

# State of New Jersey Department of Environmental Protection and Energy

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Scott A. Weiner 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 APRIL 2, 1992

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 seg.) 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 September 26, 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 plan at any time and, if found inadequate, a new plan must be adopted. Amendments to the Act found in N.J.S.A 13:1E-136 et seq. require that, among other things, counties amend their district solid waste management plans to include an outline of the proposed uses of moneys in the District Resource Recovery Investment Tax (RRIT) Fund, as well as establish a schedule for the disbursement of the moneys in that Fund. The Camden County Board of Chosen Freeholders (County Freeholders) completed such a review and on April 2, 1992 adopted an amendment to its approved County Plan to satisfy the requirements of N.J.S.A. 13:1E-150. The April 2, 1992 amendment proposed to modify the County's financial plan for disbursement of moneys from the RRIT Fund to include a tip fee reduction at the Pennsauken Landfill and the South Camden Incinerator and included a disbursement schedule for Fiscal Years 1987 through 1995.

The amendment was received by the Department of Environmental Protection and Energy (Department or DEPE) on April 20, 1992 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 April 2, 1992 is approved in part and rejected in part as provided in N.J.S.A. 13:1E-24.

## B. <u>Findings and Conclusions with Respect to the Camden County District Solid</u> Waste Management Plan Amendment

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the April 2, 1992 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 the approved portion of this plan amendment is consistent with the Statewide Solid Waste Management Plan.

In conjunction with the review of the amendment, the Department circulated copies to seventeen 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 the following:

Office of Energy, 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
Groundwater Quality Management 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
U.S. Environmental Protection Agency
Pinelands Commission

## 1. Agency Participation in the Review of the April 2, 1992 Amendment

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

Office of Energy, DEPE
Division of Fish, Game and Wildlife, DEPE
Division of Parks and Forestry, DEPE
Green Acres Program, DEPE
Pinelands Commission
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture

The following agencies did not respond to the Department's requests for comments:

Land Use Regulation Element, DEPE
Groundwater Quality Management Element, DEPE
Wastewater Facilities Regulation Element, DEPE
Department of Health
Department of Transportation
Department of Community Affairs
Department of the Public Advocate
U.S. Environmental Protection Agency

The following agency submitted substantive comments which are further addressed below:

Division of Solid Waste Management, DEPE

## 2. Comments Received for the April 2, 1992 Amendment

Issue: RRIT Fund Use and Disbursement Schedule

The Department had previously certified, on November 21, 1991, the June 6, 1991 amendment which had modified the County's RRIT Fund use from implementing resource recovery facilities to financing increased recycling activities and a used battery and household hazardous waste collection program. The certification approved the modified use but, in the absence of a disbursement schedule, prohibited the County from any disbursement of RRIT Fund monies until a disbursement schedule for Fiscal Years 1988 through 1992 was submitted to and approved by the Department.

The April 2, 1992 amendment again modifies the RRIT Fund use and includes a disbursement schedule. The modified use includes the previously noted uses plus a tip fee reduction at the Pennsauken Landfill and the South Camden Incinerator. The amendment includes a disbursement schedule for the period covering the Fiscal Years of 1987 through 1995. However, for

Fiscal Years 1986 through 1989 the County did not submit a complete disbursement schedule covering all expenditures made from the RRIT Fund. The Department, to ensure that all expended moneys from the RRIT Fund were in conformance with previously approved disbursement schedules, requires a disbursement schedule for the Pennsauken Solid Waste Management Authority (PSWMA) as well as the PCFACC for State Fiscal Years 1986 (the first year of the RRIT Fund) through 1989. In this regard, the Department will conduct a review of all RRIT Fund money receipts and disbursements for State Fiscal Years 1986 through 1989. Section C. below requires the County to provide in a subsequent plan amendment submission comprehensive disbursement schedule, noting the specific uses, of all RRIT Fund moneys disbursed to the County between State Fiscal Years 1986 through 1989 within 90 days of release of the DEPE's findings following its internal review. Finally, the current modification to the RRIT Fund use, and accompanying disbursement schedule for Fiscal Years 1990 through 1995, is consistent with N.J.S.A. 13:1E-150(b) and (c) and is approved in Section C. below.

The County Freeholders are hereby notified of these comments.

# C. <u>Certification of the Camden County District Solid Waste Management Plan</u> <u>Amendment</u>

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 April 2, 1992 amendment to the approved County Plan and certify to the County Freeholders that the April 2, 1992 amendment is approved in part and rejected in part as further specified below.

The County Plan inclusion of the modified use and disbursement schedule for Fiscal Years 1990 through 1995 for the County's RRIT Fund is However, the disbursement schedule for Fiscal Years 1987 approved. through 1989 is rejected. Previously, in the Department's November 21, 1991 certification of the June 6, 1991 amendment, the Department had approved modifications to the RRIT Fund use from implementing resource recovery facilities to financing increased recycling activities and a used and household hazardous waste collection program. certification, however, noted the absence of a disbursement schedule and prohibited the County from any disbursement of RRIT Fund moneys until a disbursement schedule for Fiscal Years 1988 through 1992 was approved by the Department. The Department's action relative to each of the subject fiscal years is as follows.

## Fiscal Years 1987 through 1989

The prior expenditure of \$848,532 by the PCFACC for various activities to plan for the construction of the South Camden Incinerator is rejected. According to Departmental records, the DEPE for State Fiscal Years 1986 through 1989 disbursed \$3,666,271 in RRIT Fund moneys to the County. Of this total disbursement, \$2,566,093 was allocated to the PSWMA and \$1,088,377 was allocated to the PCFACC. The County in the April 2, 1992

amendment only accounted for \$848,532 of the RRIT monies allocated to the PCFACC. The Department, 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, will be conducting a review of all RRIT Fund disbursements for State Fiscal Years 1986 through 1989 by the PSWMA and the PCFACC. Within 90 days of the release of DEPE's findings, the County is hereby directed within a subsequent plan amendment submission to provide a comprehensive disbursement schedule, noting the specific uses, of all RRIT Fund moneys disbursed to the County between State Fiscal Years 1986 through 1989, inclusive.

#### Fiscal Year 1990

The expenditure of \$1,012,273 to reduce tip fees at the Pennsauken Landfill and the South Camden Incinerator is approved.

#### Fiscal Year 1991

The expenditure of \$500,000 for various recycling activities, \$353,460 for a used battery and household hazardous waste collection program, and \$187,727 to reduce tip fees at the Pennsauken Landfill and the South Camden Incinerator is approved.

#### Fiscal Years 1992 through 1995

The expenditure of 70% of all RRIT Fund monies collected annually or about \$364,000 annually for various recycling activities and 30% of all RRIT Fund monies collected annually or about \$156,000 annually for a used battery and household hazardous waste collection program is approved.

The Department finds that the proposed modification of the use and disbursement of the RRIT Fund moneys for Fiscal Years 1990 through 1995 is consistent with the prescribed uses for such funds as set forth in N.J.S.A. 13:1E-150(b) and (c). Accordingly, the inclusion of the modified use of the RRIT Fund moneys and the disbursement schedule for said period is approved.

#### 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. 7:26-6, but are subject to regulation in accordance with N.J.A.C. 7:26A-1 et seq.

## 4. <u>Certification to Proceed with the Implementation of the Plan</u> <u>Amendment</u>

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 approved amendment certified herein.

### 5. <u>Definitions</u>

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 and -2.13, and N.J.A.C. 7:26A-1.3.

## 6. <u>Effective Date of the Amendment</u>

The approved portion of the 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. The Department has published a 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. <u>Certification of Approval in Part and Rejection in Part of the Amendment</u> by the <u>Commissioner of the Department of Environmental Protection and Energy</u>

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve in part and reject in part 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 April 2, 1992.

<u>June 24, 1992</u>

SCOTT A. WEINER COMMISSIONER

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ENERGY