



## State of New Jersey

CHRIS CHRISTIE  
*Governor*

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Mail Code 401-07F  
P.O. Box 402  
Trenton, NJ 08625-0402  
Tel. # (609) 292-2885  
Fax # (609) 292-7695

BOB MARTIN  
*Commissioner*

KIM GUADAGNO  
*Lt. Governor*

### **CERTIFICATION OF THE SEPTEMBER 27, 2016 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 (previously known as the New Jersey Meadowlands Commission, and now known as New Jersey Sports and Exposition Authority (NJSEA) develop comprehensive plans for waste management in their respective districts. On March 4, 1981, the Department of Environmental Protection (Department or DEP) approved the Cumberland County District Solid Waste Management Plan (County Plan).

The Act further provides that a district may review its District plan at any time and, if found inadequate, a new District plan must be adopted. The Cumberland County Board of Chosen Freeholders (County Freeholders) completed such a review and on September 27, 2016 adopted an amendment to its approved County Plan.

The September 27, 2016 Amendment #25 (Amendment) proposes County Plan inclusion of a correction to Amendment #18 (Proposed Lateral and Vertical Expansion of the landfill) which inadvertently omitted the volume which joins the existing Cells 1 through 6 with the proposed new Cells 7, 8, and 9. The volume that was omitted is equal to 1,351,510 cubic yards.

The Amendment was received on November 7, 2016 and considered administratively complete for review by the Department on November 16, 2016 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 September 27, 2016 is approved as provided in N.J.S.A. 13:1E-24 and detailed below.

**B. Findings and Conclusions with Respect to the September 27, 2016 Cumberland County District Solid Waste Management Plan Amendment #25**

Pursuant to N.J.S.A. 13:1E-24a (1), I have studied and reviewed the September 27, 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 proposing the inclusion of a correction to Amendment #18 (Proposed Lateral and Vertical Expansion of the Landfill) which inadvertently omitted the volume which joins the existing Cells 1 through 6 with the proposed new Cells 7, 8, and 9 is consistent with the Statewide Solid Waste Management Plan. In this regard, the Freeholders are notified of the elements of the September 27, 2016 Amendment, which are included below.

**Elements of the September 27, 2016 Amendment #25**

**Element: Background**

On March 15, 1984, the Cumberland County Board of Chosen Freeholders adopted Amendment #2 to their District Solid Waste Management Plan to include within it, the site for the Cumberland County sanitary landfill to be located at Block 42, Lots 34-37, in Deerfield Township. The amendment was certified as approved by the Department on July 30, 1984.

On July 18, 1991, the County Freeholders adopted Amendment #8 to their County Plan to include the revised lot and block specifications for the County Solid Waste Complex (CCSWC), which includes the landfill and a bulky waste recycling facility. The CCSWC is located at Block 76, Lots 14, 15, 16, 18, and 19. The amendment was certified as approved by the Department on January 3, 1992.

On May 11, 2000, the County Freeholders adopted Amendment #15 to their County Plan to include portions of Block 76, Lots 2, 3, and 4, in Deerfield Township to the permitted area of the Cumberland County CCSWC landfill for additional buffer and storm water detention facilities. The amendment was certified as approved by the Department on October 9, 2000.

On November 17, 2005, the County Freeholders adopted Amendment #18 to their County Plan to propose an expansion of the CCIA landfill located at Block 76, Lots 14-16, 18, 19, and portions of Lots 2, 3, and 4 in Deerfield Township, and to undertake infrastructure improvements at the CCSWC. The amendment was certified as approved by the Department on April 21, 2006.

On October 25, 2007, the County Freeholders adopted Amendment #19 to their County Plan to propose inclusion of the Cumberland County Solid Waste Complex, located on Block 76, Lots 14-16, 18, 19 and portions of Lots 2-4 on Jesse's Bridge Road in the Township of Deerfield. The facility was designated to accept waste types 10, 13, 13C, 23, 25, 27, 27A, and 27I. The hours of operation are Monday through Saturday, 7:00a.m. to 7:00p.m. The amendment was certified as approved by the Department on April 25, 2008.

On April 26, 2011, the County Freeholders adopted Amendment #21 to their County Plan to propose inclusion of the CCSWC, located at 169 Jesse Bridge Road, in Deerfield Township, as the designated disposal facility for solid waste types 10, 13, 13C, 23, 25, 27, and 27A generated within Cumberland County and the designation of the CCIA as a County enforcement agent, as per a shared services agreement, in the realm of solid waste management. The amendment was certified as approved by the Department on July 7, 2011.

Since the submission of the September 27, 2016 Amendment to the County Plan, the Department, on February 22, 2017, approved the Construction Certification Report for Phase VI Development of Cell 7. Therefore, the County Plan will correct the omitted volume that was inadvertently missed in calculating the vertical and lateral expansion that was part of Amendment #18. The omitted volume will join Cells 3 and 4 with Cells 7 and 8. The volume that was omitted is equal to 1,351,510 cubic yards. The "wedge" volume is in all grading plans that were submitted to the Department, but not included in the volume calculation. The Amendment is correcting the total permitted volume from 13,797,630 cubic yards to 15,149,140 cubic yards.

#### **Element: Regulatory Requirements**

The September 27, 2016 Amendment to the County Plan calls for no changes to the landfill footprint, access roads or support facilities as well as no changes to the operations in terms of traffic volume, operating hours, waste types (10, 13, 13C, 23, 25, 27, 27A, and 27I) and tonnage of wastes accepted. The landfill will continue to accept waste from Cumberland County and non-solid waste flow controlled counties. Prior to the commencement of landfill operations within the omitted "wedge" area, a modification to the Cumberland County Landfill'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. Facilities operating diesel and gas vehicles are subject to the provisions of N.J.A.C. 7:27-14 and N.J.A.C. 7:27-15 requiring that vehicles comply with idling regulations.

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 Cumberland 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 September 27, 2016 Amendment to the approved County Plan and certify to the County Freeholders that the September 27, 2016 Amendment is hereby approved as specified below.

The September 27, 2016 Amendment #25 which proposed County Plan inclusion of a correction to Amendment #18 (Proposed Lateral and Vertical Expansion of the Landfill) which inadvertently omitted 1,351,510 cubic yards of landfill volume that will join Cells 3 and 4 with Cells 7 and 8, is hereby approved.

This Certification shall not be construed as an expression of the Department's intent to issue a solid waste facility 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. 7:26A-1 et seq., and in violation of their approval 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 County Freeholders and pursuant to N.J.S.A. 13:1E-24c. and f., the County 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 include the Department's planning guidelines, rules, regulations, orders of the Department, and 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 Cumberland County District Solid Waste Management Plan which was adopted by the Cumberland County Board of Chosen Freeholders on September 27, 2016.

Date

4/10/2017

Bob Martin, Commissioner  
Department of Environmental Protection