



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER
P. O. BOX 1390
TRENTON, N. J. 08625
609-292-2885

(IN THE MATTER OF THE ADOPTED AND)
(MODIFIED SOLID WASTE MANAGEMENT)
(PLAN OF THE HUNTERDON COUNTY)
(SOLID WASTE MANAGEMENT DISTRICT)

CERTIFICATION OF APPROVAL
WITH MODIFICATION OF THE
HUNTERDON 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. as amended by C. 326, Laws of 1975) determines, among other things, "...that the management of solid waste in New Jersey consists largely of piecemeal, uncoordinated activities developed to meet the immediate needs of local government with little, if any, regard for regional planning and coordination..." and that "...the solid waste planning and management process is adversely affected by the absence of area-wide structures...." The Act addressed these and other findings by establishing "...a statutory framework within which all solid waste collection, disposal and utilization activity..." in New Jersey would be coordinated. This framework includes the designation of each of New Jersey's twenty-one counties and the Hackensack Meadowlands District as a Solid Waste Management District. Each District is authorized, either singly or jointly with one or more other Districts, to formulate and develop a comprehensive Solid Waste Management Plan. Following development, the resulting Plan is submitted by the District to the public for comment at an informational hearing. Thereafter, the District must adopt or reject, in whole or in part, the Solid Waste Management Plan.

After adoption of a Plan in whole or in part by a District, the Plan is then submitted to the Commissioner of the Department of Environmental Protection for review and final approval. The Commissioner has authority to modify, reject or approve such Plans and, in the final analysis, the Commissioner is authorized to adopt and promulgate any modification or replacement she deems necessary with respect to the Solid Waste Management Plan.

In order to establish a meaningful and responsible role for the State in the solution of solid waste problems, the Act grants broad powers to the Department of Environmental Protection. This includes the power "...to regulate and supervise all solid waste collection and disposal facilities and operations...", "...to register all persons engaged in the collection or disposal of solid waste...", "...to develop through a Statewide solid waste management plan objectives, criteria and procedures to assure the orderly preparation and evaluation of the [district] solid waste management plans...", "...to approve, modify or reject such solid waste management plans on the basis of their conformity with such objectives, criteria and procedures...", and "...to develop and implement such a plan where none is approved or forthcoming from any solid waste management district...."

Specifically, the solid waste planning process includes five stages. These include the promulgation of guidelines by the Department of Environmental Protection, Plan formulation by the Districts, public hearings on the Plans developed by the Districts, adoption of the Plan by the District, and approval, rejection or modification of the Plan by the Department of Environmental Protection.

At the beginning of the planning process, the Department of Environmental Protection set forth guidelines for the formulation and development of District Solid Waste Management Plans.* The guidelines contain planning objectives, planning schedules and specific tasks to be addressed in the planning process. The objectives identified in the guidelines include the protection and enhancement of environmental quality and the conservation of natural resources. Through these objectives, the Department encouraged District Plans which would provide for the termination of existing solid waste disposal operations which cannot be upgraded to meet environmental standards, the provision of alternative services and facilities capable of meeting environmental standards and conservation of natural resources by the implementation of waste reduction techniques and resource recovery systems.

In order to achieve these objectives, the Department of Environmental Protection has and continues to encourage the development of a comprehensive regional scheme to ensure recovery systems and environmentally sound disposal facilities. To this end, the Commissioner of the Department of Environmental Protection, after study and review, issued a Certification of Modification to the Adopted Solid Waste Management Plan of the Hunterdon County Solid Waste Management District on May 1, 1980. The Certification required the Hunterdon County Solid Waste Management District to, among other things, develop a schedule for resource recovery implementation and to identify the existing and proposed configuration of solid waste collection and disposal operations.

On August 25, 1981, the Hunterdon County Board of Chosen Freeholders formally adopted modifications to the District's Plan. The modifications were received by the Department of Environmental Protection on September 2, 1981. The Department of Environmental Protection has studied and reviewed the Plan and its modifications in accordance with the Solid Waste Management Act. Based on the results of this review and evaluation, I have determined that the Hunterdon County District Solid Waste Management Plan be granted approval as amended by the modifications adopted herein and promulgated by me (see N.J.S.A. 13:1E-24).

B. Solid Waste Management Plan Modifications

The Hunterdon County Solid Waste Management Plan has been reviewed by the Department of Environmental Protection and other State level agencies and, with the District's adopted modifications along with the replacement modifications herein set forth, provides for environmentally sound solid waste management in Hunterdon County. I am confident that with the implementation of this Plan, a comprehensive solid waste management program will be established in Hunterdon County.

*"Guidelines for the Development and Formulation of District Solid Waste Management Plans," New Jersey Department of Environmental Protection, Solid Waste Administration (Trenton, August 1977).

The Plan provides for the construction of a transfer station/recycling center. This facility will reduce the transportation costs to the designated landfill and it will also, via recycling, reduce the amount of waste requiring disposal.

The Plan also includes a comprehensive strategy for the use of terminated landfill sites.

The Plan also provides for the continuation of the County's comprehensive public involvement and participation program.

The Plan contains provisions for the development and expansion of source separation/recycling programs throughout the County.

C. Approved Hunterdon County District Solid Waste Management Plan

I, Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq., do hereby approve the following key elements of the adopted Hunterdon County District Solid Waste Management Plan and the Modifications adopted by the Hunterdon County Board of Chosen Freeholders on August 25, 1981.

1) Data Base

The basic data utilized in the Plan is approved. However, as further data, particularly in the area of solid waste generation and composition becomes available as part of the District's resource recovery feasibility studies, such data will supercede existing data, and be made part of any Plan revision or update.

2) Schedule for Resource Recovery Implementation

The Plan's schedule for the study and implementation of a regional resource recovery facility is approved. The Department of Environmental Protection will monitor the progress of the District in meeting the milestones of this implementation schedule. Hunterdon County shall make quarterly status reports to the Department of Environmental Protection concerning the District's progress in meeting these milestones. The first status report shall be submitted to the Department's Solid Waste Administration by January 1, 1982.

3) Public Participation Program

The Plan's public participation program is approved.

4) Terminated Landfills

The procedure outlined in the Plan for the use of terminated landfill sites is approved.

5) Recycling/Source Separation Program

The recycling/source separation program outlined in the Plan is approved.

D. Modifications Adopted and Promulgated by the Commissioner Pursuant to N.J.S.A. 13:1E-1 et seq. and Made an Approved Part of the Hunterdon County District Solid Waste Management Plan

I, Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq., do hereby adopt and promulgate the following modifications to the Hunterdon County District Solid Waste Management Plan and certify to the Hunterdon County Board of Chosen Freeholders that the modifications contained herein are hereby made a final approved part of the Hunterdon County District Solid Waste Management Plan.

1) In-County Wastes

- a) All solid wastes, with the exception of those noted in Section 4.c. herein, generated from within the Hunterdon County municipalities of Alexandria, Bethlehem, Bloomsbury, Califon, Clinton Town, Franklin, Glen Gardner, Hampton, High Bridge, Holland, Lebanon Boro, Lebanon Township, Milford, Union, and West Amwell shall be disposed of at High Point Sanitary Landfill, facility number 2105A, located in Franklin Township, Warren County, New Jersey, or any other landfill designated in the approved Warren County Solid Waste Management Plan.
- b) All solid wastes, with the exception of those noted in Section 4.c. herein, generated from within the Hunterdon County municipalities of Clinton Township, Delaware, East Amwell, Kingwood, Raritan, Readington, Tewksbury, and Flemington shall be disposed at Edgeboro Landfill, facility number 1204A, located in East Brunswick, Middlesex County (or any other landfill Middlesex County chooses) until the expiration of the current contract which is June 30, 1982. At such time, all solid wastes generated from within the above mentioned municipalities shall be disposed of at High Point Sanitary Landfill, facility number 2105A, located in Franklin Township, Warren County, New Jersey, or any other landfill designated in the approved Warren County Solid Waste Management Plan.
- c) All solid wastes, with the exception of those noted in Section 4.c. herein, generated from within the Hunterdon County municipality of Lambertville, shall be disposed of at the Landfill and Development Company Landfill, facility number 0323A, located in Mount Holly Township, Burlington County, until the expiration of the current contract which is March 1, 1982. At such time, all solid wastes generated from within Lambertville shall be disposed of at High Point Sanitary Landfill, facility number 2105A, located in Franklin Township, Warren County, New Jersey, or any other landfill designated in the approved Warren County Solid Waste Management Plan.
- d) Currently, the Hunterdon County municipalities of Stockton and Frenchtown are utilizing disposal facilities in Pennsylvania. So long as these two municipalities or any collector/hauler which services these municipalities are able, pursuant to Pennsylvania law, to enter into contracts permitting disposal of their solid wastes at disposal facilities in Pennsylvania, they shall be permitted to continue such disposal; provided however, that no later than December 31, 1982, all solid wastes, with the exception

of those noted in Section 4.c. herein, generated from within Stockton and Frenchtown, shall be disposed of at High Point Sanitary Landfill, facility number 2105A, located in Franklin Township, Warren County, New Jersey. If Stockton and Frenchtown cannot legally contract such disposal facilities, then all solid wastes from Stockton and Frenchtown shall be directed to High Point Sanitary Landfill within 150 days from the adoption of this document.

- e) All non-chemical industrial (type 27) wastes generated from Riegel Products Corporation, Milford, New Jersey shall be disposed of at the Riegel Products-Pastore Site Landfill, facility number 1001A, located in Alexandria Township, Hunterdon County, New Jersey.
- f) All animal and food processing (type 25) wastes generated from the Clinton Wildlife Management Area shall be disposed of at the Clinton Wildlife Management Area Landfill, facility number 1006A, located in Clinton Township, Hunterdon County, New Jersey.
- g) Compost facilities currently operating in Hunterdon County, New Jersey and accepting vegetative (type 23) wastes are: Bull's Island Recreation Area, facility number 1007A, located in Delaware Township; Round Valley Recreation Area, facility number 1018A, located in Lebanon Boro; and Voorhees State Park Compost, facility number 1019A, located in Lebanon Township.
- h) Hunterdon County shall comply with the schedule outlined below in order to construct a new regional transfer station that is capable of handling Hunterdon County's solid waste and available for use by December 31, 1982.
 - January 1, 1982 - Finalize site requirements
 - February 1, 1982 - Submittal of all necessary applications and engineering plans
 - April 1, 1982 - Begin construction
 - December 31, 1982 - Facility to be operational

2) Out-of-County Wastes

Due to the absence of any landfill in Hunterdon County, out-of-County wastes will be prohibited from entering the County for disposal on the effective date of the Modifications adopted and promulgated herein.

3) Other Modifications

- a) The Hunterdon County Board of Chosen Freeholders shall designate a Plan implementation agency on or before January 1, 1982.
- b) The Plan shall conform with any Rules and Regulations of the Department concerning sludge and septage.

4) Other Provisions Effecting the Plan Modifications

a) Contracts

Nothing contained in these Modifications shall be construed as to interfere with, or in any way modify, the provisions of any contract for solid waste collection or solid waste disposal in force in any solid waste management district upon the effective date of this Act (July 29, 1977); provided, however, as set forth at N.J.S.A. 13:1E-29 no renewal of any such contract upon the expiration or termination of the original term thereof, and no new contract for solid waste collection or solid waste disposal, shall be entered into after the effective date of this act, unless such renewal or such new contract shall conform with the applicable provisions of the approved solid waste management plan, as set forth herein, of the relevant solid waste management district or unless such contract is approved by the Commissioner.

Any contract renewal or new contract for solid waste collection or solid waste disposal which was executed prior to the approval of the within modifications to the Hunterdon County District Solid Waste Management Plan 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 Modifications and of the Hunterdon County District Solid Waste Management Plan if such renegotiation is not completed by the effective date of these Modifications (January 1, 1982); 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.

b) Compliance

All solid waste facility operators registered with the Department of Environmental Protection and operating within Hunterdon County and effected by the Modifications contained herein shall operate in compliance with these Modifications and all other approved provisions of the Hunterdon County District Solid Waste Management Plan. Any facility operator 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 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.

c) Types of Solid Wastes Covered by the Hunterdon County District Solid Waste Management Plan Modifications

The Modifications contained herein shall apply to all "solid wastes" generated within the identified County municipalities, as

defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-2.5.27 and with the exceptions of liquid wastes, sewage sludge, septage, hazardous wastes, oil spill clean-up waste, infectious waste and those wastes separated and recovered at the point of generation.

d) Certification to Proceed with the Implementation of Plan Modifications

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

e) Definitions

For the purpose of these Modifications 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 -2.5.27.*

f) Effective Date of Modifications

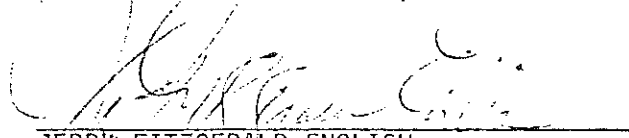
The adopted and promulgated Modifications to the Hunterdon County District Solid Waste Management Plan contained herein shall take effect on January 1, 1982.

g) 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 Hunterdon County District Solid Waste Management Plan shall conform with the Statewide Solid Waste Management Plan. The Statewide Solid Waste Management Plan includes the Department's Planning Guidelines and rules, regulations, and orders of the Department, and will include the compilation of individual District Plans and modifications as they are approved.**

E. Certification of Approval and Adoption and Promulgation of Modifications 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 Hunterdon County District Solid Waste Management Plan and its adopted modifications, subject to the modifications and replacements contained and adopted herein.

2 October 1981
DATE


JERRY FITZGERALD ENGLISH
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION

*Note: In a municipal collection system where commercial and residential solid wastes are collected together, the wastes shall be considered, for the purposes of District solid waste planning, as residential solid waste.

**The Commissioner may adopt modifications to the approved District Plans in the Statewide Solid Waste Management Plan when it is promulgated.