



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF WASTE MANAGEMENT
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AUG 09 1985

M E M O R A N D U M

TO: George J. Tyler, Assistant Commissioner
for Environmental Management and Control

FROM: *J* Dr. Marwan M. Sadat, Director
Division of Waste Management

Michael J. G. Brown for MMS

SUBJECT: Briefing on an Adopted Amendment to the Morris County District Solid
Waste Management Plan

I. Background

On February 20, 1985 the Morris County Board of Chosen Freeholders adopted an amendment to the Morris County District Solid Waste Management Plan to include a Morris County waste flow redirection to the Edgeboro Landfill, located in East Brunswick Township, Middlesex County. This waste flow redirection resulted from the closure of the Hamm's Landfill in Lafayette Township, Sussex County in December, 1984. The amendment was considered complete on March 21, 1985 and was circulated for state level review on March 27, 1985. A second request for comments from those agencies that had not responded was sent on April 24, 1985.

II. Purpose of the Amendment

The Morris County Plan has been amended to include the waste flow redirection of the Morris County solid waste that had previously been disposed of at the Hamm's Landfill in Lafayette Township, Sussex County to the Edgeboro Landfill in East Brunswick Township, Middlesex County. As a result of this waste flow redirection, all Morris County municipalities, with the exception of Washington Township, will use disposal capacity at the Edgeboro Landfill. (Washington Township may use disposal capacity in Ocean County as a result of an earlier waste flow redirection resulting from the closure of the High Point Landfill in Warren County. Currently, Washington Township is utilizing disposal facilities in Pennsylvania.)

III. Proposed Action by the Department

The proposed certification approves the inclusion of the waste flow redirection into the Morris County District Solid Waste Management Plan.

IV. State Level Comments

- A. The following state level review agencies had no objections to the amendment:

New Jersey Turnpike Authority
Division of Fish, Game & Wildlife
Division of Water Resources
Division of Parks and Forestry
Green Acres
Department of Agriculture
Division of Coastal Resources
Department of Health
Division of Environmental Quality
Department of Community Affairs

- B. The following state level review agencies provided specific comments as shown:

Office of Recycling - "Before final DEP approval of the waste flow agreement, Morris County should be required to develop a district recycling plan that sets a goal of recycling 25%..." (DWM response: A copy of these comments will be forwarded to the county for their information and possible action.)

N. J. Advisory Council on Solid Waste Management - "...this plan amendment indicates that it is inconsistent with the state solid waste management plan because:

1. The SWM District did not provide a district landfill or a resource recovery facility for its solid waste.
2. The district has not made any waste flow agreement with the district to which it is sending its refuse. Therefore it is suggested that all Morris County waste not provided for through interdistrict disposal agreements be returned to Morris County after a set period of time, such as 18 months. This would provide the county with adequate time to consummate their agreements, construct their own landfill, or arrange to ship their waste out-of-state. It is also suggested that Morris County be required to institute county-wide mandatory recycling for all materials for which any market exists. This will reduce the amount of waste being dumped on others." (DWM response: A copy of these comments will be forwarded to the county and a copy of the DEP/Morris County Administrative Consent Agreement will be supplied to the N.J.A.C.S.W.M. The agreement specifically provides for more aggressive recycling efforts, disposal "credits" for Middlesex County and a schedule shorter than 18 months.)

Board of Public Utilities - "Although this proposal contains a table of estimated 1985 collection and disposal costs for all Morris County municipalities, it would be inappropriate for the Board to provide DEP

with any detailed comments at this time. As of this date there are a number of formal matters before the Board and/or the Office of Administrative Law directly related to the closure of Hamm's, the redirection of waste to Edgeboro, and the request by Edgeboro for a rate increase." (DWM response: None necessary.)

- C. The following state level review agencies failed to respond to our request for comment:

Department of the Public Advocate
Department of Transportation
U.S. E.P.A.

V. Schedule for Certification

The amendment was considered complete on March 21, 1985, therefore, the Commissioner has 150 days or until August 17, 1985 to approve, modify, or reject the amendment.



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)
(MORRIS COUNTY SOLID WASTE)
(MANAGEMENT DISTRICT)

CERTIFICATION
OF THE FEBRUARY 20, 1985 AMENDMENT
TO THE MORRIS 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 January 29, 1981, the Department approved, with modifications, the Morris 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 Morris County Board of Chosen Freeholders completed such a review and on February 20, 1985, adopted an amendment to its approved district solid waste management plan. The amendment was received by the Department of Environmental Protection on March 21, 1985 and copies were distributed to various state level agencies for review and comment, as required by law.

Of the sixteen state level review agencies contacted as part of this process, three had specific comments as addressed in the attached memorandum from Dr. Marwan M. Sadat, Director, Division of Waste Management to George J. Tyler, Assistant Commissioner for Environmental Management and Control.

The Department has reviewed this amendment, as well as the entire Morris County District Solid Waste Management Plan, and has determined that the amendment adopted by the Morris County Board of Chosen Freeholders on February 20, 1985 is approved as provided in N.J.S.A. 13:1E-24. With regard to the district's plan, while the requirements of the act concerning the report have been met, the district's plan remains deficient in some important ways.

B. Certification of Morris 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 February 20, 1985 amendment to the approved Morris County District Solid Waste Management Plan and certify to the Morris County Board of Chosen Freeholders that the February 20, 1985 amendment is approved as further specified below.

The inclusion in the plan of the solid waste flow redirection, for certain Morris County municipalities, from the Hamm's Landfill in Lafayette Township, Sussex County to the Edgeboro Landfill in East Brunswick Township, Middlesex County, is approved. Specifically, all solid waste types 10, 13, 23, 25 and 27 generated from within the Morris County municipalities of Boonton, Boonton Township, Butler, Denville, Dover, Jefferson, Kinnelon, Lincoln Park, Mine Hill, Montville, Mountain Lakes, Mount Olive, Netcong, Pequannock, Riverdale, Rockaway Borough, Rockaway Township, Roxbury, Victory Gardens, and Wharton are redirected to the Edgeboro Landfill, facility number 1204A, located in East Brunswick Township, Middlesex County.

These waste flow changes are approved for inclusion in the county plan. Final disposition of such proposed changes in the state waste flow rules will be determined pursuant to formal rulemaking by the Department and the Board of Public Utilities in accordance with N.J.A.C. 7:26-6.6.

The Department has reviewed the entire Morris County District Solid Waste Management Plan, including this amendment, 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:

1. 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.

The approved Morris County Plan contains no designation as to the supervision of plan implementation. Therefore, the Morris County Plan is deficient for not complying with the requirements of N.J.S.A. 13:1E-21b(1).

2. 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.

The Morris County Plan is deficient in regard to N.J.S.A. 13:1E-21b(2) as a result of its failure to provide a plan for the use of terminated landfill disposal sites.

3. 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.

The February 20, 1985 Amendment provides for interim solid waste disposal at the Edgeboro Landfill, located in East Brunswick Township, Middlesex County for the Morris County municipalities affected by the court ordered closure of the Hamm's Landfill.

Provisions of the January 9, 1985 administrative consent order between Morris County and the Department provide a schedule for the implementation of long term solid waste disposal facilities. However, until sites are included in the plan pursuant to the administrative consent order, the plan remains deficient in meeting the requirements of N.J.S.A. 13:1E-21b(3).

4. 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.

The solid waste management act requires districts which import or export waste to reach formal interdistrict agreements. No such agreements exist between Morris County and the districts to which Morris County exports its solid waste. Therefore, the Morris County Solid Waste Management Plan is deficient in meeting the requirements of N.J.S.A. 13:1E-21b(5).

5. 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.

Morris County has not submitted to the DEP a specific plan for financing solid waste management within the district. Therefore, Morris County has not complied with N.J.S.A. 13:1E-21b(6) and this section of the Morris County District Solid Waste Management Plan is deficient.

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 Morris 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 Morris 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 Morris County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Morris 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 Morris 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 Morris 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 Morris County Board

of Chosen Freeholders, as provided for by N.J.S.A. 13:1E-24f., to 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 approved amendment to the Morris County District Solid Waste Management Plan contained herein shall take effect immediately.

Final disposition of such proposed changes in the state waste flow rules will be determined pursuant to formal rulemaking by the Department and the Board of Public Utilities in accordance with N.J.A.C. 7:26-6.6.

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 Morris 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.

D. Certification of Approval of the Amendment 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 amendment, as outlined in Section B of this certification, to the Morris County District Solid Waste Management Plan which was adopted by the Morris County Board of Chosen Freeholders on February 20, 1985, and further direct the Morris County freeholders to remedy those deficiencies outlined in Section B of this certification within 90 days of the date of this certification.



 ROBERT E. HUGHEY
 COMMISSIONER
 DEPARTMENT OF ENVIRONMENTAL PROTECTION

8/19/85
 DATE