



STATE OF NEW JERSEY  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 ROBERT E. HUGHEY, COMMISSIONER  
 CN 402  
 TRENTON, N.J. 08625  
 609 - 292 - 2885

(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 APPROVAL OF THE  
 DECEMBER 13, 1983 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 certain criteria are met, in another district. (The Act provides procedures for reaching interdistrict agreements in the event that disposal sites located in another district are utilized.)

In response to the expiration of an interdistrict agreement between Mercer County and Burlington County authorizing Mercer's use of a disposal site located in Burlington, the Mercer County Board of Chosen Freeholders, on December 13, 1983, adopted an amendment to its approved District Solid Waste Management Plan. The amendment was received by the Department of Environmental Protection on December 15, 1983 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 adopted by the Mercer County Board of Chosen Freeholders is approved in accordance with N.J.S.A. 13:1E-24.

B. Approved Mercer County District Solid Waste Management Plan Amendment

I, Robert E. Hughey, 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 December 13, 1983 amendment to the approved Mercer County District Solid Waste Management Plan and certify to the Mercer County Board of Chosen Freeholders that the December 13, 1983 amendment is hereby made an approved part of the Mercer County District Solid Waste Management Plan as an interim measure in order to respond to the disposal capacity shortfall resulting from the expiration of the Mercer/Burlington interdistrict agreement. This approval is not to be construed as an amendment to the existing solid waste strategy contained in the approved Mercer County Plan which requires the County to pursue the development of disposal sites located within the Mercer County District to handle its solid waste. While Mercer County has sited a resource recovery facility, a landfill facility is also required for interim disposal as well as for non-processables and residues after resource recovery is operational.

In order to utilize out-of-district disposal sites as a long term solid waste strategy, the County must pursue the steps contained in N.J.S.A. 13:1E-21(b)(3) including, but not limited to, the certification of the absence of sufficient existing or available suitable sites within the Mercer County District.

The Mercer County Board of Chosen Freeholders is hereby directed within 45 days to either: (1) propose for adoption a plan amendment designating a landfill site located within the District; or (2) adopt a plan amendment jointly with another district to provide for the disposal of Mercer County's waste in that district; or (3) adopt a plan amendment certifying the absence of sufficient available suitable sites within the Mercer District, and failure to reach agreement with any other district, and accompanied by the documentary record considered by the County in arriving at this determination.

Subject to the limitations set forth above and in accordance with the agreement between Mercer County and GROWS, Inc., the redirection of all solid waste types 10, 13, 23, 25, and 27 generated from within Mercer County from the Parklands Landfill, located in Bordentown Township, Burlington County, NJ to the GROWS Landfill, located in Falls Township, Bucks County, Pennsylvania is approved for inclusion in the Mercer County Plan. Because this plan amendment requires changes in the State waste flow rules, formal rulemaking will be initiated by the Department and the Board of Public Utilities in accordance with N.J.A.C. 7:26-6.6.

C. 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, 10, 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) which are part of the Mercer County District Solid Waste Management Plan.

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, as provided for by N.J.S.A. 13:1E-24f., to proceed with the implementation of the amendment contained herein subject to the limitations set forth in Section B above.

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 approved amendment to the Mercer County District Solid Waste Management Plan contained herein shall take effect immediately.

7) Reservation of Authority

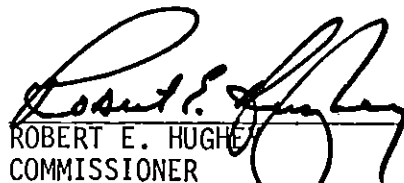
Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Mercer County District Solid Waste Management Plan, including any amendments made thereto, shall conform with the Statewide 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 intra-district waste flow rules, and also includes the compilation of individual District Plans and amendments as they are approved.

D. Certification of Approval 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 B of this Certification, to the Mercer County District Solid Waste Management Plan which was adopted by the Mercer County Board of Chosen Freeholders on December 13, 1983.

5/11/84

DATE



ROBERT E. HUGHES  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION