



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER
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(IN THE MATTER OF CERTAIN AMENDMENTS)
(TO THE ADOPTED AND APPROVED SOLID)
(WASTE MANAGEMENT PLAN OF THE)
(HUNTERDON COUNTY SOLID WASTE)
(MANAGEMENT DISTRICT)

CERTIFICATION
OF THE DECEMBER 23, 1986
AMENDMENT TO 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.) 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 October 2, 1981, the Department approved, with modifications, the Hunterdon 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 requires that the district may review its plan at any time and, if found inadequate, a new plan must be adopted. The County Board of Chosen Freeholders completed such a review and on December 23, 1986, adopted an amendment to its approved district solid waste management plan. The amendment proposed to incorporate into the district plan the Hunterdon County/Warren County Interdistrict Waste Flow Agreement.

Due to an oversight by Hunterdon County, the amendment was not submitted to the Department of Environmental Protection until May 31, 1988. Copies were then 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 Hunterdon County District Solid Waste Management Plan, and has determined that the amendment adopted by the Hunterdon County Board of Chosen Freeholders on December 23, 1986 is approved as provided in N.J.S.A. 13:1E-24. With regard to the district plan, while the requirements of the Act concerning the report have been met, the district's plan remains deficient in some important ways.

B. Findings and Conclusions with Respect to the Hunterdon County District Solid Waste Management Plan Amendment

Pursuant to N.J.S.A. 13:1E-24a(1), I, Christopher J. Daggett, Acting Commissioner of the Department of Environmental Protection (Department) have studied and reviewed the December 23, 1986 amendment to the Hunterdon 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 fifteen 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 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 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 Department of Environmental Protection's Divisions of Environmental Quality, Water Resources, Fish, Game and Wildlife, Parks and Forestry and Coastal Resources; the State Departments of Agriculture and Community Affairs, the Board of Public Utilities, the Green Acres Program, 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 Departments of Health and the Public Advocate, and the U.S. Environmental Protection Agency. The Division of Solid Waste Management and the Department of Transportation submitted substantive comments which are further addressed below.

The New Jersey Department of Transportation commented that under the provisions of an agreement between the State and Warren County dated August 7, 1986, Warren County will make, at no cost to the State, improvements along Route 31 at the proposed access road to the resource recovery facility site in Oxford township, Warren County, in order to mitigate the effects of the resource recovery facility upon the existing traffic flow conditions at the aforementioned location. The Department of Transportation believes the current proposed mitigation is for Warren County generated traffic only. A traffic study shall be made by either Warren County or Hunterdon County to determine the impacts, if any, due to the additional imposition of Hunterdon County generated traffic upon the proposed mitigation. It may be that other mitigation measures are

required. The Department of Transportation further commented that a valid permit must be obtained from the Department of Transportation in the event any additional off-site mitigation work is required within the limits of State highway rights of way due to the certification of the Hunterdon County District Plan Amendment. Application for permits are to be made to the Department of Transportation's Netcong Maintenance Office. The Department of Environmental Protection responds by informing Hunterdon County through this certification of the possible requirements of the Department of Transportation which may require additional engineering and district plan submissions.

The Division of Solid Waste Management commented that in accordance with the New Jersey Statewide Mandatory Source Separation and Recycling Act, N.J.S.A. 13:1E-99.11 et seq., and the Hunterdon County Recycling Plan, certified as approved with modifications by the Department on July 15, 1988, the definition of "Acceptable Waste" was modified to reflect the appropriate disposition of recyclable materials. The Hunterdon County District Recycling Plan has designated the following recyclable materials to be source separated in the residential, commercial, and institutional sectors:

Residential sector:

newspapers
aluminum beverage cans
separated clear, brown and green
glass

Commercial/industrial and
institutional sectors:

newspapers
aluminum beverage cans
separated clear, brown and green
glass
corrugated cardboard

One of the modifications to the district recycling plan requires the inclusion of high grade paper as a designated recyclable material to be source separated from institutional waste. The designated recyclable materials are not "Acceptable Waste" for the purposes of the plan amendment and should not be delivered to or processed as acceptable waste at the Warren County Resource Recovery Facility. In addition, as per the provisions of N.J.S.A. 13:1E-99.21, all leaves collected by a municipality must be transported to a leaf composting facility, and must be excluded from the definition of acceptable waste. The Division of Solid Waste Management further commented that the definitions of acceptable waste and/or processible waste stream may need to be more fully expanded. Some waste types classified as type #27 waste must be excluded from the Warren County Resource Recovery Facility. Hunterdon County should conduct a survey of industrial waste generators similar to a survey being conducted in Warren County, to identify and redirect the unallowable waste from the Warren County Resource Recovery Facility.

Also, recycling restrictions being proposed by the Office of Recycling through amendments to the Warren County District Recycling Plan requiring additional recycling of materials will be imposed on Hunterdon County to maintain a consistent recycling policy with the use of the resource recovery facility. By copy of this certification, Hunterdon County is notified of the above comments of the Division of Solid Waste Management.

C. Certification of Hunterdon County District Solid Waste Management Plan Amendment

I, Christopher J. Daggett, Acting 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 December 23, 1986 amendment to the approved Hunterdon County District Solid Waste Management Plan and certify to the Hunterdon County Board of Chosen Freeholders that the December 23, 1986 amendment is approved as further specified below.

The inclusion within the Hunterdon County District Solid Waste Management Plan of the Hunterdon County/Warren County Interdistrict Waste Flow Agreement is approved. The agreement provides for the disposal of up to 100 tons a day of processible Hunterdon County generated solid waste at the Warren County resource recovery facility through December 31, 2001.

The Department has reviewed the entire Hunterdon County District Solid Waste Management Plan, including this amendment, 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:

1. 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.

Hunterdon County has indicated that the Hunterdon County Board of Chosen Freeholders are designated as the implementation agency for the district solid waste management plan. Day to day operations will be supervised by the county's Director of the Solid Waste Department. The Hunterdon County Transfer Station will be operated by the Hunterdon County Utilities Authority. These designations cannot be certified until such time as they are submitted to the Department in plan amendment form. Also, a precise chain-of-command should be submitted. Therefore, until such submittals are certified, this section of the district plan remains deficient.

2. N.J.S.A. 13:1E-21b(3) requires that the plan of the solid waste disposal strategy to be applied in the district 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.

Hunterdon County has stated that the Hunterdon County solid waste disposal strategy is comprised of the contract (Interdistrict Agreement) with Warren County, under which Hunterdon County can dispose of one hundred (100) tons per day of solid waste commencing

with the commercial operation of the Warren County resource recovery facility through December 31, 2001. This contract or interdistrict agreement is the subject of this plan amendment certification. Hunterdon County also has indicated to the Department that the county will enter into a twenty (20) year contract with a private vendor in the State of Pennsylvania to provide for the disposal of the balance of the county's solid waste and to supplement the Hunterdon County/Warren County Interdistrict Agreement when it expires on December 31, 2001. This second aspect of the Hunterdon County solid waste disposal strategy must be submitted to the Department in plan amendment form prior to any certification by the Department. However, this aspect of the county's disposal strategy would contradict current state policy which requires the counties to be self-reliant with regard to out-of-state solid waste disposal by 1992. Therefore, due to the fact that the county's solid waste disposal strategy is incomplete because only a portion of the waste stream will be disposed of consistent with State policy, the county plan is deficient with respect to the provisions of N.J.S.A. 13:1E-21b(2).

3. 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.

With the exception of sole-source landfills, Hunterdon County has no operating in-county solid waste disposal facilities. The Hunterdon County/Warren County Interdistrict Agreement provides disposal for only a portion of the Hunterdon County solid waste stream until December 31, 2001. Sufficient, available sites have not been identified to handle the entire waste stream, therefore, the county's plan is deficient with respect to the provisions of N.J.S.A. 13:1E-21b(3).

4. 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.

Hunterdon County has not submitted to the Department for certification the proposed truck routes to the Warren County resource recovery facility. Therefore, the county's plan is deficient with respect to the provisions of N.J.S.A. 13:1E-21b(4).

5. 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.

Hunterdon County has not specified a method for financing solid waste facilities within the county. Therefore, the county plan is deficient with respect to the provisions of N.J.S.A. 13:1E-21b(6).

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 Hunterdon 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 Hunterdon 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 Hunterdon County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Hunterdon 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, and 12 and all other applicable laws.

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

The provisions of the Hunterdon 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. 7:26-1.4 and 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 Inter- 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 Hunterdon 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 Hunterdon 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 Hunterdon 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 and Notification of Deficiencies by the Acting 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 Hunterdon County District Solid Waste Management Plan which was adopted by the Hunterdon County Board of Chosen Freeholders on December 23, 1986. I hereby further direct the Hunterdon County Board of Chosen Freeholders to rectify those deficiencies specified in Section C. of this certification as soon as possible.

DATE

12/22/88

Christopher J. Daggett
CHRISTOPHER J. DAGGETT

ACTING COMMISSIONER

DEPARTMENT OF ENVIRONMENTAL PROTECTION