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STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF THE COMMISSIONER  
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(IN THE MATTER OF THE PROPOSED)  
(SOLID WASTE MANAGEMENT PLAN )  
(OF THE MERCER COUNTY SOLID )  
(WASTE MANAGEMENT DISTRICT )

CERTIFICATION  
OF  
MODIFICATION

BY ORDER OF THE COMMISSIONER:

On June 6, 1979, the Mercer County Board of Chosen Freeholders adopted the Mercer County Solid Waste Management Plan pursuant to the Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.).

The Department of Environmental Protection has studied and reviewed the Plan in accordance with this Legislation. The review process, established by the Solid Waste Administration in an April, 1979 Policy Memorandum entitled "Policy and Procedures for Review of District Solid Waste Management Plans", was used to evaluate the Mercer Solid Waste Management Plan. This process was designed to incorporate both State level and public comments into the review. Generally, State agencies evaluated the Plan with regard to its impact on the State solid waste management program and their own programs, and provided advice within their own specialized areas of expertise. Public comments centered mostly on environmental concerns and the possibilities of implementing resource recovery. Additionally, the State has reviewed the Plan to ascertain whether there is sufficient clarity of facts and recommendations to permit program implementation.

Based on the results of this review and evaluation, it is my determination that the Mercer County Solid Waste Management Plan be granted a Certification of Modification at this time, requiring satisfactory completion of the modifications listed herein.

The Department, as a result of its review of the Mercer County District Solid Waste Management Plan, and in accordance with the Solid Waste Management Act, has made the following findings and conclusions:

- 1) The Solid Waste Management Act requires each District to include an analysis of existing solid waste collection systems and transportation routes within the Solid Waste Management District and further, to make a survey of proposed collection districts and transportation routes, and to project the transportation costs from collection districts to existing and designated solid waste facilities. While the Mercer County Solid Waste Management Plan includes a survey of the various types of existing collection contracts, the collector haulers servicing the District and costs incurred by municipalities, the Plan does not include an analysis of existing or proposed transportation routes or collection systems and costs within the District to existing or available suitable sites for solid waste facilities.

- 2) The Solid Waste Management Act requires the District Plan to inventory the sources, composition and quantity of solid waste generation. While the Plan basically addresses this requirement, it does not provide sufficiently accurate data necessary for resource recovery implementation.
- 3) The Solid Waste Management Act requires the District Plan to include a solid waste disposal strategy which includes the maximum practicable use of resource recovery. While the original Plan adopted by the Board of Chosen Freeholders on June 6, 1979 contained such a strategy, the revised Plan, based on a Resolution adopted on October 9, 1979 by the Mercer County Board of Chosen Freeholders and a letter to DEP Commissioner English from Arthur Sypek and Barbara Sigmund dated October 12, 1979 to withdraw their primary resource recovery proposal (Ewing Township), does not contain such a detailed strategy, including a specific site, for maximizing resource recovery.
- 4) The Solid Waste Management Act requires that each District Plan contain a plan for using terminated landfill disposal sites. The Mercer County Plan does not contain such a plan for each of its landfills.
- 5) The Solid Waste Management Act and the guidelines and criteria adopted by the Department pursuant to the Act require the District to adopt a solid waste management strategy which includes the maximum practicable use of resource recovery, including source separation and recycling. While the Mercer County Plan proposes material recovery through source separation, the Plan lacks a comprehensive program to maximize source separation, including the identification of markets, the consideration of regional source separation districts and any legal, institutional or financial measures necessary to implement the program. Also, the Plan does not distinguish between known participation rates for recycling centers versus curbside programs.
- 6) The Solid Waste Management Act provides that a system shall be established for uniform disposal rates within the District. While the Mercer County Plan does recommend that a system of rate averaging be instituted in the District, it does not include a detailed procedure for the uniform distribution of resource recovery and disposal costs throughout the District's service area.
- 7) The Department, in its review of District Solid Waste Management Plans, finds that certain District Plans, including the Mercer County Plan, have not identified sufficient existing or available suitable sites to treat or dispose of their own wastes either in the short or long term, or both. Districts, including Mercer County, have not entered interdistrict agreements with one another for the transportation of wastes across District boundaries. The Department finds that such interdistrict waste flow is necessary, particularly during the short term as resource recovery is implemented, and should be part of a comprehensive plan for solid waste management in New Jersey.

In light of the need for this interdistrict waste flow it is necessary for Mercer County to enter into interdistrict agreements with neighboring Districts for short term and, possibly long term, disposal capacity.

- 8) The Solid Waste Management Act and the guidelines and criteria adopted by the Department pursuant to the Act require the Districts to develop a comprehensive public information/participation program. The Mercer County Plan lacks such a comprehensive program.

Therefore, Mercer County is hereby directed to make the following modifications to its adopted District Solid Waste Management Plan no later than July 1, 1980:

- 1) The Plan shall set forth sufficient data and discussion to identify the existing and proposed configuration of solid waste collection and disposal operations, such that a solid waste franchise system can be developed. This shall include a waste flow diagram, for each type of waste, which shows the existing and proposed flow of solid waste for the ten year planning period from each municipality (source) to a specific processing and/or disposal facility (destination).
- 2) The Plan shall include a schedule (including specific milestones) for the completion of indepth studies necessary for resource recovery implementation and an indication of who will undertake the studies, an estimate of their cost, and how the studies will be funded. The studies shall include, as a minimum, the following:
  - a) the means for securing agreements/contracts for markets for materials and energy (including those for source separation/recycling),
  - b) an assessment of available resource recovery technology (including co-disposal) and an evaluation of cost/benefits,
  - c) determination of specific facility site(s), in light of the withdrawal of the resource recovery facility site in Ewing Township, including lot and block numbers,
  - d) collection of more reliable solid waste generation and composition data and justification for facility capacity,
  - e) identification of legal and institutional constraints and solutions thereto,
  - f) projections of both capital and operating costs and the method of financing them,
  - g) environmental assessment of technology and sites, and inclusion into the Plan of resource recovery siting criteria adopted by Resolution by the Mercer County Board of Chosen Freeholders, and
  - h) determination of capacity needs and facilities for the disposal of resource recovery residuals, for emergency backup and for non-processable wastes.
- 3) The Plan shall include a detailed plan for the use of terminated land disposal sites.
- 4) The Plan shall include a more comprehensive and implementable program for extracting the maximum practicable amount of recoverable materials via recycling, waste exchanges, and similar source separation programs.

- 5) The Plan shall include a more detailed implementation procedure for the uniform distribution of resource recovery and disposal costs throughout the District's service area. This plan shall include any costs necessary to upgrade existing disposal facilities to meet environmental regulations.
- 6) The Plan shall include interdistrict agreements with neighboring Counties (e.g., Burlington and Monmouth) setting forth the necessary procedures for coordinating and integrating collection, transportation, recovery and disposal services in the area and setting forth the specific responsibilities of each District for implementation of the Plan(s).
- 7) Mercer County shall reach an agreement with Burlington and Monmouth Counties on the amounts and types of wastes generated within Mercer County and transported to either existing and/or proposed facilities within Burlington and Monmouth Counties for each of the ten years addressed in the Plan. The agreed upon data shall be incorporated into Mercer County's report and Plan.
- 8) In addition, Mercer County is directed to complete the additional modifications to its Solid Waste Management Plan described in the document attached to this Certification as Appendix I by July 1, 1980.
- 9) The Plan shall be revised to reflect the decision of the Board of Chosen Freeholders to withdraw the proposed resource recovery facility in Ewing Township.

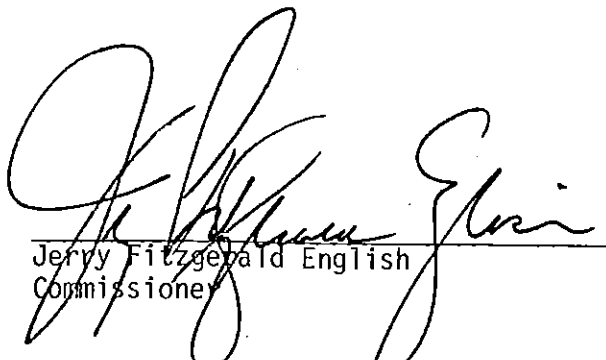
Attached as Appendix II is a list of recommended modifications to be included in the District Solid Waste Management Plan as part of the two year review required pursuant to N.J.S.A. 13:1E-20.

In accordance with N.J.S.A. 13:1E-24, these required modifications shall be considered major modifications of the District Plan and the District is hereby directed to conduct an additional public hearing no later than 45 days from the date of this Certification.

Following submission and review of the adopted modifications, I shall, within 30 days of submittal, certify to the Board of Chosen Freeholders whether or not these modifications are acceptable and if the Plan is approved.

Further, it is noted that the Solid Waste Management Act, the Rules of the Department of Environmental Protection, and other State and federal requirements apply to the permitting and approval of solid waste facilities. Therefore, neither the Certification nor any future action of the Department concerning the District Solid Waste Management Plan shall be construed to be in derogation of, or inconsistent with, such other requirements.

30 November 1979  
Date

  
Jerry Fitzgerald English  
Commissioner

## Appendix I

### Additional Modifications Required by July 1, 1980

#### I. SOLID WASTE GENERATION

- The Plan shall include an inventory by source, type, composition, and quantity of solid waste (including sludge and septage) generated within the solid waste management District in the year in which the report is prepared and each of the ten years following the report. In addition, the Plan shall include a specific timetable for the conduct of a program to more accurately define waste generation rates and composition necessary for resource recovery implementation.

#### II. COLLECTION AND HAUL

- The Plan did not provide a specific analysis of industrial waste generation, transportation and disposal within the County. In addition, a strategy for the maximum recovery of industrial wastes should be developed. A specific timetable for undertaking this analysis and developing a strategy shall be included.
- The Plan shall also include a strategy for increasing the efficiency of collection and transportation within the County, specifically a study evaluating the maximum utilization of transfer stations and implementation of the COLMIS or similar collection improvement system.
- The discrepancies in Table 2-8 and Table 6-2 regarding present disposal sites shall be corrected.

#### III. SLUDGE AND SEPTAGE

- The Plan shall include an acceptable strategy for sludge and septage disposal. Most of the present sludge and septage disposal practices outlined in the Plan are unacceptable to the Department of Environmental Protection (e.g., land spreading, on-site lagooning, landfilling of liquid sludge) and will have to be phased out.
- The Plan shall indicate a strategy for sludge and septage disposal in nondesignated 201 areas.
- The Plan shall indicate a short term implementation strategy for septage disposal from present time until the the Ewing Lawrence Sewerage Authority (ELSA), Upper Millstone and Stoney Brook facilities are on line.
- The District should indicate its intent to adopt guidelines for the review of 201 sludge management plans which are no less stringent than those which have been adopted by the Department.

#### IV. RESOURCE RECOVERY

- The Plan shall analyze and identify that part of the waste stream which will be recovered by high and low technology resource recovery, in order to minimize costs, conserve energy and enhance environmental quality.

## V. PUBLIC PARTICIPATION

- The Mercer County District has not provided an acceptable public information and participation program throughout the development of its Solid Waste Management Plan. Specifically, the District failed to distribute information to the public concerning its activities, Solid Waste Advisory Council (SWAC) meetings were held at times and places inconvenient to residents most directly affected by the Plan and advertisements of the District's public hearing were not in compliance with State and Federal public hearing requirements. To correct this situation, the District shall immediately set forth an ongoing comprehensive public information and participation program to be utilized during Plan revision, and made part of its revised Plan. This program shall identify a process for keeping the public informed, for the receipt, evaluation and consideration of public comment, and for the integration of public participation into Plan development and implementation. The Plan shall include documentation of the procedures Mercer County used for public participation in the development of its original and revised Plan, including a listing of SWAC members, a discussion of the activities of the Mercer County SWAC, consultations with and input from other publics, and a discussion of the manner in which these comments were considered by the County. In addition, the District shall distribute information to the public concerning its activities, advertise all future public hearings in conformance to State and Federal requirements, and schedule its SWAC and any related meetings at a time and place convenient to the public, particularly those residents most affected by the Plan.

## VI. LANDFILLS

- The Plan shall contain a map showing the locations of all existing solid waste facilities, identified by their Department of Environmental Protection Registration Number.
- The Plan shall contain an analysis of the necessary environmental improvements to landfills located within the District.

## VII. PLAN REVIEW AND UPDATE

- The Solid Waste Management Act requires the District Plan to contain provisions for its review by the Board of Chosen Freeholders once every two years. While the Mercer County Plan acknowledges this requirement and indicates that the Plan will have to be updated, no specific provisions have been made in the Plan to accomplish this. The Plan shall include specific provisions for its update.

## VIII. MISCELLANEOUS

- The Plan shall include pages 4-11 and 4-12 which are presently missing.
- The map on page 6-16 (figure 6-2, proposed resource recovery site location) is not up to date. Any maps included in the revised Plan shall all existing development.

## Appendix II

### Recommended Modifications for Two-Year Update of the Mercer County Solid Waste Management Plan

#### I. DATA BASE

- The Plan should continue to include census data and population projections consistent with year 2000 policy projections from the New Jersey Department of Environmental Protection Draft New Jersey Water Quality Management Plan, March, 1979.
- Employment projections should be presented according to standard industrial classification to provide consistency with other District data. Methodologies and assumptions used in the formulation of estimates and projections should be included.
- The Plan should contain a section on existing major industrial and institutional developments and utilities. Proposed developments and constraints to development should also be included.
- The Plan should continue to include a table showing existing land distribution (amount and percent) for single family residential, multi-family residential, commercial, industrial, public and quasi-public, conservation and recreation, and open space areas.

#### II. SOLID WASTE GENERATION

- Solid waste estimates and projections should be provided according to waste identification categories in the New Jersey Department of Environmental Protection "Rules of the Solid Waste Administration." This format will provide consistency among District data.
- The updated Solid Waste Management Plan should include, in an appendix, the specific methodology used in obtaining solid waste estimates and projections.

#### III. COLLECTION AND HAUL

- The Plan should contain an analysis of the feasibility of alternative collection practices and should require the modifications of those practices where appropriate. This feasibility analysis should include an assessment of the feasibility of eliminating twice a week collection in those areas where recycling programs are successful.