



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER
CN 402
TRENTON, N.J. 08625
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(IN THE MATTER OF CERTAIN AMENDMENTS)
(TO THE ADOPTED AND APPROVED SOLID)
(WASTE MANAGEMENT PLAN OF THE)
(MERCER COUNTY SOLID WASTE)
(MANAGEMENT DISTRICT)

CERTIFICATION
OF THE APRIL 26, 1988
AMENDMENT TO THE MERCER 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 July 31, 1980, the Department approved, with modifications, the Mercer 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 Mercer County Board of Chosen Freeholders completed such a review and on April 26, 1988 adopted an amendment to its approved district solid waste management plan. The amendment proposed to include into the approved district plan the St. Francis Medical Center small scale incinerator located at 601 Hamilton Avenue, Trenton.

The amendment was received by the Department of Environmental Protection on May 17, 1988, 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 as adopted by the Mercer County Board of Chosen Freeholders on April 26, 1988 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I, Christopher J. Daggett, Acting Commissioner of the Department of Environmental Protection have studied and reviewed the April 26, 1988 amendment to the Mercer 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 this plan amendment is consistent with the Statewide Solid Waste Management Plan.

In addition, the Division of Solid Waste Management circulated the plan amendment to fifteen 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 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 Department of Environmental Protection's Divisions of Parks and Forestry and Coastal Resources; the State Departments of Agriculture, Community Affairs and Transportation; the Board of Public Utilities, the Green Acres Program, 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 Department of Environmental Protection's Division of Fish, Game and Wildlife, the State Departments of Health and the Public Advocate and the U.S. Environmental Protection Agency. The Department of Environmental Protection's Divisions of Environmental Quality, Water Resources and Solid Waste Management submitted substantive comments which are further addressed below.

The Division of Environmental Quality commented that incinerators are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits odors and other air contaminants which interfere with the enjoyment of life or property. Incinerators are also regulated under N.J.A.C. 7:27-8.2(a)14, which requires permits and certificates for any incinerator.

The Division of Environmental Quality further commented that new and modified equipment which emit air contaminants must incorporate advances in the state-of-the-art of air pollution control. For incinerators this includes scrubbing for hydrochloric acid, a baghouse for particulate control, and burners in a secondary combustion zone for hydrocarbon

control. A facility having a design capacity of less than 800 pounds per hour is a small-scale incinerator. Small-scale incinerators are subject to less stringent controls. The Department is considering rulemaking to require retrofitting of existing small-scale incinerators and installation of more advanced control technologies.

At this time, any application for a small-scale incinerator submitted to the Division of Environmental Quality includes:

1. Air quality modeling;
2. Cancer risk assessment for metals and dioxin demonstrating low cancer risk on and off site;
3. Continuous emission monitoring and recording for opacity (unless equipped with advanced control technology), carbon monoxide, oxygen, and secondary chamber temperature;
4. Extensive stack testing after construction; and
5. Compliance with the Department's "Air Pollution Control Guidelines for Resource Recovery Facilities and Incinerators," March 1983, amended November 1984 and April 1987.

The Division of Water Resources commented that connection of scrubber waste waters to the Trenton sewerage system will require a treatment works approval. Scrubber water quality may be a concern.

The Division of Solid Waste Management commented that the provisions of N.J.S.A. 13:1E-99.14 state that the Department shall not issue a registration statement or engineering approval for any new or expanded solid waste facility in any county unless the goals of the relevant district recycling plan have been incorporated into the plans for the proposed facility. The Mercer County amendment of April 26, 1988 does not include any discussion on the materials to be source separated for recycling prior to incineration at the St. Francis Medical Center. This is inconsistent with the provisions of N.J.S.A. 13:1E-99.14. The amendment should be specific in stating which designated recyclable materials, as per any future Mercer County Recycling Plan, will be source separated prior to incineration. Specifically, the Division of Solid Waste Management requires information on the steps to be taken to ensure that the designated recyclables will not be disposed of as solid waste. This information should be forwarded to the Department as soon as possible.

In response to the comments of the Divisions of Environmental Quality, Water Resources, and Solid Waste Management, by way of this certification, Mercer County and the St. Francis Medical Center are hereby informed of the regulatory requirements and concerns of these Divisions.

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

I, Christopher J. Daggett, Acting 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 April 26, 1988 amendment to the approved Mercer County District Solid Waste Management Plan and certify to the Mercer County Board of Chosen Freeholders that the April 26, 1988 amendment is approved as further specified below.

The inclusion into the district solid waste management plan of the St. Francis Medical Center small scale incinerator located at 601 Hamilton Avenue, City of Trenton, is approved. The construction or operation of any solid waste facility 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 operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department and the Attorney General to be deserving of licensing under the provision of N.J.S.A. 13:1E-126 et seq.

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 Mercer 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 Mercer 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 Mercer County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Mercer 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 Mercer 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 Mercer 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 amendment to the Mercer 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 Mercer 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 Acting 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 Mercer County District Solid Waste Management Plan which was adopted by the Mercer County Board of Chosen Freeholders on April 26, 1988.

October ⁵ /, 1988 *CJD*
DATE

Christopher J. Daggett
CHRISTOPHER J. DAGGETT
ACTING COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION