

# 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 )
(CAMDEN COUNTY SOLID WASTE )
(MANAGEMENT DISTRICT )

CERTIFICATION
OF THE JULY 9, 1987
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 September 26, 1980, the Department approved, with modifications, the Camden 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 Camden County Board of Chosen Freeholders completed such a review and on July 9, 1987 adopted an amendment to its approved district solid waste management plan. The proposed amendment includes defined truck routes to the Pennsauken Solid Waste Management Authority's proposed resource recovery facility.

The amendment was received by the Department of Environmental Protection on July 31, 1987, 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 Camden County District Solid Waste Management Plan, and has determined that the amendment adopted by the Camden County Board of Chosen Freeholders on July 9, 1987, is approved in part and rejected in part as provided in N.J.S.A. 13:1E-24. However, with regard to the district plan, while the requirements of the Act concerning the report have been met, the district's plan remains deficient. This deficiency is specified in Section C. of the certification.

# 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, Richard T. Dewling, Commissioner of the Department of Environmental Protection have studied and reviewed the July 9, 1987, amendment to the Camden 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. among these agencies were the Department of Community Affairs, the Pinelands Commission, 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 the N.J.D.E.P. Divisions of Environmental Quality, Water Resources, Fish, Game and Wildlife, and Coastal Resources; the State Departments of Agriculture and Community Affairs; the Board of Public Utilities, the Green Acres Program, 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 Departments of Health, Transportation and the Public Advocate; the Pinelands Commission; and the U.S. Environmental Protection Agency. The Division of Parks and Forestry submitted substantive comments which are further addressed below.

The Division of Parks and Forestry commented that from a historic preservation standpoint, one of the Cherry Hill access routes passes the State Register Griffith Morgan House at the intersection of Route 41 and Church Road, and that the Merchantville access route would dispatch truck traffic by the State Register Collins Hall on Park Avenue. The Division states that the selection of alternative routes, if feasible, would be preferable. This recommendation is hereby forwarded to Camden County for their further consideration. The Division of Parks and Forestry also noted a serious preservation conflict involving Haddon Township Mandatory Access Route 1, which would direct traffic through the State Register Haddonfield

Historic District. The Division strongly urges the selection of Haddon Township Mandatory Access Route 2, which would avoid this impact. In response, Haddon Township Mandatory Access Route 1 is rejected in Section C. of this Certification in favor of Haddon Township Mandatory Access Route 2.

### C. Certification of Camden 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 9, 1987 amendment to the approved Camden County District Solid Waste Management Plan and certify to the Camden County Board of Chosen Freeholders that the July 9, 1987 amendment is approved in part and rejected in part as further specified below.
- 1. The inclusion of defined truck routes to the Pennsauken resource recovery facility as specified below is hereby approved as part of the Camden County District Solid Waste Management Plan.

Audubon - Route 30 east to Route 295 north to Route 73 north to River Road.

Cherry Hill - (west of 295, east of Route 41) - Route 70 east to Route 295 north to Route 73 north to River Road.

Cherry Hill - (west of Route 41, east of Haddonfield Road) - three possible routes; 1) Route 41 (Kings Highway) in a northerly direction to Route 73 north to River Road; 2) Route 38 east to Route 73 north to River Road; 3) Haddonfield Road in a northerly direction to Route 73 north to River Road.

Cherry Hill - (west of Haddonfield Road to Pennsauken-Merchantville boundary) - Haddonfield Road in a northerly direction to Route 73 north to River Road.

Collingswood - Haddon Ave. in a westerly direction or Route 30 west to Route 130 north to John Tipton Boulevard to River Road.

Haddonfield - Grove Street to Haddonfield Road in a northerly direction to Route 73 north to River Road.

Haddon Twp. - Haddonfield Road in a northerly direction to Route 38 east to Route 73 north to River Road.

Lindenwold - Route 30 west to Route 295 north to Route 73 north to River Road.

Merchantville - Park Avenue in a northeasterly direction to Haddonfield Road in a northerly direction to Route 73 north to River Road.

Oaklyn - Route 30 west to Route 130 north to John Tipton Boulevard to River Road.

Pennsauken - Follow existing collection patterns.

Tavistock - Route 561 (Haddonfield-Berlin Rd.) in a southeasterly direction or Route 30 west to Route 295 north to Route 73 north to River Road.

Voorhees - (east to Route 73) - Route 73 north to River Road.

Voorhees - (west of Route 73, east of Gibbsboro-Marlton Road) Gibbsboro Milford Road in a northeasterly direction to Route 73 north to River Road.

Voorhees - (west of Gibbsboro-Marlton Road, east of Somerdale boundary) Route 544 (Evesham Rd.) in a northeasterly direction to Route 73 north to River Road.

2. Haddon Township Route 561, which would proceed in a southeasterly direction to Route 295, north to Route 73, and north to River Road is rejected for those reasons identified in Section B. abovè.

The Department has also reviewed the entire Camden County District Solid Waste Management Plan to determine whether the plan fulfills the requirements set forth in N.J.S.A. 13:1E-21. The plan continues to be deficient with respect to the requirements of N.J.S.A. 13:1E-21(b)(3). This plan deficiency is related to interim and long-term landfill capacity.

In light of the lack of progress of Camden County to advance an in-county residual landfill project which would provide the county with capacity to meet its total disposal demand, the county is hereby ordered to submit, in writing, its plan of action for developing in-county residual landfill capacity to accommodate material from the Camden County resource recovery projects. Recent events have demonstrated the extremely tenuous nature of reliance upon out-of-state disposal. Therefore, the county must develop sites in order to provide for in-county landfill capacity, reach an interdistrict agreement to provide this capacity, or attempt to certify its failure to do so through the adoption and submission of a plan amendment to be reviewed by the Department. This amendment must be approved by the Board of Chosen Freeholders. In the absence of these actions, the county's use of long-term out-of-state disposal capacity is approvable beyond May 31, 1989 soley as a component of contingency planning.

## 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 Camden 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 Camden 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 Camden County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Camden 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 Camden 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 Camden 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 portions of the amendment contained herein.

#### 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 7:26-2.13.

### 6. Effective Date of Amendment

The approved portions of the amendment to the Camden 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 Camden 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. <u>Certification of Approval in Part and Rejection in Part of the Amendment and Notification of Deficiencies by the Commissioner of the Department of Environmental Protection</u>

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I, Richard T. Dewling, 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 July 9, 1987. I also hereby notify the Camden County Board of Chosen Freeholders that the Camden County District Solid Waste Management Plan is deficient with regard to the identification of interim and long-term in-county landfill capacity, and urge the board to expeditiously resolve this remaining deficiency.

November 25, 1987

DATE

RICHARD T. DEWLING

COMMISSIONER

DEPARTMENT OF ENVIRONMENTAL PROTECTION