Center General Approval for various inadequacies in the application. There has not been any further activity on the part of Federal Disposal, Inc. to address the application deficiencies.

As noted above, the November 17, 2005 amendment proposes an expansion of the Cumberland County Improvement Authority (CCIA) landfill located at Block 76, Lots 14-16, 18, 19, and portions of Lots 2, 3, and 4 in Deerfield Township; infrastructure improvements at the Cumberland County Solid Waste Complex (CCSWC) and the deletion of the Federal Disposal Inc. Class A and Class B Recycling Facility and Transfer Station/Material Recovery Facility (TS/MRF) from the County Plan.

C. Certification of the Cumberland County District Solid Waste Management Plan Amendment

In accordance with N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-21, which establishes specific requirements regarding the contents of the county solid waste management plans, I have reviewed the March 10, 2005 amendment to the approved County Plan and certify to the County Freeholders that the March 10, 2005 amendment is approved as further specified below.

The County Plan inclusion of the proposed expansion to raise the existing elevation of the CCIA landfill from 212 feet to 226 feet and to allow for a 31.9 acre lateral expansion of the landfill footprint into Block 76, Lots 15, 18, and 19 in Deerfield Township, Cumberland County, New Jersey is approved.

The County Plan inclusion of the infrastructure improvements at the Cumberland County Solid Waste Complex as noted in Section A of this certification is approved.

The County Plan deletion of the Federal Disposal, Inc. Class A and B Recycling Facility and Transfer Station/Material Recovery Facility located at Block 515, Lot 2 in the City of Vineland

is approved.

The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals pursuant to N.J.S.A. 13:1E-1 et seq., and all other applicable laws. The issuance of operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department and the Attorney General of the State of New Jersey to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126.

The applicant (CCIA) must apply to the Department for a modification of its existing solid waste facility permit to authorize a lateral expansion and the facility's continued operation. This certification shall not be construed as an expression of the Department's intent to issue a solid waste facility permit modification for any proposed facility or operation.

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 this amendment to the County 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 and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the County 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, and for good cause shown, obtain an extension of time to complete such renegotiation.

2. Compliance

All solid waste facility operators and transporters registered with the Department and operating within the County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the County Plan. Any facility operator or transporter 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 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 County Plan

The provisions of the County 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 including waste types 10, 13, 23, 25, and 27 and all applicable subcategories and shall not apply to liquid and hazardous wastes. All nonhazardous materials separated at the point of generation for sale or reuse are subject to regulation in accordance with N.J.A.C. 7:26A-1 et seq.

4. Certification to Proceed with Implementation of Amendment

This document shall serve as the certification of the Commissioner of the Department to the County Freeholders and pursuant to N.J.S.A. 13:1E-24c. and f., the County Freeholders shall proceed with the implementation of the approved components of the amendment certified 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 -99.12, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of Amendment

The approved components of the amendment to the County 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 pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, 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 Cumberland County District Solid Waste Management Plan which was adopted by the Cumberland County Board of Chosen Freeholders on November 17, 2005.

Date

Lisa P. Jackson, Commissioner

Department of Environmental Protection