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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)
(CUMBERLAND COUNTY SOLID WASTE)
(MANAGEMENT DISTRICT)

CERTIFICATION
OF THE MAY 8, 1986
AMENDMENT TO THE CUMBERLAND 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 March 4, 1981, the Department approved, with modifications, the Cumberland 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 Cumberland County Board of Chosen Freeholders completed such a review and on May 8, 1986, adopted an amendment to its approved district solid waste management plan. The amendment proposed to incorporate county policies with respect to leaf and vegetative composting facilities, on-site disposal of construction debris, and interim disposal capacity prior to operation of the Cumberland County Solid Waste

Complex. In addition, the proposed amendment designates transportation routes to be utilized by all collector/haulers when the county landfill is operational.

The amendment was received by the Department of Environmental Protection on May 23, 1986, 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 Cumberland County District Solid Waste Management Plan, and has determined that the amendment adopted by the Cumberland County Board of Chosen Freeholders on May 8, 1986, is approved as provided in N.J.S.A. 13:1E-24.

B. Findings and Conclusions with Respect to the Cumberland 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 May 8, 1986, amendment to the Cumberland 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 seventeen 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, and the New Jersey Turnpike Authority. Of these agencies, the following 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, Health, Community Affairs, and Transportation; the Board of Public Utilities, 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 Department of the Public Advocate, the Green Acres Program and the U.S. Environmental Protection Agency. The NJDEP's Divisions of Water Resources and Coastal Resources, the Office of Recycling, and the Pinelands Commission submitted substantive comments which are further addressed below.

The Division of Water Resources (DWR) commented that long-term leachate treatment and disposal remains unresolved with regard to the proposed Cumberland County Solid Waste Complex. This comment is not germane to the amendment under consideration. However, the issue concerning long-term leachate treatment has been resolved through two Administrative Consent Orders, one signed with the Division of Waste Management and a second with the Division of Water Resources. Therefore, the concerns of the Division of Water Resources in this regard have been addressed.

The Division of Coastal Resources noted that the language of the proposed amendment should inform contractors that on-site disposal of construction materials shall not be permitted on New Jersey Department of Environmental Protection and/or United States Fish and Wildlife Service mapped wetland areas,

Protection and/or United States Fish and Wildlife Service mapped wetland areas, as well as unmapped locations with wetland hydrology, hydric soils and wetland plant species. In response, the Division of Solid Waste Management has forwarded the comments of the Division of Coastal Resources to Cumberland County for consideration as part of a future amendment to its on-site disposal policy or for inclusion within written materials distributed to prospective applicants as part of the on-site disposal policy. Inasmuch as no exclusionary criteria have been embodied within the county's policy, it will be the responsibility of the county and host municipality, as part of its review of a written application, to assure that the proposed activity does not adversely impact wetlands or any other sensitive environmental area.

The Office of Recycling commented that on-site disposal of construction debris should only be used as a last resort. The contractor should have to demonstrate that no alternative means exist in which to dispose of waste (i.e., private firms which specialize in processing demolition waste such as tree stumps or concrete). Furthermore, the recycling office suggested that all Cumberland County municipalities maximize their recycling efforts by implementing recycling collection systems, assisting third-party recyclers, establishing composting operations and mandating recycling by residents and businesses. In response, the Division of Solid Waste Management has forwarded the comments of the Office of Recycling to Cumberland County for further consideration.

The Pinelands Commission commented that exemption applications for on-site disposal within the Pinelands should be considered by DEP only if they are first approved by the Pinelands Commission. Secondly, it would also be preferable if the DEP were to require those applying for vegetative waste composting facilities to obtain the approval of the commission before applying for the DEP permit. In response to both comments, Cumberland County's on-site disposal and composting policies incorporate the Pinelands Commission into the application review process. Within this process, the commission has the option of raising objections to a proposed composting or on-site disposal application. Should the commission object to the proposed activity, the compost policy dictates that the proposed site and facility must be subject to the formal plan amendment process pursuant to the Solid Waste Management Act. As part of this process, the position of the commission will be solicited as part of the Department's state level review process, and considered along with all other state agency comments prior to a decision by the Commissioner of the DEP within the statutory 150 day review period. In the case of on-site disposal applications, the commission's comments will be reviewed before any final authorization for on-site disposal is issued by the Department pursuant to N.J.A.C. 7:26-1.7. Therefore, under both policies, the Pinelands Commission has been appropriately incorporated into the review process such as to afford the opportunity to register its concerns over any specific project. In any event, nothing contained in this certification of approval authorizes the construction or operation of any facility that is in conflict with the Pinelands Comprehensive Management Plan.

C. Certification of Cumberland 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 May 8, 1986, amendment to the approved Cumberland County District Solid Waste Management Plan and certify to the Cumberland County Board of Chosen Freeholders that the May 8, 1986, amendment is approved as further specified below.

1. The policy outlined in section 2.3 of the May 8, 1986, amendment to the Cumberland County Solid Waste Management Plan concerning the county's policy relating to leaf and vegetative composting facilities, is approved as modified below:

The county's policy states that any application for composting of residential leaves and grass clippings, vegetative waste from farms, plant nurseries and greenhouses produced from the raising of plants, which includes such crop residues as plant stalks, bulbs, leaves and tree wastes processed through a wood chipper (I.D. #23), is consistent with the approved Cumberland County Plan, provided that certain conditions are met. Sections 1-4 of the Policy Statement outline these conditions, which relate to application submission, public notice requirements, and formal review in the case of objections raised to an application.

The above noted policy statement and specified conditions are approved with the exception of the last sentence of paragraph one of Section 4, which states that "the Department (of Environmental Protection) may issue the compost facility permit prior to approval of the amended plan by the Commissioner." In cases where the formal plan amendment process is required, the plan amendment process must be completed prior to the issuance of an engineering permit. Therefore, this sentence of the Cumberland County policy is deleted and is excluded from inclusion in the plan.

2. The policy outlined in section 3.0 of the May 8, 1986, amendment to the Cumberland County Solid Waste Management Plan concerning the county's policy relating to on-site construction debris exemption from registration, is approved as modified below:

The county's policy states that on-site construction debris disposal is consistent with the approved Cumberland County Plan provided that certain conditions are met. The host municipality, the solid waste management district, the Cumberland County Board of Health (or the Vineland Board of Health where applicable), and the Pinelands Commission, where applicable, must be notified in writing of a proposed application.

The above noted policy statement is approved with the exception of the first sentence of item 2. of Section 3.0, which states that "the DEP will require all such disposal sites addressed herein to meet all existing environmental design and operational standards". Pursuant to the technical requirements of 7:26-1.7, a soil erosion and sediment control site plan and

limited engineering design is to be submitted to DEP. Since the submission requirements for on-site disposal projects are, by design, limited in scope, the referenced sentence is herein modified to state that the DEP will require all such disposal sites addressed herein to meet all applicable environmental requirements.

3. The policy outlined in Section 4.0 of the May 8, 1986, amendment to the Cumberland County Solid Waste Management Plan concerning in-county solid waste disposal capacity, is approved for inclusion in the plan. In general, the policy specifies that existing county landfills, which are approaching capacity, are authorized to expand their existing volume to provide for solid waste disposal up until January 1, 1987, or when the Cumberland County Solid Waste Complex is operational. Further, the policy recognizes that approval of this portion of the amendment does not circumvent the necessary design approval required for landfill expansion by the Department pursuant to the Solid Waste Management Act.
4. The policy outlined in Section 5.0 of the May 8, 1986, amendment to the Cumberland County Solid Waste Management Plan concerning transportation routes to be used when the Cumberland County Solid Waste Complex becomes operational, is approved for inclusion in the plan. In general, this approval relates to the issue of those primary transportation routes identified within Section 5.0 of the plan amendment by all collector/haulers disposing of solid waste at the Solid Waste Complex when operational.

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 Cumberland 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 Cumberland 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 Cumberland County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the

Cumberland 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, 10, and 12 and all other applicable laws.

3. Types of Solid Wastes Covered by the District Solid Waste Management Plans

The provisions of the Cumberland 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 Cumberland 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 amendment contained 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 N.J.A.C. 7:26-1.4 and -2.13.

6. Effective Date of Amendment

The amendment to the Cumberland 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 Cumberland 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 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 Cumberland County District Solid Waste Management Plan, which was adopted by the Cumberland County Board of Chosen Freeholders on May 8, 1986.

10/9/86

DATE


RICHARD T. SEWLING
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION