



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 )  
(SALEM COUNTY SOLID WASTE )  
(MANAGEMENT DISTRICT )

CERTIFICATION  
OF THE SEPTEMBER 17, 1986  
AMENDMENT TO THE SALEM 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 Board of Chosen Freeholders and the Hackensack Meadowlands Development Commission develop comprehensive plans for waste management in their respective districts. On February 11, 1981, the Department approved, with modifications, the Salem 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 Salem County Board of Chosen Freeholders completed such a review and on September 17, 1986 adopted an amendment to its approved district solid waste management plan.

The amendment proposed to place the Mannington Mills, Inc. Landfill into reserve status upon commencement of operations of the Salem County landfill. The facility will serve as a back-up facility for the company if an interruption of service were to occur at the county landfill facility.

The amendment was received by the Department of Environmental Protection on November 5, 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 Salem County District Solid Waste Management Plan, and has determined that the amendment adopted by the Salem County Board of Chosen Freeholders on September 17, 1986, is approved as provided in N.J.S.A. 13:1E-24.

B. Findings and Conclusions with Respect to the Salem 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 September 17, 1986, amendment to the Salem 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, Water Resources, Fish, Game and Wildlife, and Parks and Forestry; the State Departments of Agriculture, Health, Community Affairs, and Transportation; the Board of Public Utilities, the Green Acres Program, the Office of Recycling, 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 Department of the Public Advocate, the Pinelands Commission, and the U.S. Environmental Protection Agency. The Division of Coastal Resources and the Division of Solid Waste Management submitted substantive comments which are further addressed below.

The Division of Coastal Resources commented that there are two coastal permits (Waterfront Development and Wetlands Type B) pending before the agency for the mitigation of a wetlands disruption and subsequent creation of wetlands adjacent to the landfill along Fenwick Creek. Further, the Division of Coastal Resources is negotiating with Mannington Mills, Inc. in order to resolve an encroachment problem caused by the landfill, since a portion of their facility was extended into the wetlands without authorization. While noting these problems, the Division stated that they would have no objection to the Mannington Mills, Inc. Landfill being used as

a backup facility provided no further encroachments into the adjacent regulated wetlands occur without proper authorization.

In response, the purpose of placing the facility into a reserve status is to allow Mannington Mills, Inc. to utilize this landfill only when the Salem County landfill experiences an interruption of service. It is expected that any interruption of service at the county landfill will be infrequent and only for a short time period. Therefore, upon commencement of operations at the Salem County landfill, the Mannington Mills, Inc. Landfill is required to cease operations and will only be utilized when the above noted condition occurs at the county landfill. The intent of the amendment is not to allow the Mannington Mills, Inc. Landfill to encroach on adjacent wetlands, but to utilize its remaining permitted capacity.

The Division of Solid Waste Management commented that the referenced plan amendment as written may allow Mannington Mills, Inc. to avoid the implementation of closure activities at their landfill should the facility be placed into a reserve status classification. In order to address this potential, Section C. of this certification specifies that approval of this amendment shall not waive, but merely postpone, any requirements which Mannington Mills, Inc. must comply with concerning their landfill facility. This compliance includes the implementation of a closure plan and meeting all requirements of the Certificate of Approved Registration and Engineering Design Approval (CAREDA) issued for this facility.

C. Certification of Salem 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 September 17, 1986 amendment to the approved Salem County District Solid Waste Management Plan and certify to the Salem County Board of Chosen Freeholders that the September 17, 1986 amendment is approved as further specified below.

The provision which allows the Mannington Mills, Inc. Landfill to be placed into reserve status upon commencement of operations of the Salem County landfill, and provides that this facility be utilized as a back-up facility for the company when interruptions of service are experienced at the Salem County landfill, is approved and made a part of the Salem County District Solid Waste Management Plan.

Departmental approval of this amendment does not release Mannington Mills, Inc. from its responsibility to remain in compliance with all permit conditions identified within the Certificate of Approved Registration and Engineering Design Approval (CAREDA) issued for the facility, including implementation of an approved closure plan. Further, since the CAREDA for this facility expires on October 25, 1987, Mannington Mills, Inc. should apply to the Department for a permit modification to reflect that the facility is in a reserve status. Such application for the above noted permit modification should be made at least ninety (90) days prior to the expiration date of the existing CAREDA. The Department may, during this process, require a schedule by which the Mannington Mills, Inc. Landfill will be directed to implement proper closure procedures.

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 Salem 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 Salem 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 Salem County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Salem 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 Salem 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 Salem 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 N.J.A.C. 7:26-2.13.

6. Effective Date of Amendment

The amendment to the Salem 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 Salem 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 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, Richard T. Dewling, hereby approve the amendment as outlined in Section C. of this certification to the Salem County District Solid Waste Management Plan which was adopted by the Salem County Board of Chosen Freeholders on September 17, 1986.

DATE

4/3/87

Richard T. Dewling  
RICHARD T. DEWLING

COMMISSIONER

DEPARTMENT OF ENVIRONMENTAL PROTECTION