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STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
RICHARD T. DEWLING, Ph.D., P.E., COMMISSIONER  
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(IN THE MATTER OF CERTAIN AMENDMENTS)  
(TO THE ADOPTED AND APPROVED SOLID)  
(WASTE MANAGEMENT PLAN OF THE)  
(ATLANTIC COUNTY SOLID WASTE)  
(MANAGEMENT DISTRICT)

CERTIFICATION  
OF THE JULY 2, 1986  
AMENDMENT TO THE ATLANTIC 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 June 24, 1982, the Department approved, with modifications, the Atlantic 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 Atlantic County Board of Chosen Freeholders completed such a review and on July 2, 1986, adopted an amendment to its approved district solid waste management plan. The amendment designates a site for Atlantic County's planned resource recovery facility (Doughty Road, Egg Harbor Township) as well as a recommendation for a resource recovery technology.

The amendment was received by the Department of Environmental Protection on August 4, 1986, 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 Atlantic County District Solid Waste Management Plan, and has determined that the amendment adopted by the Atlantic County Board of Chosen Freeholders on July 2, 1986, 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 some important ways.

B. Findings and Conclusions with Respect to the Atlantic 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 July 2, 1986, amendment to the Atlantic 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 consistent with the Statewide Solid Waste Management Plan.

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

The Division of Coastal Resources commented that the proposed site of the Atlantic County Resource Recovery Facility (Doughty Road) may adversely impact such special areas (N.J.A.C. 7:7E-3.0) as wetlands, wetland buffers, intermittent stream corridors and endangered or threatened wildlife habitats, which are located within and adjacent to the project site. The proposed site, upon inspection by the Division of Solid Waste Management, does not appear to contain any of the forementioned environmentally sensitive areas. However, the concerns expressed by Coastal Resources will be examined in detail within the technical review phase of the Department's permit process.

The Division of Fish, Game and Wildlife commented that there could be a potential negative impact on fish/wildlife resources depending on the exact location and design of the facility. In addition, the proximity of the site to Jarrets Run, associated wetlands and the Atlantic City Reservoir was raised as a

concern. Once again, these issues must be addressed in detail by the applicant as part of the technical phase of the Department's permit process.

The Division of Solid Waste Management is concerned with the location of the proposed site with respect to both the Atlantic City Airport as well as the Brigantine National Wildlife Refuge. The Atlantic City Airport is located approximately two (2) miles west of the Doughty Road site. This could pose a problem concerning the height of the emissions stack on the proposed resource recovery facility. Brigantine National Wildlife Refuge is located seven (7) miles to the east of the Doughty Road site. According to the Bureau of Engineering and Regulatory Development of the Division of Environmental Quality, Brigantine National Wildlife Refuge is designated as a class I visibility area. Therefore, the proposed facility will have to meet the air quality requirements so as not to effect the standards of the Brigantine National Wildlife Refuge. Both of these issues must be addressed by the applicant as part of the Department's technical review process.

C. Certification of Atlantic 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 July 2, 1986, amendment to the approved Atlantic County District Solid Waste Management Plan and certify to the Atlantic County Board of Chosen Freeholders that the July 2, 1986 amendment is approved as further specified below.

1. The amendment designates the "Doughty Road" site as identified in the Resource Recovery Siting Analysis and Technology Assessment performed by the Atlantic County Utilities Authority as the location of a county resource recovery facility. These lands are identified as Block 13A, Lots 8; Block 17A, Lot 9; Block 18A, Lots 1-6; Block 19A, Lots 1,2; Block 21A, Lots 1-3, 16; Block 20A, Lot 1; Block 22A, Lots 1,2; Block 23A, Lot 1; Block 397A, Lot 1 on the Tax Map of Egg Harbor Township, Atlantic County. The above site is approved for inclusion into the Atlantic County Solid Waste Management Plan.

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. Issuance of operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department and the Attorney General to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126 et seq.

2. The amendment also states that the Resource Recovery Facility shall utilize the technology known as mass-fire water-wall furnace, as recommended in the Resource Recovery Siting Analysis and Technology Assessment. The above technology is also approved for inclusion into the Atlantic County Solid Waste Management Plan.
3. The Department has reviewed the entire Atlantic 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:

- a. 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.

Atlantic County, by selecting a resource recovery site, has achieved a large step toward providing sufficient solid waste management and disposal. However, the county has not formally adopted into the Atlantic County Plan any strategy to provide interim landfill capacity until the resource recovery facility commences operation. In addition the county has still not identified a residual ash landfill site. Therefore, I find that Atlantic County has not complied with N.J.S.A. 13:1E-21b(3) and that this section of the Atlantic County District Solid Waste Management Plan is deficient.

- b. 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.

Atlantic County has not submitted to the DEP a specific plan for financing solid waste management within the district. Therefore, I find that Atlantic County has not complied with N.J.S.A. 13:1E-21b(6) and that this section of the Atlantic 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 Atlantic 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 the 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 Atlantic 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 Atlantic County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the

Atlantic 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, and 12 and all other applicable laws.

3. Types of Solid Wastes Covered by the District Solid Waste Management Plans

The provisions of the Atlantic 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 Atlantic 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 Atlantic 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 Atlantic 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 Atlantic County District Solid Waste Management Plan which was adopted by the Atlantic County Board of Chosen Freeholders on July 2, 1986. I further direct the Atlantic County Board of Chosen Freeholders to remedy those deficiencies referenced in Section C. of this certification as soon as possible.

December 23, 1986

DATE



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RICHARD T. DEWLING  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION