



**State of New Jersey
Department of Environmental Protection and Energy**

Robert C. Shinn, Jr.
Commissioner

**IN THE MATTER OF CERTAIN AMENDMENTS
TO THE ADOPTED AND APPROVED SOLID
WASTE MANAGEMENT PLAN OF THE
CAMDEN COUNTY SOLID WASTE
MANAGEMENT DISTRICT**

**CERTIFICATION
OF THE JANUARY 20, 1994
AMENDMENT TO THE CAMDEN 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 17, 1980, the Department of Environmental Protection approved, with modifications, the Camden County District Solid Waste Management Plan (County 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 a 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 a 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 County Plan at any time and, if found inadequate, a new County Plan must be adopted. The Camden County Board of Chosen Freeholders (County Freeholders) completed such a review and on January 20, 1994, adopted an amendment to its approved County Plan. As adopted, the amendment provides Resource Recovery Investment Tax (RRIT) Fund disbursement schedules for Fiscal Years 1986-1989 to correct a historical plan deficiency and simplifies the County solid waste flow by specifying (exclusive of waste type 25) that all processible waste shall be disposed at the Camden Resource Recovery Facility and all nonprocessable waste shall be disposed at the Pennsauken Landfill.

The amendment was received by the Department of Environmental Protection and Energy (Department or DEPE) on February 14, 1994 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this amendment and has determined that the amendment adopted by the County Freeholders on January 20, 1994 is approved with modification as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the January 20, 1994 amendment to the County 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, as modified, is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the issues of concern relative to the January 20, 1994 amendment which are included in Section B.2 below.

In conjunction with the review of the amendment, the Department circulated copies to sixteen administrative review agencies, and solicited their review and comment. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various bureaus, divisions, and agencies within the Department. These agencies are as follows:

Office of Air Quality Management, DEPE
Division of Parks and Forestry, DEPE
Division of Fish, Game and Wildlife, DEPE
Division of Solid Waste Management, DEPE
Green Acres Program, DEPE
Land Use Regulation Element, DEPE
Wastewater Facilities Regulation Element, DEPE
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Health

Department of Transportation
Department of Community Affairs
Department of the Public Advocate
Pinelands Commission
U.S. Environmental Protection Agency

1. Agency Participation in the Review of the January 20, 1994 Amendment

The following agencies did not object to the proposed plan amendment:

Office of Air Quality Management, DEPE
Division of Parks and Forestry, DEPE
Green Acres Program, DEPE
Wastewater Facilities Regulation Element, DEPE
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Transportation
Pinelands Commission

The following agencies did not respond to our requests for comment:

Division of Fish, Game and Wildlife, DEPE
Land Use Regulation Element, DEPE
Department of Health
Department of Community Affairs
Department of the Public Advocate
U.S. Environmental Protection Agency

The following agency provided substantive comments as shown in Section B. of the certification document:

Division of Solid Waste Management, DEPE

2. Issues of Concern Regarding the January 20, 1994 Amendment

Issue: Waste Flow

The amendment simplifies the in-county waste flow for the disposal of solid waste types 10, 13, 23, and 27 generated within the County by specifying that all processible waste shall be disposed at the Camden Resource Recovery Facility and all nonprocessable waste shall be disposed at the Pennsauken Landfill. Currently, the waste flow for the County continues to differentiate between those municipalities within the former Pennsauken Solid Waste Management Authority and Winslow Township Transfer Station Service Areas from those in the Camden Resource Recovery Facility Service Area. The result is a confusing and lengthy description of waste flows within the County that need not exist. Also, the amendment proposes a waste flow change by redirecting processible waste types 13, 23, and 27 generated from within the Pennsauken Service Area from

disposal at the Pennsauken Landfill to disposal at the Camden Resource Recovery Facility. However, the amendment specifies the continued reliance of the County for the disposal of type 25 solid waste at out-of-state facilities which is of concern to the Department and is inconsistent with the December 31, 1999 disposal self-sufficiency goal articulated in the Solid Waste Management State Plan Update: 1993-2002. Further, although the Pennsauken Landfill has not been previously authorized by the DEPE to accept waste type 25, pursuant to a revised permit issued on June 4, 1992 the landfill is now authorized to accept this waste type. Therefore, as noted within Section C., the amendment is modified to direct the disposal of waste type 25 at the Pennsauken Landfill.

Issue: Permit Requirements

According to the amendment, all processible solid waste types 10, 13, 23, and 27 generated within the County are directed to the Camden Resource Recovery Facility. The County is hereby notified that any type 27 waste generated from within the former Pennsauken Solid Waste Management Authority Service Area that is now directed to the Camden Resource Recovery Facility must first be the subject of an industrial waste survey before incineration of said waste may occur.

Issue: RRIT Fund Disbursement Schedules

In the June 24, 1992 certification of the April 2, 1992 amendment, the DEPE noted that to ensure that all expended moneys from the RRIT Fund since the inception of the program in 1986 were in conformance with previously approved disbursement schedules, the Department would be conducting a review of all RRIT Fund disbursements by the Pennsauken Solid Waste Management Authority and the Pollution Control Financing Authority of Camden County for State Fiscal Years 1986 through 1989. Upon the conclusion of this audit, the County was directed to provide within a subsequent plan amendment submission a comprehensive disbursement schedule noting the specific uses of all RRIT Fund moneys disbursed to the County for three years. During this timeframe, the County utilized its RRIT moneys to fund various activities to plan for the construction of the Camden Resource Recovery Facility and the expansion of the Pennsauken Landfill. The DEPE has concluded its audit and the County has submitted the required disbursement schedules, which have been approved herein.

C. Certification of the Camden County District Solid Waste Management Plan Amendment

In accordance with N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-21, which establishes specific requirements regarding the contents of the district solid waste management plans, I have reviewed the January 20, 1994 amendment to the approved County Plan and certify to the County Freeholders that the January 20, 1994

amendment is approved with modification as further specified below.

1. Waste Flow Revisions

The County Plan inclusion of simplified waste flows specifying that all processible solid waste types 10, 13, 23, and 27 generated within the County shall be disposed at the Camden Resource Recovery Facility, located in Camden City, Camden County and all nonprocessable solid waste types 10, 13, 23, and 27 generated within the County shall be disposed at the Pennsauken Landfill, located in Pennsauken Township, Camden County is approved with modification. Included within this approval is the redirection of processible waste types 13, 23, and 27 generated within the former Pennsauken Solid Waste Management Authority Service Area from disposal at the Pennsauken Landfill to disposal at the Camden Resource Recovery Facility. However, as noted within Section B., in accordance with DEPE's goal of disposal self-sufficiency and pursuant to the revised permit for the Pennsauken Landfill, the County's waste flows are modified to direct the disposal of waste type 25 at the Pennsauken Landfill. Pursuant to N.J.A.C. 7:26-6.6, the DEPE will initiate as soon as possible formal rulemaking procedures to embody the waste flow change within N.J.A.C. 7:26-6.5(d).

2. RRIT Fund Disbursement Schedule

The County Plan inclusion of RRIT Fund disbursement schedules for State Fiscal Years 1986 through 1989, as requested by the Department, is approved.

3. Camden County District Solid Waste Management Plan Deficiencies

As noted in the February 4, 1994 certification of the August 19, 1993 and November 24, 1993 amendments, the County is reminded of the directive to report in letter form, within 180 days or by August 4, 1994, on the progress of the regionalization of the Camden Resource Recovery Facility, as excess capacity becomes available, and the development of specific plans for the mining of the Pennsauken Landfill. Also, as noted in the May 19, 1992 certification of the December 5, 1991 amendment, the County is reminded of the directive to report in letter form on the feasibility of developing an ash monofill at the Pennsauken Landfill. This report was to have been submitted by November 19, 1992 and, to date, has not been received.

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 this amendment to the County 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 and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the County 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, and for good cause shown, obtain an extension of time to complete such renegotiation.

2. Compliance

All solid waste facility operators and transporters registered with the Department and operating within the County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the County Plan. Any facility operator or transporter 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 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 Plan

The provisions of the County 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. All nonhazardous 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 set forth at N.J.A.C. 7:26A-1 et seq.

4. Certification to Proceed with the Implementation of the Plan Amendment

This document shall serve as the certification of the Commissioner of the Department to the County Freeholders and pursuant to N.J.S.A. 13:1E-24c and f, the County shall proceed with the implementation of the modified amendment certified 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 -99.12, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of the Amendment

The modified amendment to the County 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 pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, 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 With Modification of the Amendment by the Commissioner of the Department of Environmental Protection and Energy

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve with modification the amendment, as outlined in Section C. of this certification, to the Camden County District Solid Waste Management Plan which was adopted by the Camden County Board of Chosen Freeholders on January 20, 1994.

Date

5/18/94

Robert C. Shinn, Jr.

Commissioner

Department of Environmental Protection
and Energy