



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER
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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 JULY 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 July 26, 1988, adopted an amendment to its approved district solid waste management plan. The amendment proposed to include in the district plan the expansion of the Wenczel Tile Landfill located in Lawrence Township, and to delete from the

district plan the recycling center site located on Enterprise Avenue, Trenton, and the resource recovery facility site located on Olden Avenue, Trenton.

The amendment was received by the Department of Environmental Protection on August 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, as well as the entire Mercer County District Solid Waste Management Plan, and has determined that it is approved, with modification, as provided in N.J.S.A. 13:1E-24. With regard to the district plan, while the requirements of the Act concerning the report have been met, the district plan remains deficient in several respects. These deficiencies are described in Section C. below.

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 July 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, as modified, 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 N.J.D.E.P. Divisions of Water Resources, Fish, Game and Wildlife and Parks and Forestry, the State Department of Community Affairs, the Board of Public Utilities, the Green Acres Program and the New Jersey Advisory Council on Solid Waste Management. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Division of Coastal Resources, the State Departments of Agriculture, Health, Transportation and the Public Advocate; the New Jersey Turnpike Authority and the U.S. Environmental Protection Agency. The N.J.D.E.P. Divisions of Environmental Quality and Solid Waste Management submitted substantive comments which are further addressed below.

The Division of Environmental Quality commented that landfills 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 and property. Further, new and closed landfills which emit landfill gases should be equipped with positive ventilation systems, which direct landfill gases to air pollution control devices. These vents and devices require air pollution control permits pursuant to N.J.A.C. 7:27-8.2(a) 1 and 16. These regulations require permits for all stationary equipment used to ventilate a solid waste facility directly or

indirectly to the ambient atmosphere. In response to these comments, Mercer County and the applicant are informed, by way of this certification, of the regulatory requirements and concerns of the Division of Environmental Quality.

The Division of Solid Waste Management commented that, as submitted, the proposed amendment identifies the Wenczel Tile Landfill to be located on Block 49, Lot 3, in the Township of Lawrence. The site is actually located on Block 49, Lot 11, in the Township of Lawrence. This misidentification of the facility has been clarified by the county and Section C. of the certification modifies the amendment to reflect the correct site designation.

The Division of Solid Waste Management further commented that according to the provisions of the "New Jersey Statewide Mandatory Source Separation and Recycling Act", N.J.A.C. 13:1E-99.13, each county must prepare and adopt a district recycling plan within six months of the effective date of the act (April 20, 1987). Mercer County has not yet submitted an adopted district recycling plan to the Department for review and certification. Therefore, Mercer County is deficient with respect to the provisions of N.J.S.A. 13:1E-99.13.

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 July 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 July 26, 1988 amendment is approved, with modification, as further specified below.

1. The portion of the amendment that designates the expansion of the Wenczel Tile Landfill, located on Block 49, Lot 3, in the Township of Lawrence, is hereby modified to reflect the site designation for the Wenczel Tile Landfill expansion to be Block 49, Lot 11, in the Township of Lawrence. That designation, as modified, is hereby 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.

2. The district plan deletion of a recycling center site located on Block 209, Lots 2A and 1223, and Block 210, Lots 1A and 15, Trenton, and the district plan deletion of a resource recovery facility site located on Block 305, Lot 9, Trenton, are both approved.

3. The mandatory truck access route from the company site on Enterprise Avenue south to Mulberry Street, Mulberry Street west to Brunswick Avenue, Brunswick Avenue north to U.S. Route 1, U.S. Route 1 north to Bakers Basin Road, and then east on Bakers Basin/Lawrence Station Road to the landfill, is approved.

In addition to our review of the proposed amendment, the Department has reviewed the entire Mercer County District Solid Waste Management Plan, to determine whether the plan fulfills the requirements set forth in N.J.S.A. 13:1E-21. The result of that review is as follows:

In the Department's April 6, 1987 certification of the October 14, 1986 amendment to the Mercer County District Solid Waste Management Plan, the Mercer plan was found to be deficient with respect to the requirements of N.J.S.A. 13:1E-21b(3), (4), (5), and (6). These requirements refer to, respectively, sufficient available suitable sites for solid waste facilities, transportation surveys to suitable sites, interdistrict agreements, and a plan for financing solid waste facilities. The Mercer County District Solid Waste Management Plan will continue to be deficient in these respects until such time as an amendment including an in-county site for a landfill or an interdistrict agreement providing for long-term landfilling disposal privileges at an in-state landfill is approved by the Department.

Mercer County is hereby directed to correct the identified deficiencies.

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 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.

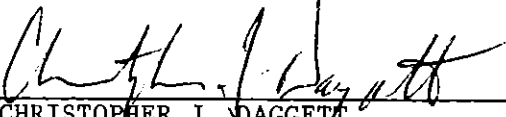
7. Reservation of Authority

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 with Modification 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, with modification, 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 July 26, 1988. I hereby further direct the Mercer County freeholders to rectify those remaining deficiencies specified in Section C. of this certification as soon as possible.

JANUARY 9, 1989
DATE



CHRISTOPHER J. DAGGETT
ACTING COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION