



M. DeBonis
file: Burlington Co.

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ROBERT E. HUGHEY, COMMISSIONER
CN 402
TRENTON, N.J. 08625
609 - 292 - 2885

(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 APPROVAL
OF THE JUNE 8, 1983 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 approved, with modifications, the Burlington 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 Burlington County Board of Chosen Freeholders completed such a review and on June 8, 1983 adopted an Amendment to its approved District Solid Waste Management Plan. The Amendment was received by the Department of Environmental Protection on June 24, 1983 and copies were distributed to various state level agencies for review and comment, as required by law.

The Department has reviewed this Amendment and has determined that the Amendment adopted by the Burlington County Board of Chosen Freeholders on June 8, 1983 is approved in accordance with N.J.S.A. 13:1E-24.

B. Certification of Burlington County District Solid Waste Management Plan Amendment

I, Robert E. Hughey, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq., which established specific requirements regarding the contents of the District Solid Waste Management Plans, have reviewed the June 8, 1983 Amendment to the approved Burlington County District Solid Waste Management Plan and certify that it is in compliance with the requirements of N.J.S.A. 13:1E-21 and are hereby made a final approved part of the Burlington County District Solid Waste Management Plan.

The inclusion within the Plan of the Trofe Incineration, Inc. incinerator located on Lot 5A, Block 70, in the Township of Mount Laurel is approved. This certification does not authorize operation of any facilities at this site. Such operations shall be authorized by and subject to the conditions included in all approvals required by N.J.S.A. 13:1E-1 et seq. and other applicable laws. In addition, such authorizations shall be subject to the following conditions which are a part of the approved plan amendment:

- 1) Trofe Incineration, Inc. shall cease operations and remove and/or dismantle the facility beginning 5½ years from the date on which DEP approves an agreement or registration first authorizing Trofe to incinerate solid waste in accordance with this approved plan amendment.
- 2) The total quantity burned shall not exceed 50 tons per day for 275 days per year on a 24 hour per day basis.

Trofe Incineration, Inc. and the Department entered into an Administrative Consent Order, dated July 8, 1983, which provides Trofe with interim authorization to incinerate solid waste. This Administrative Consent Order has been stayed by the Superior Court, Appellate Division, pending a legal challenge filed by the Township of Mt. Laurel. The Administrative Consent Order references a "protocol for solid waste incineration" developed by Burlington County and Trofe. Trofe is required to conduct operations in accordance with this protocol until the Department takes final action on Trofe's application for a registration statement and engineering design approval.

C. 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 Burlington 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 Burlington 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 Burlington County and affected by the Amendment contained herein shall operate in compliance with this Amendment and all other approved provisions of the Burlington 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.

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

The provisions of the Burlington 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 Burlington County District Solid Waste Management Plan.

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 Burlington County Board of Chosen Freeholders, as provided for by N.J.S.A. 13:1E-24f., to proceed with the implementation of the 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 approved Amendment to the Burlington County District Solid Waste Management Plan contained herein shall take effect immediately.

7) Reservation of Authority

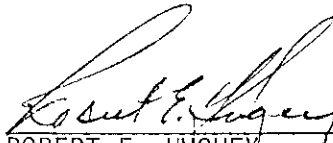
Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Burlington County District Solid Waste Management Plan, including any Amendments made thereto, shall conform with the Statewide 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 intra-district waste flow rules, and also includes the compilation of individual District Plans and Amendments as they are approved.

D. Certification of Approval 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 Amendment, as outlined in Section B of this Certification, to the Burlington County District Solid Waste Management Plan which was adopted by the Burlington County Board of Chosen Freeholders on June 8, 1983.

DATE

11/10/83



ROBERT E. HUGHEY
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION