



State of New Jersey
Department of Environmental Protection and Energy
Office of the Commissioner
CN 402
Trenton, NJ 08625-0402
Tel. # 609-292-2885
Fax. # 609-984-3962

Scott A. Weiner
Commissioner

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

CERTIFICATION
OF THE APRIL 8, 1992
AMENDMENT TO THE BURLINGTON 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 27, 1980, the Department of Environmental Protection approved, with modifications, the Burlington County District Solid Waste Management Plan (County 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 a 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 a 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. Amendments to the Act found in N.J.S.A. 13:1E-136 et seq. require that, among other things, counties amend their County Plan to include an outline of the proposed uses of the moneys in the County Resource Recovery Investment Tax (RRIT) Fund, as well as establish a schedule for disbursement of the moneys in that fund.

The Burlington County Board of Chosen Freeholders (County Freeholders) completed such a review and on April 8, 1992 adopted an amendment to its approved County Plan. The amendment of April 8, 1992 reaffirmed the use of the County RRIT Fund and proposed a modification to the disbursement schedule for the same. This modification was required by the Department's September 6, 1990 certification of the County's March 14, 1990 amendment. Specifically, the modification included the time schedules for completion of construction of portions of the planned resource recovery facilities to be located at the Burlington County Resource Recovery Complex (BCRRC).

The amendment was received by the Department of Environmental Protection and Energy (Department or DEPE) on April 22, 1992 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this amendment, as well as the entire County Plan, and has determined that the amendment adopted by the County Freeholders on April 8, 1992 is approved as provided in N.J.S.A. 13:1E-24. Serious deficiencies in the County Plan have been identified within Section C. of this certification.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the April 8, 1992 amendment to the County Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and N.J.S.A. 13:1E-150 and I find and conclude that this plan amendment is consistent with the Statewide Solid Waste Management Plan and N.J.S.A. 13:1E-150 in proposing an acceptable use of and disbursement schedule for moneys in the County RRIT Fund.

In conjunction with the review of the amendment, the Department circulated copies to seventeen administrative review agencies and solicited their review and comment. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various bureaus, divisions, and agencies within the Department. These agencies are the following:

- Office of Energy, DEPE
- Division of Parks and Forestry, DEPE
- Division of Fish, Game and Wildlife, DEPE
- Division of Solid Waste Management, DEPE
- Green Acres Program, DEPE
- Groundwater Quality Management Element, DEPE
- Land Use Regulation Element, DEPE

Wastewater Facilities Regulation Element, DEPE
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Health
Department of Transportation
Department of Community Affairs
Department of the Public Advocate
U.S. Environmental Protection Agency
Pinelands Commission

1. Agency Participation in the Review of the April 8, 1992 Amendment

The following agencies did not object to the proposed plan amendment:

Division of Parks and Forestry, DEPE
Division of Fish, Game and Wildlife, DEPE
Green Acres Program, DEPE
Wastewater Facilities Regulation Element, DEPE
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Pinelands Commission

The following agencies did not respond to the Department's requests for comments:

Office of Energy, DEPE
Groundwater Quality Management Element, DEPE
Land Use Regulation Element, DEPE
Department of Health
Department of Transportation
Department of Community Affairs
Department of the Public Advocate
U.S. Environmental Protection Agency

The following agency submitted substantive comments which are further addressed below:

Division of Solid Waste Management, DEPE

2. Comments Received for the April 8, 1992 Amendment

Issue: RRIT Fund Use and Disbursement

On April 8, 1992, the County Freeholders adopted an amendment to their County Plan which reaffirmed the use of moneys from the RRIT Fund and provided a schedule for disbursement of those moneys. The amendment proposed the use of moneys to finance operational costs of the sanitary landfill located at the BCRRC. The County will use 2% of the available RRIT Fund for administrative purposes as permitted by N.J.S.A. 13:1E-136. These uses of the RRIT Fund were previously approved by the Department through the September 6, 1990 certification of the County's March 14, 1990

amendment. That certification approved with modification the RRIT Fund disbursement schedule. Specifically, the certification restricted the amount of moneys disbursed from the RRIT Fund until the County submitted time schedules for completion of construction of the planned resource recovery facilities at the BCRC. Accordingly, the April 8, 1992 amendment included the required disbursement schedule for expenditure of moneys during fiscal years 1991 through 1996 and the time schedules for construction of the resource recovery facilities, namely the sludge component of the co-composting facility, a materials recycling facility, and a household and small quantity generator hazardous waste facility.

The RRIT Fund uses noted above are consistent with the requirements of N.J.S.A. 13:1E-150b. and the disbursement schedule is also consistent with the Department's content and format criteria for provision of a disbursement schedule.

The County Freeholders are hereby notified of these comments.

Issue: Status of Co-Composting/Refuse Derived Fuel (RDF) Processing Facility

The Department's August 16, 1991 certification of the County's February 13, 1991 amendment directed the County to address the status of the planned co-composting/RDF processing facility. The April 8, 1992 amendment provided the status and implementation schedule for the sludge component of the co-composting facility, as well as the materials recycling center and the household hazardous waste facility, but did not address the same for the RDF processing project. In addition, the County's plans for the co-composting facility are to initially accept only dewatered sludge and woodchips with select solid wastes to be added at a later, unspecified date. Since the co-composting/RDF processing facility is an integral component of the County's solid waste disposal strategy, the County should provide schedules for the phase-in of additional solid wastes at the co-composting facility and the development of the RDF facility.

The County Freeholders are hereby notified of this comment.

C. Certification of the Burlington 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 district solid waste management plans and N.J.S.A. 13:1E-150 which establishes eligible uses and disbursement schedule requirements for a County's RRIT Fund, I have reviewed the April 8, 1992 amendment to the approved County Plan and certify to the County Freeholders that the April 8, 1992 amendment is approved as further specified below.

1. April 8, 1992 Amendment

The County Plan inclusion of a proposed use and disbursement schedule for moneys from the County RRIT Fund to finance operational costs of the County Landfill and 2% administrative expenses is approved. Previously, in the March 14, 1990 amendment, the County had proposed a similar use but

the Department, in its September 6, 1990 certification, had restricted the amount of moneys disbursed from the RRIT Fund until the County submitted time schedules for the completion of construction of planned resource recovery facilities. Within the April 8, 1992 amendment, the County has provided time schedules for the completion of construction of the sludge component of the co-composting facility, the materials recycling center, and the household hazardous waste facility. Therefore, the Department finds that the expenditure of a projected \$9,813,097.00 during Fiscal Years 1991 through 1996 for operational costs at the County Landfill is consistent with the prescribed use and disbursement of RRIT Funds as set forth in N.J.S.A. 13:1E-150b. and c.

2. Burlington County District Solid Waste Management Plan Deficiencies

In the Department's August 16, 1991 certification of the February 13, 1991 amendment, the DEPE noted the County's lack of progress in developing the co-composting/RDF facility. This delay has caused the exhaustion of permitted capacity at an accelerated rate at the County landfill. Therefore, the County was directed to address the status of the co-composting/RDF facility in a subsequent plan amendment submission. The April 8, 1992 amendment partially complied with this directive by including a schedule for the development of the sludge component of the co-composting facility. Initially this facility will only accept dewatered sludge and wood chips with select solid wastes to be added at a later, unspecified date. Since this facility is an integral component of the County's solid waste disposal strategy, it is imperative that the County provide the Department with a schedule for the phase-in of additional solid wastes. Also, the amendment failed to provide a schedule for the development of the RDF facility. Therefore, I hereby direct the County to address these serious deficiencies by providing, within 90 days in a subsequent plan amendment submission, schedules for the phase-in of additional solid wastes at the co-composting facility and development of the RDF facility.

3. Burlington County Response to Solid Waste Task Force Final Report

In the Department's August 16, 1991 certification the DEPE also directed the County to address the recommendations of the Emergency Solid Waste Assessment Task Force Final Report in a subsequent plan amendment submission within 180 days of the certification date. The deadline of February 11, 1992 has long passed with the County failing to adopt the necessary amendment. The county has indicated that this amendment is being prepared. Therefore, I hereby direct the County to address this other serious deficiency by also providing, within 90 days in a subsequent plan amendment submission, the County's response to the recommendations of the Task Force Final Report.

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 this amendment to the County 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 and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the County 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, and for good cause shown, obtain an extension of time to complete such renegotiation.

2. 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. 7:26-1 et seq., and in violation of their registration to operate a solid waste facility or a collection system issued thereunder by the Department 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 Plan

The provisions of the County 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. All nonhazardous 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 set forth at N.J.A.C. 7:26-6, but are subject to regulation in accordance with N.J.A.C. 7:26A-1 et seq.

4. Certification to Proceed with the Implementation of the Plan 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 shall proceed with the implementation of the approved amendment certified 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 -99.12, N.J.A.C. 7:26-1.4 and -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of the Amendment

The amendment to the County 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 pursuant to its authority under the law. The County 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, rules, regulations, orders of the Department, 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 Commissioner of the Department of Environmental Protection and Energy

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 Burlington County District Solid Waste Management Plan which was adopted by the Burlington County Board of Chosen Freeholders on April 8, 1992. I hereby also require, as noted in Section C., the Burlington County Board of Chosen Freeholders to address the noted deficiencies within the timeframe specified.

Aug 18 1992
DATE

Scott A. Weiner
SCOTT A. WEINER
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND ENERGY