



## State of New Jersey

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### CERTIFICATION OF THE DECEMBER 15, 2016 AMENDMENT TO THE CAMDEN COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN

#### BY ORDER OF THE COMMISSIONER:

#### A. Introduction

The New Jersey Solid Waste Management Act (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 (previously known as the New Jersey Meadowlands Commission, and now known as New Jersey Sports and Exposition Authority or NJSEA) develop comprehensive plans for waste management in their respective districts. On July 17, 1980, the Department of Environmental Protection (Department or DEP) approved with modifications the Camden County District Solid Waste Management Plan (County Plan).

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 December 15, 2016 adopted an amendment to its approved County Plan.

The December 15, 2016 Amendment 95-12-16 (Amendment) proposes County Plan inclusion of the Pennsauken Sanitary Landfill's (PSL) Phase VI- SE Perimeter Mechanically Stabilized Earthen (MSE) Berm Expansion, allowing for the construction of a MSE berm along the southeast edge of the active landfill (E site) and the vertical expansion of this site from the currently permitted 114 feet to a final height of 160 feet. Based on an annual average of 80,000 tons of waste disposed, this Phase VI expansion will add 630,000 tons or 7.9 years of additional landfilling capacity to the PSL, with no additional lands being acquired. The landfill is located at 9600 River Road, Pennsauken, NJ (Block 1904, Lots 1, 1.01, 1.02, 1.03, 1.04, 2, 2.01, 2.02, 3 and 4), and permitted to accept waste types 10, 13, 13C, 23, 25, and 27.

The Amendment was received on January 23, 2017 and considered administratively complete for review by the Department on January 23, 2017 and copies were distributed to various administrative review agencies for review and comment as required by law. The Department has reviewed the Amendment and has determined that the Amendment adopted by the Freeholders on December 15, 2016 is approved as provided in N.J.S.A. 13:1E-24.

**B. Findings and Conclusions with Respect to the December 15, 2016 Camden County District Solid Waste Management Plan Amendment 95-12-16**

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the December 15, 2016 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 Amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the Freeholders are notified of the elements to the December 15, 2016 Amendment, which are included below.

**Elements of the December 15, 2016 Amendment 95-12-16**

**Element: Historical Background of the Pennsauken Sanitary Landfill**

The PSL was initially included in the County Plan via plan amendment dated October 5, 1982. The plan amendment included the Pennsauken Sanitary Landfill, in Pennsauken Township, as a solid waste facility. The amendment was certified as approved by the Department on April 27, 1983.

On April 17, 1984, the Freeholders adopted a plan amendment to the County Plan to include the expansion of the PSL, located on Block S-250, Lots 2A and 4B. The amendment was certified as approved by the Department on September 21, 1984.

On December 5, 1991, the Freeholders adopted a plan amendment to the County Plan to include the designation of the PSL for disposal of ash residue, bypass and non-processible waste from the south Camden incinerator. The amendment was certified as approved by the Department on May 19, 1992.

A December 19, 1996 plan amendment, among other items included the re-designation of the block and lot numbers within Pennsauken Township, Camden County. Specifically, the PSL site now comprises Block 1904, Lots 1, 1.01, 1.02, 1.03, 1.04, 2, 2.01, 2.02, and 3 as identified on the tax maps of Pennsauken Township, Camden County. The amendment was considered approved when the 150-day deadline for certification expired.

On December 3, 2002, the Freeholders requested the Department issue an Administrative Action approval to amend the County Plan to include Block 1904, Lot 4 as part of the existing PSL, located in Pennsauken, Township. Lot 4 was inadvertently omitted by the County from the December 19, 1996 County Plan Amendment. The Department approved the request on January 8, 2003.

A September 27, 2007 Plan Amendment proposed County Plan inclusion of the Response to the Statewide Solid Waste Management Plan (SSWMP). Within the inventory of all the solid waste facilities, the PSL was included as the Pollution Control Financing Authority of Camden County (PCFACC) Landfill. The amendment was certified as approved by the Department on March 5, 2008.

On March 11, 2010, the Department approved a January 20, 2010 request for administrative action to the County Plan. The subject request for administrative action to the County Plan proposed County Plan inclusion to modify deficiencies noted in Response to the SSWMP, as it specifically relates to the PCFACC's ownership of the PSL, located on Block 1904, Lots 1, 1.01, 1.02, 1.03, 1.04, 2, 2.01, 2.02, 3, and 4.

The December 15, 2016 Amendment 95-12-16 proposes County Plan inclusion of the PSL's Phase VI- SE Perimeter MSE Berm Expansion, allowing for the construction of a MSE berm along the southeast edge of the active landfill (E site) and the vertical expansion of this site from the currently permitted 114 feet to a final height of 160 feet. Based on an annual average of 80,000 tons of waste disposed, this Phase VI expansion will add 630,000 tons or 7.9 years of additional landfilling capacity to the PSL, with no additional lands being acquired.

#### **Additional Element of the Camden County District Solid Waste Management Plan**

##### **Element: Municipal Solid Waste (MSW) Recycling in Camden County**

On September 27, 2007, the Camden County Board of Chosen Freeholders adopted an amendment to the County Plan which, among other things, included specific strategies for achieving the State's statutorily-mandated minimum MSW recycling rate of 50% (N.J.S.A. 13:1E-99.13). This amendment to the County Plan was certified as approved by the Department on March 5, 2008. The most recent recycling data compiled by the State shows that in 2014, Camden County achieved a MSW recycling rate of 39%.

In this regard, the County is reminded that the Department adopted an update to the Statewide Solid Waste Management Plan in 2006, which set forth, among other things, a framework for the counties in assessing various strategies to be employed to achieve the statutorily-mandated recycling goals. As these goals have not been achieved, in order for the County to provide a broader, more robust and strategic review and analysis toward reaching mandated goals, the Department requests that the county, at a minimum:

- 1) In accordance with N.J.A.C. 7:26A-12 assess the sufficiency and effectiveness of the requirements of the County Recycling Plan that was certified and approved by the Department on March 5, 2008. Specifically, Camden County shall review and analyze the strategies, assumptions, practices, and expenditures contained therein for effectiveness in reaching mandated recycling goals. Special attention shall be directed to ensuring compliance with source separation and recycling requirements within the commercial and institutional sectors, including but not limited to public and private schools, government buildings, large office complexes, recreational facilities and other public locations within the county. This assessment shall, as appropriate, focus on the monitoring of and ensuring compliance with pertinent rules and statutes including but not limited to N.J.A.C. 7:26A-10, N.J.A.C. 7:26A-11 to the extent practicable, and N.J.A.C. 13:1E-99.13.

Pursuant to the above, Camden County shall prepare an update to the County Recycling Plan for the Department's review by January 1, 2018 to discuss and implement strategies to accomplish the above goal. Said plan shall recognize that current strategies and practices are not yielding sufficient recycling benefits and shall provide alternative strategies and practices with an emphasis on assessing and gaining compliance with local source separation and recycling/reporting ordinances starting with the largest generators. This may include but not be limited to specific uses of any grant money the County or municipalities receive for the purpose of increasing recycling as are lawful and appropriate. In any case this shall also include the proposal of a system and metrics, to measure and evaluate the effectiveness/benefit of each action toward increasing the County recycling rate.

The County shall consider a plan which coordinates with and utilizes all appropriate levels of government with authority or responsibility toward increasing the rate of recycling in the County.

The Department is available to assist the County in developing and implementing appropriate recycling compliance and other strategies to achieve mandated recycling goals.

**Element: Regulatory Requirements**

The December 15, 2016 Amendment 95-12-16 to the County Plan calls for the construction of a MSE berm along the southeast edge of the active landfill (E site) and the vertical expansion of this site from the currently permitted 114 feet to a final height of 160 feet. This proposed expansion will not increase the current footprint of the PSL and does not require any new land acquisition. Prior to the commencement of said expansion, a modification to PSL's SWF Permit is required pursuant to N.J.A.C. 7:26-2.6 et seq.

Solid waste facilities are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This subchapter of regulations prohibits the release of odors and other air contaminants which interfere with the enjoyment of life and property. In addition, the owner or operator of a solid waste facility requires an air quality preconstruction permit and operating certificate in accordance with N.J.A.C. 7:27-8.2.

Finally, if any operation of a solid waste facility will discharge pollutants as defined in N.J.A.C. 7:14A-1.2, the owner or operator of that solid waste facility must secure a New Jersey Pollutant Discharge Elimination System Permit pursuant to N.J.A.C. 7:14A-2.4(b)4. Additionally, as per N.J.A.C. 7:14A-22.3(a)2, if the owner or operator of a solid waste facility will, as part of its operation, build, install, modify, or operate any sewer line, pumping station, or force main which serves more than two buildings or is for the conveyance of 8,000 gallons per day or more of wastewater, a Treatment Works Approval would have to be obtained from the Department prior to construction.

**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 County Solid Waste Management Plans, I have reviewed the December 15, 2016 Amendment 95-12-16 to the approved County Plan and certify to the Freeholders that the December 15, 2016 Amendment is approved as specified below.

The County Plan inclusion of the PSL's Phase VI-SE Perimeter MSE Berm Expansion is approved.

This Certification shall not be construed as an expression of the Department's intent to issue a solid waste facility permit or permit modification for any proposed facility or operation.

The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals pursuant to N.J.S.A. 13:1E-1 et seq., and all other applicable laws. The issuance of operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the DEP and the Attorney General of the State of New Jersey to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126.

**D. Other Provisions Affecting the Plan Amendment**

**1. 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.

**2. Certification to Proceed with Implementation of Amendment**

This document shall serve as the Certification of the Commissioner of the Department to the Freeholders and pursuant to N.J.S.A. 13:1E-24c. and f., the Freeholders shall proceed with the implementation of the approved components of the Amendment certified herein.

**3. 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.

**4. Effective Date of Amendment**

The approved elements of the Amendment to the County Plan contained herein shall take effect immediately.

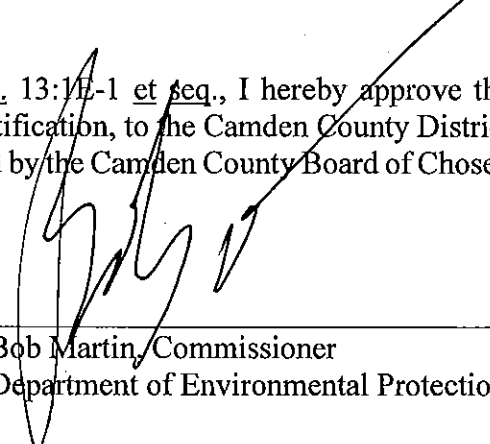
**5. Reservation of Authority**

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 to the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, and also includes the compilation of individual County Plans and amendments as they are approved.

**E. Certification of Approval of the Amendment 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 Camden County District Solid Waste Management Plan which was adopted by the Camden County Board of Chosen Freeholders on December 15, 2016.

6/20/2017  
Date

  
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Bob Martin, Commissioner  
Department of Environmental Protection