

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

**CERTIFICATION
OF THE DECEMBER 17, 2003
AMENDMENT TO THE GLOUCESTER 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 known as the New Jersey Meadowlands Commission) develop comprehensive plans for waste management in their respective districts. On September 26, 1980 the Department of Environmental Protection (Department or DEP) approved, with modifications, the Gloucester 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 Gloucester County Board of Chosen Freeholders (County Freeholders) completed such a review and on December 17, 2003, adopted an amendment to its approved County Plan.

The December 17, 2003 amendment proposes County Plan inclusion of the horizontal expansion of the Gloucester County Improvement Authority (GCIA) landfill located within the Gloucester County Solid Waste Complex (GCSWC), which occupies Block 9, Lots 1-3, 5.01, 10-13, 17-21 and 29, and is located along Swedesboro-Monroeville Road (Route 694), in South Harrison Township.

The amendment was considered administratively complete for review by the Department on January 12, 2004 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 December 17, 2003 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the December 17, 2003 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 issues of concern relative to the December 17, 2003 amendment which are included below.

In conjunction with the review of the amendment, the Department circulated copies to sixteen 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
 Division of Compliance and Enforcement, DEP
 Division of Solid and Hazardous Waste, DEP
 Office of Air Quality Management, DEP
 Green Acres Program, DEP
 Land Use Regulation Element, DEP
 Office of Local Environmental Management, DEP
 New Jersey Turnpike Authority
 New Jersey Advisory Council on Solid Waste Management
 Department of Agriculture
 Department of Health and Senior Services
 Department of Transportation
 Department of Community Affairs
 U.S. Environmental Protection Agency

Elements of the December 17, 2003 Amendment

Background

The GCIA landfill was initially included in the County Plan via an amendment dated March 19, 1986 and certified by the Department on April 23, 1986. The landfill location within the Gloucester County Solid Waste Complex (GCSWC), was designated as Block 9, Lots 1-5, 9-13, and 17-20 in South Harrison Township. The landfill was originally designed to hold approximately 3.5 million cubic yards of waste and have capacity until the year 2015.

As a result of the Atlantic Coast decision, the County Freeholders adopted a plan amendment on March 17, 1999 detailing the County's nondiscriminatory procurement of bids for the disposal of the County's solid waste. The amendment was certified as approved by the Department on June 4, 1999. As a result of this bidding process, all acceptable waste types (i.e., waste comprising the nonrecycled portions of type 10 municipal waste, portions of type 13 bulky waste, type 23 vegetative waste, and the non-animal portion of type 25 animal and food processing waste) were directed to the Wheelabrator Resource Recovery Facility (RRF) located in West Deptford Township. Furthermore, the GCIA landfill in South Harrison was awarded the bid to receive by-pass waste from the Wheelabrator RRF, as well as residual ash waste, and non-processible type 13C waste.

On April 11, 2000, the County Freeholders adopted an amendment to the County Plan for a vertical expansion of the GCIA landfill. The expansion was needed due to the increase in waste acceptance rates at the landfill. The amendment was certified as approved by the Department on July 17, 2000.

The GCIA landfill has experienced a significant increase in waste acceptance that is far greater than anticipated when the landfill was vertically expanded. The horizontal expansion of the GCIA landfill would allow for an increase in capacity to keep up with the increase in waste acceptance. The active portion of the GCIA landfill is located on Block 9, portions of Lots 2, 3, 11, 12 and 17 of the GCSWC in South Harrison Township. The December 17, 2003 plan amendment proposes the County Plan inclusion of the horizontal expansion of the GCIA landfill of an additional 50 acres. The GCIA landfill would be expanding to include the following parcels of land located in South Harrison Township: Block 9, portions of Lots 2, 3, 10-12, 21 and 29.

Comments from the Division of Fish and Wildlife

The April 23, 1986 certification of the County Plan inclusion of the GCIA landfill noted that the temporary certificate of authority to operate contained a specific condition that addressed the concern of dealing with impacts to wildlife habitats during the construction and operation of the landfill. Specifically, input from the Department's Division of Fish and Wildlife had resulted in on-site mitigation components of the landfill design that consist of hibernacula and selected mowing areas for the preservation of habitat supporting endangered and threatened grassland birds. If these mitigation areas are close or proximal to the proposed expansion location, then

these areas would need to be evaluated for impacts. The findings associated with impacts to the mitigation areas would have to be included in an environmental impact statement, which would be submitted to the Department as part of the solid waste facility permit application.

Rules and Regulations

If any operation of a solid waste facility will discharge pollutants as defined in N.J.A.C. 7:14A et seq., said operation must secure a New Jersey Pollutant Discharge Elimination System Permit and/or a Treatment Works Approval for pollutant discharges prior to operation.

Solid waste facilities are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits the release of odors and other air contaminants which interfere with the enjoyment of life and property.

C. Certification of the Gloucester 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 December 17, 2003 amendment to the approved County Plan and certify to the County Freeholders that the December 17, 2003 amendment is approved as further specified below.

The County Plan inclusion of the horizontal expansion of the GCIA landfill of an additional 50 acres is approved. The GCIA landfill would be expanding to include the following parcels of land located in South Harrison Township: Block 9, portions of Lots 2, 3, 10-12, 21 and 29.

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 must apply to the Department for a modification of its existing solid waste facility permit to authorize a capacity 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 Gloucester County District Solid Waste Management Plan which was adopted by the Gloucester County Board of Chosen Freeholders on December 17, 2003.

May 19, 2004

Date

Bradley M. Campbell, Commissioner
Department of Environmental Protection