

# STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

ROBERT E. HUGHEY, COMMISSIONER

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(IN THE MATTER OF CERTAIN AMENDMENTS)
(TO THE ADOPTED AND APPROVED SOLID )
(WASTE MANAGEMENT PLAN OF THE )
(GLOUCESTER COUNTY SOLID WASTE )
(MANAGEMENT DISTRICT )

CERTIFICATION
OF THE FEBRUARY 9, 1983 AMENDMENTS
TO THE GLOUCESTER COUNTY DISTRICT
SOLID WASTE MANAGEMENT PLAN

BY ORDER OF THE COMMISSIONER:

# A. <u>Introduction</u>

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 Gloucester County District Solid Waste Management Plan.

The Act requires that all district plans must 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 requires that each Solid Waste Management Plan must be reviewed by the district at least once every two years, and if found inadequate, a new plan must be adopted. The Gloucester County Board of Chosen Freeholders completed this mandatory review and on February 9, 1983, adopted Amendments to its approved District Solid Waste Management Plan. The Amendments were received by the Department of Environmental Protection on March 7, 1983 and copies were distributed to various state level agencies for review and comment, as required by law.

The Department has reviewed these Amendments and they are approved in accordance with N.J.S.A. 13:1E-24. With one exception, the requirements of the Act

regarding the report have been met, but the District's Plan remains deficient in several important ways. The status of the report and plan are addressed in Section B of this document.

B. <u>Certification of Gloucester County District Solid Waste Management Plan</u>
<u>Amendments</u>

I, Robert E. Hughey, 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 February 9, 1983 Amendments to the approved Gloucester County District Solid Waste Management Plan and certify to the Gloucester County Board of Chosen Freeholders that the February 9, 1983 Amendments are an approved part of the Gloucester County District Solid Waste Management Plan.

The Department has reviewed the entire Gloucester County District Solid Waste Management Plan, including these Amendments, to determine whether the Plan fulfills the requirements set forth in N.J.S.A. 13:1E-21. The result of that review is as follows.

## Report

1) N.J.S.A. 13:1E-21a.(1) requires an inventory of the sources, composition, and quantity of solid waste generated within Gloucester County.

Gloucester County has complied with this requirement and this section of the February 9, 1983 Amendments is approved and made part of the Gloucester County District Solid Waste Management Plan.

2) N.J.S.A. 13:1E-21a.(2) requires projections on the amounts and composition of solid waste for a ten year period.

Gloucester County has not complied with this requirement. Therefore, the Gloucester County District Solid Waste Management Plan is deficient in accordance with the requirements of this section.

3) N.J.S.A. 13:1E-21a.(3) requires an inventory and appraisal of all solid waste disposal facilities...and the identity of every person engaged in solid waste collection or disposal within the District.

Gloucester County has complied with this requirement and this section of the February 9, 1983 Amendments is approved and made part of the Gloucester County District Solid Waste Management Plan.

4) N.J.S.A. 13:1E-21a.(4) requires an analysis of existing solid waste collection systems and transportation routes within the Solid Waste Management District.

Gloucester County has complied with this requirement and this section of the February 9, 1983 Amendments is approved and made part of the Gloucester County District Solid Waste Management Plan.

# <u>Plan</u>

5) N.J.S.A. 13:1E-21b.(1) requires the designation of a department, unit, or committee of County government...to supervise the implementation of the County's Solid Waste Management Plan.

Gloucester County has complied with the requirements of N.J.S.A. 13:1E-21b.(1) and the Gloucester County Planning Department, under the direction of the Gloucester County Board of Chosen Freeholders, is the approved solid waste implementation agency in Gloucester County to carry out implementation of the approved Gloucester County Solid Waste Management Plan. In response to the County Environmental Health Act (N.J.S.A. 26:2A3-21), the Gloucester County Health Department cooperates with the Gloucester County Planning Department in the planning and implementation of the County's regulation of solid waste disposal operations.

6) N.J.S.A. 13:1E-21b.(2) requires a statement of the solid waste disposal strategy to be applied...which strategy shall include the maximum practicable use of resource recovery procedures and a plan for using terminated landfill disposal sites...in the Solid Waste Management District.

Gloucester County has developed a solid waste disposal strategy which will utilize in county landfilling and low and high technology resource recovery. This section of the February 9, 1983 Amendments is approved and made part of the Gloucester County Solid Waste Management Plan.

The Office of Recycling has reviewed the February 9, 1983 Amendments and prepared recommendations concerning recycling which Gloucester County should review and consider for inclusion into its Plan. The Statewide Solid Waste Management Plan, which incorporates the State Recycling Plan, states that a goal of 25% recycling shall be achieved by 1986 for all districts.

The Department of Environmental Protection will monitor the progress of the District in meeting the milestones of its approved solid waste implementation plan. The Gloucester District shall continue to submit quarterly status reports to the Department of Environmental Protection concerning the District's progress in meeting these milestones. The next status report shall be submitted to the Department's Division of Waste Management by September 1, 1983.

Gloucester County has not developed a plan for utilizing terminated landfill disposal sites. The Certification of Approval with Modification issued by the Department of Environmental Protection on September 26, 1980 recommended to Gloucester County a strategy for classifying and developing potential uses for terminated landfill facilities. To date, Gloucester County has not included a plan in the Gloucester County District Solid Waste Management Plan for using terminated landfill disposal sites.

Therefore, I find the Gloucester County District Solid Waste Management Plan deficient in that the District has not developed a plan for using terminated landfill disposal sites as required by N.J.S.A. 13:1E-21b.(2).

- 7) N.J.S.A. 13:1E-21b.(3) requires a site plan which shall include all existing solid waste disposal facilities located within the Solid Waste Management District...and sufficient additional available suitable sites to provide solid waste facilities to treat and dispose of the actual and projected amounts of solid waste contained in the report accompanying the Plan.
  - a) Gloucester County has complied with the requirements of N.J.S.A. 13:1E-21b.(3) and the following solid waste facilities are an approved part of the Gloucester County District Solid Waste Management Plan and are required to operate in conformance with the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6 et seq.).

These facilities include Kinsley's Landfill, Inc. (0802B), Deptford Township; Elk Township Landfill (0804A), Elk Township; and the Greenwich Township Landfill (0807B), Greenwich Township.

- b) The following solid waste landfills are an approved part of the Gloucester County District Solid Waste Management Plan. Because these facilities are permitted to accept only solid waste generated from their own businesses, they have not been included in the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6 et seq.). These facilities include E.I. DuPont de Nemours & Co. Landfill (0807A), Greenwich Township; Mobil Oil, Corp. Solid Waste Disposal Area (0807D), Greenwich Township; Monsanto Company Solid Waste Disposal Area (0809F), Logan Township; and Ralph Rambone Sanitary Landfill (0813B), Borough of Newfield.
- c) The Franklin Township Transfer Station (0805C), Franklin Township, is an approved part of the Gloucester County District Solid Waste Management Plan. While transfer stations were not assigned specific solid waste flows under the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6 et seq.), wastes processed by these facilities shall be disposed of in conformance with these rules based on the municipality in which the wastes are generated.

While Gloucester County has identified sufficient existing capacity to meet the County's disposal requirements through 1986-1987, the County has not designated any suitable additional sites for disposal of Gloucester County's solid waste for the remainder of the ten year planning period.

Therefore, I find the Gloucester County District Solid Waste Management Plan deficient in that the Plan has not designated sufficient additional suitable sites in accordance with the requirements of N.J.S.A. 13:1E-21b.(3).

8) N.J.S.A. 13:1E-21b.(4) requires a survey of proposed collection districts and transportation routes with projected transportation costs from collection districts to existing or available suitable sites for solid waste disposal facilities.

Recognizing that the Gloucester District has surveyed collection districts and transportation routes and costs, and will be required to complete more detailed studies of proposed collection districts and transporta-

tion routes and costs as necessary, this section of the February 9, 1983 Amendments is approved and made part of the Gloucester County District Solid Waste Management Plan.

9) N.J.S.A. 13:1E-21b.(5) requires procedures for coordinating all activities related to the collection and disposal...within the Solid Waste Management District, which procedures shall include the agreements entered into as provided herein between the Board of Chosen Freeholders... and every such person, and the procedures for furnishing the solid waste facilities contained in the Solid Waste Management Plan.

While Gloucester County presently has sufficient available disposal capacity, it was necessary for the Department to direct other solid waste management districts who have inadequate disposal capacity into disposal facilities located in the County. In the Certification of Approval of Modification of Camden County (July 17, 1980) and Gloucester County (September 26, 1980), the Department directed solid waste generated from those identified municipalities in Camden County to disposal facilities located in Gloucester County with the provision that both Districts negotiate and formally secure an interdistrict agreement concerning the use of these facilities. At present, there is an absence of a formal agreement between Camden County and Gloucester County regarding this matter.

Also, Gloucester County was directed to secure formal interdistrict agreements with out-of-state collector/haulers and/or generators and local governments who import solid wastes into Gloucester County for disposal. To date, there is an absence of formal agreements with these individuals.

In the February 9, 1983 Amendments, Gloucester County has recognized this issue and plans to secure formal agreements with the solid waste management districts who utilize disposal facilities located within Gloucester County.

However, due to the absence of such agreements, I find the Gloucester County District Solid Waste Management Plan deficient in that the Plan does not contain formal interdistrict agreements between the Gloucester District and Camden District, City of Philadelphia, out-of-state collector/haulers, and/or generators and other Districts in accordance with the requirements of this section.

10) N.J.S.A. 13:1E-21b.(6) requires a method or methods of financing solid waste management in the Solid Waste Management District pursuant to the Solid Waste Management Plan.

Gloucester County has developed a number of strategies which include public and private financial involvement and are in the preliminary stages of implementation. These strategies are approved and made a part of the Gloucester County District Solid Waste Management Plan, recognizing that they must be refined and expanded as the Plan is implemented.

# C. 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 within Amendments to the Gloucester 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 Gloucester County District Solid Waste Management Plan if such 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 Gloucester County and affected by the Amendments contained herein shall operate in compliance with these Amendments and all other approved provisions of the Gloucester 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.

#### Types of Solid Wastes Covered by the District Solid Waste Management Plans

The provisions of the Gloucester 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, hazardous wastes, oil spill cleanup wastes, and infectious waste.

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) which are part of the Gloucester County District Solid Waste Management Plan.

# 4) <u>Certification to Proceed with the Implementation of Plan Amendments</u>

This document shall serve as the Certification of the Commissioner of the Department of Environmental Protection to the Gloucester County Board of Chosen Freeholders, as provided for by N.J.S.A. 13:1E-24f., to proceed with the implementation of the Amendments contained herein.

# 5) <u>Definitions</u>

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) <u>Effective Date of Amendments</u>

The approved Amendments to the Gloucester 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 Gloucester County District Solid Waste Management Plan, including any Amendments 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.

D. <u>Certification of Approval of Amendments and Notification of Deficiencies</u> 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 B of this Certification, to the Gloucester County District Solid Waste Management Plan which were adopted by the Gloucester County Board of Chosen Freeholders on February 9, 1983. Notwithstanding said approval, the significant deficiencies included herein must be resolved.

7/28/83 DATE ROBERT E. HUGHEY

COMMISSIONER

DEPARTMENT OF ENVIRONMENTAL PROTECTION