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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)
(BURLINGTON COUNTY SOLID WASTE)
(MANAGEMENT DISTRICT)

CERTIFICATION
OF THE AUGUST 13, 1986
AMENDMENT TO THE BURLINGTON COUNTY
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 August 13, 1986, adopted amendments to its approved district solid waste management plan. The amendments propose inclusion of the district's recycling plan, a waste flow redirection to the Fort Dix

Heat Recovery Incinerator, a financial plan for disbursement of funds from the district's resource recovery investment tax fund, and the district's sludge and septage management plan.

The amendments were received by the Department of Environmental Protection on August 29, 1986, and copies were distributed to various state level agencies for review and comment, as required by law. On October 29, 1986, Burlington County requested, by letter, that the Department process the sludge and septage management plan amendment separately from the other plan amendments. This request was made to allow for expedited certification of the other amendments since the sludge and septage management plan component of the county's submission was of a more complex nature requiring more substantive technical review and consideration. The Department has reviewed these amendments, as well as the entire Burlington County District Solid Waste Management Plan, and has determined that the three above noted amendments adopted by the Burlington County Board of Chosen Freeholders on August 13, 1986, are approved as provided in N.J.S.A. 13:1E-24.

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

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 August 13, 1986 amendments to the Burlington 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 these three plan amendments are consistent with the Statewide Solid Waste Management Plan.

In addition, the Division of Solid Waste Management circulated the three above noted plan amendments to sixteen 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 Water Resources, Fish, Game and Wildlife, and Parks and Forestry; the State Departments of Agriculture, Health, Community Affairs and Transportation; and the Board of Public Utilities. The following agencies failed to respond to our requests for comments: the State Department of the Public Advocate; the Green Acres Program, the New Jersey Turnpike Authority, the Pinelands Commission, the New Jersey Advisory Council on Solid Waste Management and the U.S. Environmental Protection Agency. The Office of Recycling and the N.J.D.E.P. Divisions of Environmental Quality and Coastal Resources submitted substantive comments which are further addressed below.

The Office of Recycling raised issues pertaining to the district's recycling plan. Specifically, they suggested changes in recycling terms (the county has been informed of these recommendations) and questioned whether the three planned recycling centers for Burlington County would be public or private ventures and if the implementation of the district recycling plan is contingent upon receipt of funding from the Office of Recycling. In response, Burlington County has indicated that the three recycling centers are to be publicly owned, financed through county general obligation bonds, and that all centers would be operated by the Occupational Training Center of Burlington County. Regarding the latter Office of Recycling question, Burlington County has indicated that funding from the Office of Recycling has been applied for; however, should this funding not be received, alternate funding will be available from county general obligation bonds and the resource recovery investment tax fund for Burlington County.

The Division of Coastal Resources commented that the applicant has not indicated whether all applicable wetland and waterfront development permits have been secured. In response, Burlington County has indicated that all required permits have been applied for.

The Division of Environmental Quality indicated that recycling centers, compost facilities, and sanitary landfills are subject to the general prohibition of air pollution as defined in N.J.A.C. 7:27-5. This issue will be addressed in more detail during the technical review phase of the Department's permit process for the applicable facilities.

C. Certification of Burlington County District Solid Waste Management Plan Amendments

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 August 13, 1986, amendments to the approved Burlington County District Solid Waste Management Plan and certify to the Burlington County Board of Chosen Freeholders that the three above noted August 13, 1986 amendments are approved as further specified below.

1. The inclusion within the district plan of the "Financial Plan and Schedule for Disbursement of Funds in the Burlington County District Resource Recovery Tax Fund" is approved. The plan proposes to utilize the monies in the fund to finance the county's recycling program.
2. The inclusion within the district plan of the redirection of all waste types 10, 23 and 27 generated at the Fort Dix Army Base and the McGuire Air Force Base from disposal at the Parklands Landfill to disposal at the Fort Dix Heat Recovery Incinerator is approved. However, final disposition of this proposed rule change will be determined pursuant to formal rulemaking by the Department and Board of Public Utilities in accordance with N.J.A.C. 7:26-6.6.

3. The inclusion within the district plan of the "Burlington County Recycling Plan" is approved. The plan establishes a comprehensive strategy for the maximum recovery of source separated recyclables from the solid waste stream and includes provisions for implementation of county-wide recycling. The plan calls for the development of three recycling facilities: the Intermediate Processing Facility to be located at the site of the Burlington County Solid Waste Management Facilities Complex (this site has previously been approved within the district plan); the Delran Recycling Center to be located on Block 83, Lots 11 and 12a in Delran Township; and the as yet to be selected Southern Recycling Center.

D. Other Provisions Affecting the Plan Amendments

1. Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with the within amendments to the Burlington County District Solid Waste Management Plan and which was executed prior to the approval of these amendments 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 amendments 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 these amendments; 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 amendments contained herein shall operate in compliance with these amendments 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, 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, 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 Amendments

This document shall serve as the certification of the Commissioner of the Department of Environmental Protection to the Burlington 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 amendments contained herein.

5. Definitions

For the purpose of these amendments 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 7:26-2.13.

6. Effective Date of Amendments

The amendments 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 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 Amendments 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 amendments 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 August 13, 1986.

DATE

12/3/86

Richard T. Dewling for

RICHARD T. DEWLING

COMMISSIONER

DEPARTMENT OF ENVIRONMENTAL PROTECTION