



STATE OF NEW JERSEY  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 ROBERT E. HUGHEY, 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 DECEMBER 20, 1982 AMENDMENTS  
 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 December 20, 1982, adopted Amendments to its approved District Solid Waste Management Plan. The Amendments were received by the Department of Environmental Protection on January 11, 1983 and copies were distributed to various state level agencies for review and comment, as required by law.

The Department has reviewed these Amendments, as well as the entire Mercer County District Solid Waste Management Plan, and has determined that the Amendments adopted by the Mercer County Board of Chosen Freeholders on December 20, 1982 are approved in accordance with 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's Plan remains deficient in several important ways. The status of the report and plan are addressed in Section B of this document.

B. Certification of Mercer County District Solid Waste Management Plan Amendments

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 20, 1982 Amendments to the approved Mercer County District Solid Waste Management Plan and certify to the Mercer County Board of Chosen Freeholders that the December 20, 1982 Amendments are judged in compliance with the requirements of N.J.S.A. 13:1E-21 and are hereby made a final approved part of the Mercer County District Solid Waste Management Plan.

The inclusion within the Plan of the Freight Yards, located on Block 305, Lot 9 in the City of Trenton, as the site of the District's Resource Recovery Plant is approved. The construction or operation of this facility shall be preceded by the obtaining of all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq. and all other applicable laws.

The Department has reviewed the entire Mercer County District Solid Waste Management Plan, including these Amendments, 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.

Report

- 1) N.J.S.A. 13:1E-21a.(1) requires an inventory of the sources, composition, and quantity of solid waste generated within Mercer County.

Mercer County has complied with this requirement and this section of the Mercer County District Solid Waste Management Plan remains approved.

- 2) N.J.S.A. 13:1E-21a.(2) requires projections on the amounts and composition of solid waste for a ten year period.

Mercer County has complied with these requirements and this section of the Mercer County District Solid Waste Management Plan remains approved.

- 3) N.J.S.A. 13:1E-21a.(3) requires an inventory and appraisal of all solid waste disposal facilities . . . and the identity of every person engaged in solid waste collection or disposal within the District.

Mercer County has complied with these requirements and this section of the Mercer County District Solid Waste Management Plan remains approved.

- 4) N.J.S.A. 13:1E-21a.(4) requires an analysis of existing solid waste collection systems and transportation routes within the Solid Waste Management District.

Mercer County has complied with this requirement and this section of the Mercer County District Solid Waste Management Plan remains approved.

Plan

- 5) N.J.S.A. 13:1E-21b.(1) requires the designation of a department, unit, or committee of County government . . . to supervise the implementation of the County's Solid Waste Management Plan.

Mercer County has complied with the requirements of N.J.S.A. 13:1E-21b.(1) and the Mercer County Improvement Authority (MCIA), County Administration Building, 640 South Broad Street, Trenton, New Jersey 08607 is the solid waste implementation agency in Mercer County designated to carry out the approved Mercer County Solid Waste Management Plan.

- 6) N.J.S.A. 13:1E-21b.(2) requires a statement of the solid waste disposal strategy to be applied . . . which strategy shall include the maximum practicable use of resource recovery procedures and a plan for using terminated landfill disposal sites . . . in the Solid Waste Management District.

Mercer County has complied with this requirement and this section of the Mercer County District Solid Waste Management Plan remains approved. The solid waste disposal strategy adopted by the County relies upon the construction and operation of a resource recovery facility to dispose of processable solid wastes, and upon an as yet undesignated landfill, for disposal of non-processable solid wastes and residues. In addition, the MCIA has encouraged local recycling programs in municipalities throughout the County. However, the office paper recycling program planned, initially, for County offices and, later, for State and municipal offices has not yet been implemented.

- 7) N.J.S.A. 13:1E-21b.(3) requires a site plan which shall include all existing solid waste disposal facilities located within the Solid Waste Management District . . . and sufficient additional available suitable sites to provide solid waste facilities to treat and dispose of the actual and projected amounts of solid waste contained in the report accompanying the Plan.

Mercer County has, with the exception of sole source landfills, no operational landfills located within the County. The County was to have designated in its first two-year update to the Plan a landfill for disposal of non-processable wastes and residues from the resource recovery facility. This has not been accomplished. In addition, the County was required to perform a landfill siting study by October 1, 1981 in which a site, or lack thereof, was to have been rationally determined. RAS Associates of Camden, New Jersey, was hired to perform this required study and they recommended, in a March 1981 report, three sites for further evaluations. Mercer County, however, failed to include any of these sites within the Plan and has not yet submitted documentation to the DEP indicating that there are no suitable landfill sites within the County. On April 12, 1983, the Mercer County Board of Chosen Freeholders adopted Resolution No. 83-115 which establishes the policy "...that there be a ban on landfills within Mercer County...and ...that the Mercer County Improvement Authority...is hereby instructed not to pursue the selection of a landfill within Mercer County and to obtain a contract by October 1, 1983 for an alternate and acceptable

means of disposing waste...." The adoption of this policy, along with the possible imminent termination by Burlington County of its inter-district waste flow agreement with Mercer County in accordance with Section 7(d) of said agreement (due to Mercer County not making sufficient progress towards implementation of its landfill siting study, resource recovery or source separation programs), has brought the solid waste disposal issue in Mercer County to a crisis state. Since Mercer County has failed to: 1) identify any suitable landfill sites within or outside the County, and 2) reach suitable interdistrict agreements with adjoining counties to ensure disposal of Mercer's wastes beyond the termination of its interdistrict waste flow agreement with Burlington County, the Department has determined this section of the Mercer County District Solid Waste Management Plan to be deficient.

- 8) N.J.S.A. 13:1E-21b.(4) requires a survey of proposed collection districts and transportation routes with projected transportation costs from collection districts to existing or available suitable sites for solid waste disposal facilities.

Mercer County has submitted to the Department a study summarizing transportation costs to proposed resource recovery facility sites within the County. However, a similar study to existing or available suitable landfill sites has not been received by the Department of Environmental Protection. Therefore, the Department has determined this section of the Mercer County District Solid Waste Management Plan to be deficient.

- 9) N.J.S.A. 13:1E-21b.(5) requires procedures for coordinating all activities related to the collection and disposal . . . within the Solid Waste Management District, which procedures shall include the agreements entered into as provided herein between the Board of Chosen Freeholders . . . and every such person, and the procedures for furnishing the solid waste facilities contained in the Solid Waste Management Plan.

Since Mercer County has failed to: 1) identify existing available suitable sites within the Mercer County Solid Waste Management District, and 2) to enter into suitable interdistrict agreements with adjacent solid waste management districts to ensure future disposal of its wastes beyond the termination of the Burlington County interdistrict waste flow agreement, the Department has determined this section of the Mercer County District Solid Waste Management Plan to be deficient.

- 10) N.J.S.A. 13:1E-21b.(6) requires a method or methods of financing solid waste management in the Solid Waste Management District pursuant to the Solid Waste Management Plan.

The Mercer County Freeholders, in passing Resolution No. 82-532, have specified that no bonds will be issued for the building of the mass burning facility unless and until suitable standards, including dioxin emissions, have been established either by the Department or the U.S. Environmental Protection Agency, in accordance with T. A. Luft #84 or equal. The Department finds this specification unnecessary. The Department is in the process of establishing guidelines for air pollution control for resource recovery facilities and incinerators and these standards, when finalized, may be equal but not necessarily identical to

those established by West Germany. Therefore, the Department has determined that this section of the Mercer County District Solid Waste Management Plan is not approved.

C. Other Provisions Affecting the Plan Amendments

1) Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with the within Amendments to the Mercer County District Solid Waste Management Plan and which was executed prior to the approval of these Amendments 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 these Amendments 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 these Amendments; 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 Amendments contained herein shall operate in compliance with these Amendments 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, hazardous wastes, oil spill cleanup wastes, and infectious waste.

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 Amendments

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 Amendments contained herein.

5) Definitions

For the purpose of these Amendments 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 Amendments

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

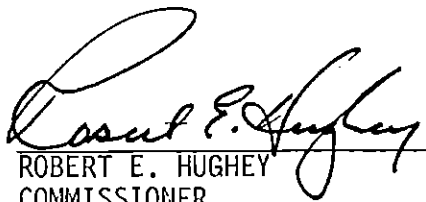
7) Reservation of Authority

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 of Amendments and Notification of Deficiencies 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 Amendments, as outlined in Section B of this Certification, to the Mercer County District Solid Waste Management Plan which were adopted by the Mercer County Board of Chosen Freeholders on December 20, 1982. Notwithstanding said approval, the significant deficiencies included herein must be resolved.

6/2/83  
DATE

  
ROBERT E. HUGHEY  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION