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STATE OF NEW JERSEY

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHRISTOPHER J. DAGGIFT, COMMISSIONER CN 402 TRENTON, N.J. 08625 609-292-2885

(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 NOVEMBER 23, 1988 AND
FEBRUARY 23, 1989 AMENDMENTS 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 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 practical 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 reviews and on November 23, 1988 and February 23, 1989 adopted amendments to its approved district solid waste management plan.

The November 23, 1988 amendment proposed to include the V.A. Associates/Ecology Landfill in Winslow Township as a site for a clean waste wood recycling center for clean wood generated from within Camden County. The February 23, 1989 amendment proposed to include a 25 foot vertical

expansion to the existing Pennsauken Landfill (facility number 0427D). Camden County's intent in this amendment is to provide additional disposal capacity until the 40 acre horizontal expansion of the landfill is available for disposal.

The amendments were considered complete by the Department of Environmental Protection on December 9, 1988 and March 10, 1989, respectively, and copies were distributed to various state level agencies for review and comment, as required by law. The Department has reviewed these amendments, as well as the entire Camden County District Solid Waste Management Plan, and has determined that the amendments adopted by the Camden County Board of Chosen Freeholders on November 23, 1988 and February 23, 1989 are 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 one important way.

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, Christopher J. Daggett, Commissioner of the Department of Environmental Protection have studied and reviewed the November 23, 1988 and February 23, 1989 amendments 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 these plan amendments are consistent with the Statewide Solid Waste Management Plan.

In addition, the Division of Solid Waste Management circulated each 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, the Pinelands Commission and the New Jersey Turnpike Authority. The results of these requests for comments are as follows:

1. November 23, 1988 Amendment

The following agencies did not object to the proposed plan amendment: the N.J.D.E.P. Divisions of Environmental Quality, Water Resources, Fish, Game and Wildlife, Parks and Forestry and Coastal Resources; the Departments of Agriculture, Community Transportation, and the Board of Public Utilities. The following agencies failed to respond to our requests for comments: the State Departments of Health and the Public Advocate; the Pinelands Commission, the Green Acres Program, the New Jersey Turnpike Authority, the New Jersey Advisory Council on Solid Waste Management and the U.S. Environmental Protection Agency. The Division of Solid Waste Management submitted substantive comments which are further addressed below.

The Division of Solid Waste Management commented that an amendment to the Camden County Recycling Plan was approved with modifications on March 23, 1988. Those modifications were to have been submitted to the Division on or about June 8, 1988. To date, the Division has not received the required modifications to the Recycling Plan.

Also, the Division commented that pursuant to the Mandatory Statewide Source Separation and Recycling Act, N.J.S.A. 13:1E-99.11 et seq., wood is not a designated recyclable material. Recycling of wood requires an approval from the Office of Recycling prior to any construction or operation. In addition, the recycling activity is on a portion of a landfill. The landfill must be closed in accordance with approved engineering designs prior to recycling operations on that portion of the landfill. Lastly, this site is located within the Pinelands. No department approval shall be granted unless the Pinelands Commission makes a determination of conformance with the Pinelands Comprehensive Management Plan, N.J.S.A. 13:18A-10. By copy of this certification, Camden County and VA Associates are notified of these comments and requirements.

2. The February 23, 1989 Amendment

The 'following agencies did not object to the proposed plan amendment: the N.J.D.E.P. Divisions of Environmental Quality, Fish, Game and Wildlife and Parks and Forestry, the State Departments of Agriculture, Community Affairs and Transportation, and the Green Acres Program. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Division of Coastal Resources; the State Departments of Health and the Public Advocate; the Board of Public Utilities, the New Jersey Turnpike Authority, the Pinelands Commission, the New Jersey Advisory Council on Solid Waste Management and the U.S. Environmental Protection Agency. The Division of Water Resources and Division of Solid Waste Management submitted substantive comments which are further addressed below.

The Division of Water Resources noted that the proposed vertical expansion of the Pennsauken Landfill may increase leachate generation which is currently shipped off-site for treatment at the Mount Holly Sewage Authority Sewage Treatment Plant. This proposed activity may be in violation of the current Significant Industrial User (SIU) Permit #NJ0054770, which restricts the volume and characteristics of the leachate discharged. The amount and destination of leachate created by this expansion must be reviewed by the Division of Solid Waste Management in conjunction with the Division of Water Resources prior to issuing the final permit. By copy of this certification, Camden County and the Pennsauken Solid Waste Authority are notified of these comments and requirements.

The Division of Solid Waste Management noted that the 25 foot vertical expansion will require the obtaining of a new permit for the Pennsauken Landfill. Therefore, disposal above the existing permit elevations shall not occur prior to issuance of a new permit. By copy of this certification, Camden County and the Pennsauken Solid Waste Authority are notified of the requirement to receive a solid waste permit for the 25 foot increase.

As was previously noted in the Division of Solid Waste Managment's comments relative to the November 23, 1988 amendment, Camden County has failed to submit the required modifications to their district recycling Therefore, the county does not yet have a final state approved district recycling plan and is in violation of state law. Pursuant to N.J.S.A. 13:1E-99.30, "the Department shall not issue a registration statement or engineering design approval for any new or expanded solid waste facility in any county unless. . . . the goals of the relevant district recycling plan have been incorporated into the plans for the proposed facility." This facility shall be required to develop and submit a waste inspection plan to the Camden County Department of Solid Waste Management and to the Division of Solid Waste Management prior to issuance of an expansion permit approval, to ensure that the materials designated to be source separated and recycled in the Camden County District Recycling Plan are not disposed of as solid waste at the proposed facility. By copy of this certification, Camden County and the Pennsauken Solid Waste Authority are notified of the comments of the Division of Solid Waste Management.

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

I, Christopher J. Daggett, 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 Camden County amendments to the approved Camden County District Solid Waste Management Plan and certify to the Camden County Board of Chosen Freeholders that the November 23, 1988 and February 23, 1989 amendments are approved as further specified below.

1. The November 23, 1988 Amendment

The inclusion within the district solid waste management plan of the V.A. Associates/Ecology Landfill in Winslow Township as a site for a recycling center for clean wood generated from within Camden County is approved. Prior to construction or operation of this recycling center, the wood chipping operation shall receive an approval from the Office of Recycling, and a Comprehensive Management Plan consistency determination from the Pinelands Commission, and the landfill must be closed in accordance with approved engineering designs. Also, 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.

2. The February 23, 1989 Amendment

The inclusion of a 25 foot vertical expansion to the existing Pennsauken Landfill (facility number 0427D) is approved. However, a new solid waste facility permit must be obtained for this expansion. The permit shall not be issued unless the goals for the district recycling plan have been incorporated into the plans for the proposed facility. The facility is also required to submit a waste inspection

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plan to the Department's Division of Solid Waste Management prior to expansion permit approval to ensure that materials designated to be source separated and recycled in the Camden County District Recycling Plan are not disposed of as solid waste at the proposed facility.

In addition to our review of the proposed amendment, the Department has also reviewed the entire Camden County District Solid Waste Management Plan to determine whether it fulfills the requirements of N.J.S.A. 13:1E-21b(3) which refers to identification of sufficient available suitable sites for solid waste disposal within the state. In the Department's certification of numerous Camden County plan amendments, former Commissioner Dewling and I have reiterated the Department's policy that primary reliance on out-of-state disposal is allowable only until December 31, 1992. Thereafter, such out-of-state disposal reliance can only be approved as a component of the county's contingency plan. Therefore, the Camden County freeholders are once again ordered to identify sites that will provide sufficient in-state disposal capacity after 1992 to address the remaining deficiency in the Camden County District Solid Waste Management Plan.

D. Other Provisions Affecting the Plan Amendments

1. Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with the amendments to the Camden County District Solid Waste Management Plan and which was executed prior to the approval of these amendments 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 these amendments and of the Camden County District Solid Waste Management Plan if renegotiation is not completed within ninety (90) days of the effective date of these amendments; 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 these amendments contained herein shall operate in compliance with these amendments 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 Amendments

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 amendments contained herein.

5. Definitions

For the purpose of these amendments 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 Amendments

The amendments 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. Certification of Approval of the Amendments and Notification of Deficiency 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 amendments as outlined in Section C. of this certification to the Camden County District Solid Waste Management Plan which were adopted by the Camden County Board of Chosen Freeholders on November 23, 1988 and February 23, 1989. I also direct the Camden County Board of Chosen Freeholders to correct the remaining deficiency in the overall solid waste management plan as stated in Section C. above.

5/8/89 DATE

HRISTOPHER J. DAGGETT

COMMISSIONER

DEPARTMENT OF ENVIRONMENTAL PROTECTION