



**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 )  
(MORRIS COUNTY SOLID WASTE )  
(MANAGEMENT DISTRICT )

CERTIFICATION  
OF THE DECEMBER 11, 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 December 11, 1985, adopted an amendment to its approved district solid waste management plan. The amendment designates Site 6-1B, Rockaway Township, as the site for a 1000 ton-per day resource recovery facility.

The amendment was received by the Department of Environmental Protection on December 18, 1985 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 Morris County District Solid Waste Management Plan, and has determined that the amendment adopted by the Morris County Board of Chosen Freeholders on December 11, 1985 is approved 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's plan remains deficient in certain important ways.

B. Findings and Conclusions with Respect to the Morris County District Solid Waste Management Plan Amendment

Pursuant to N.J.S.A. 13:1E-24a(1), I, Richard T. Dewling, Commissioner of the Department of Environmental Protection have studied and reviewed the December 11, 1985, amendment to the Morris 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 is fully consistent with the Statewide Solid Waste Management Plan.

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

The Division of Fish, Game and Wildlife commented that the site is considered to be of high value relative to fish and wildlife resources/habitat. They are concerned that the quality and quantity of category 1-trout production waters will be maintained in an ambient state and how impacts to fish/wildlife and their habitats will be avoided, minimized or mitigated at Site 6-1B. Additional environmental concerns include: cooling water intake design (protection of fish from impingement/entrainment if surface waters are utilized); and minimization of thermal discharge impacts to surface water. The Department response is that the development of this facility or any other construction on this site will have some impact on the surrounding natural environment. However, close

adherence to Department regulations governing the construction and operation of a resource recovery facility will minimize or eliminate potential negative impacts. Those specific concerns identified above will be addressed in detail within the Environmental Impact Statement and the engineering design for the resource recovery facility.

The N. J. Department of Transportation requested specific information concerning the location of access routes to the resource recovery facility, and traffic data showing predicted increases in the numbers of truck trips on nearby Interstate 80 and state highways during construction and operation. Additionally, DOT sought more information regarding the relationship of the proposed resource recovery facility to a pumped storage hydroelectric project also proposed for the Mount Hope Lake area. The Department reply is that traffic during road construction and facility operation, as well as the potential joint impact of the proposed pumped storage project with the proposed landfill and resource recovery facilities will be evaluated in the EIS process.

The Division of Water Resources noted that Location 8, Site 6-1B, provisionally designated as the location for the resource recovery plant, is just inside the proposed landfill boundaries. They stress that the nature of the site, i.e. wetlands, fault, mine workings and sole source aquifer recharge areas have already limited the size of the landfill. They also commented that construction of the resource recovery facility at that location further reduces the landfill size. Also, necessary permits and approvals must be obtained if washdown and/or scrubber waters are to be discharged into surface or ground waters or public sewer system. The Department reply is that the interrelationship of the resource recovery facility and landfill will have to be evaluated when the detailed engineering designs are submitted.

The Department of Health (DOH) is concerned that the access road which is presently indicated as the truck route to the facilities should not be used by recreational traffic to Lake Ames. They also advocated that an alternate truck route to the presently proposed one through Hibernia should be determined. DOH recommended that background levels of community soil, air and water be determined before the site is used to establish standard parameters, with annual sampling conducted following plant operation. Additionally, they are suggesting continuous public participation at all phases of planning and implementation, together with a comprehensive worker and community safety program. The Department response is that truck routing to avoid conflict with recreational areas and minimize traffic impacts, together with necessary safety programs will be addressed in the environmental impact statement submission. All required testing and environmental controls for soil, water and air contaminants will be rigorously addressed in the permit conditions should a permit be warranted. Public hearings to ensure opportunities for full citizen participation are mandated at both the plan amendment and facility engineering permit phases of the Department's review process.

The Division of Environmental Quality (DEQ) pointed out that a federal Prevention of Significant Deterioration (PSD) permit will be required. Air quality simulation modeling will be needed to determine the effect of the proposed facility on ambient air quality. A year of on-site meteorological data may be required for the modeling because of the surrounding terrain. DEQ further noted that the operation for the facility must not cause a violation of

the National Ambient Air Quality Standards, exacerbate an existing violation or promote significant deterioration of existing clean air: the entire state of New Jersey is a non-attainment area for ozone. They further maintain that the facility traffic impact on the ambient air quality also will have to be determined. The Department response is that the potential impact on local and regional air quality due to stack emissions will be mitigated by state-of-the art environmental controls to ensure compliance with applicable air quality standards. Additional air quality screening models will be used to determine the relative impacts on the existing air quality at the potential resource recovery location. Relevant air quality issues will also have to be addressed in an Environmental Impact Statement submission.

Green Acres stressed the need for recycling as well as incineration of solid waste. The Department response is that a previous Morris County Plan amendment incorporated mandatory municipal recycling with source separation of four recyclables into the district plan. Sixteen of the county's 39 municipalities are reportedly in compliance with the county's mandate at this time.

C. Certification of Morris County District Solid Waste Management Plan Amendment

I, Richard T. Dewling, 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 11, 1985 amendment to the approved Morris County District Solid Waste Management Plan and certify to the Morris County Board of Chosen Freeholders that the December 11, 1985 amendment is approved as further specified below.

The designation of Site 6-1B, Location 8, Block 229, Lot 10 and Lot 10-2 in Rockaway Township, Morris County, for the development of a 1000 ton per day resource recovery facility is 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. The issuance of construction and/or operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department to be fit and competent to manage such facilities.

This same site referred above, 6-1B, has also been selected by a prior amendment as the location for construction of a sanitary landfill. Essentially, the comments and issues raised by the review agencies concerning the development of a resource recovery facility on this site are the same that were voiced for the development of a landfill. The relationship between the resource recovery and landfill facilities is exemplified by the November, 1985 resolution passed by the Morris County Solid Waste Advisory Council, indicating that a resource recovery facility should be sited at 6-1B, only if the landfill were also to be constructed on the same site.

However, a January, 1985 Administrative Consent Order entered between Morris County and the Department contained detailed schedules to assure the development of an in-county landfill by March, 1986 and a resource recovery facility to be

operational by November, 1990. As of February, 1986, the county had failed to develop a landfill and had not acquired the site property. Furthermore, pending federal legislation containing specific language prohibiting the construction of a landfill on this site could disqualify the 6-1B property for any intended landfill development. Even if the landfill is blocked by legislation, litigation or other means, the designated resource recovery site shall be developed by the county according to the milestones and schedule in the Administrative Consent Order, unless and until the county adopts a plan amendment deleting the resource recovery site and the Department approves the plan amendment.

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(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.

Although the county has proposed a general terminated landfill policy, the county plan still does not offer a specific plan for using each terminated landfill in the county as required by the Act. Therefore, the Morris County Plan remains deficient with respect to N.J.S.A. 13:1E-21b(2).

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

Morris County has submitted an estimate of annual transportation and disposal costs at the proposed resource recovery facility and a collection/haul analysis based on proposed waste flows to this facility. Therefore, I find that the county plan is in compliance with N.J.S.A. 13:1E-21b (4).

3. 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.

Although Morris County exports all of its waste to out-of-county sites, there are no formal interdistrict agreements or contractual arrangements. Therefore, the Morris County Solid Waste Management Plan is deficient with respect to the requirements of N.J.S.A. 13:1E-21b(5).

4. 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.

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 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).

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 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 approved amendment to the Morris 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 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.

E. 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 C. of this certification, to the Morris County District Solid Waste Management Plan which was adopted by the Morris County Board of Chosen Freeholders on December 11, 1985 and further direct the Morris County Board of Chosen Freeholders to remedy those deficiencies outlined in Section C. of this certification as soon as possible.

3/25/86  
DATE

  
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RICHARD T. DEWLING  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION