

AM 9-24-80
10-27-80



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER
P. O. BOX 1390
TRENTON, N. J. 08625
609-292-2885

(IN THE MATTER OF THE ADOPTED AND)
(MODIFIED SOLID WASTE MANAGEMENT)
(PLAN OF THE BURLINGTON COUNTY.)
(SOLID WASTE MANAGEMENT DISTRICT)

CERTIFICATION OF APPROVAL
WITH MODIFICATION OF 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. as amended by C. 326, Laws of 1975) determines, among other things, "...that the management of solid waste in New Jersey consists largely of piecemeal, uncoordinated activities developed to meet the immediate needs of local government with little, if any, regard for regional planning and coordination..." and that "...the solid waste planning and management process is adversely affected by the absence of area-wide structures...." The Act addressed these and other findings by establishing "...a statutory framework within which all solid waste collection, disposal and utilization activity..." in New Jersey would be coordinated. This framework includes the designation of each of New Jersey's twenty-one counties and the Hackensack Meadowlands District as a Solid Waste Management District. Each District is authorized, either singly or jointly with one or more other Districts, to formulate and develop a comprehensive Solid Waste Management Plan. Following development, the resulting Plan is submitted by the District to the public for comment at an informational hearing. Thereafter, the District must adopt or reject, in whole or in part, the Solid Waste Management Plan.

After adoption of a Plan in whole or in part by a District, the Plan is then submitted to the Commissioner of the Department of Environmental Protection for review and final approval. The Commissioner has authority to modify, reject or approve such Plans and, in the final analysis, the Commissioner is authorized to adopt and promulgate any modification or replacement she deems necessary with respect to the Solid Waste Management Plan.

In order to establish a meaningful and responsible role for the State in the solution of solid waste problems, the Act grants broad powers to the Department of Environmental Protection. This includes the power "...to regulate and supervise all solid waste collection and disposal facilities and operations...", "...to register all persons engaged in the collection or disposal of solid waste...", "...to develop through a Statewide solid waste management plan objectives, criteria and procedures to assure the orderly preparation and evaluation of the [district] solid waste management plans...", "...to approve, modify or reject such solid waste management

plans on the basis of their conformity with such objectives, criteria and procedures...", and "...to develop and implement such a plan where none is approved or forthcoming from any solid waste management district...."

Specifically, the solid waste planning process includes five stages. These include the promulgation of guidelines by the Department of Environmental Protection, Plan formulation by the Districts, public hearings on the Plans developed by the Districts, adoption of the Plan by the District, and approval, rejection or modification of the Plan by the Department of Environmental Protection.

At the beginning of the planning process, the Department of Environmental Protection set forth guidelines for the formulation and development of District Solid Waste Management Plans.* The guidelines contain planning objectives, planning schedules and specific tasks to be addressed in the planning process. The objectives identified in the guidelines include the protection and enhancement of environmental quality and the conservation of natural resources. Through these objectives, the Department encouraged District Plans which would provide for the termination of existing solid waste disposal operations which cannot be upgraded to meet environmental standards, the provision of alternative services and facilities capable of meeting environmental standards and conservation of natural resources by the implementation of waste reduction techniques and resource recovery systems.

In order to achieve these objectives, the Department of Environmental Protection has and continues to encourage the development of a comprehensive regional scheme to ensure recovery systems and environmentally sound disposal facilities. To this end, the Commissioner of the Department of Environmental Protection, after study and review, issued a Certification of Modification to the Adopted Solid Waste Management Plan of the Burlington County Solid Waste Management District on December 13, 1979. The Certification required the Burlington County Solid Waste Management District to, among other things, develop a schedule for resource recovery implementation and negotiate interdistrict agreements with other Solid Waste Management Districts to provide those Districts with additional disposal capacity.

On September 24, 1980, the Burlington County Board of Chosen Freeholders formally adopted modifications to the District's Plan. The modifications were received by the Department of Environmental Protection on September 26, 1980. The Department of Environmental Protection has studied and reviewed the Plan and its modifications in accordance with the Solid Waste Management Act. Based on the results of this review and evaluation, I have determined that the Burlington County District Solid Waste Management Plan be granted approval as amended by the modifications adopted herein and promulgated by me (see N.J.S.A. 13:1E-24).

B. Solid Waste Management Plan Accomplishments

The Burlington County District Solid Waste Management Plan has been reviewed

*"Guidelines for the Development and Formulation of District Solid Waste Management Plans," New Jersey Department of Environmental Protection, Solid Waste Administration (Trenton, August 1977).

by the Department of Environmental Protection and other State-level agencies and, with the District's adopted modifications along with the replacement modifications herein set forth, provides for environmentally sound solid waste management in Burlington County. I am confident that with the implementation of this Plan, a comprehensive solid waste management program will be established in Burlington County.

The Plan provides for the development of a county-operated landfill to accept solid waste from all the County's sources. This facility will provide disposal capacity for the County's solid waste as existing landfills terminate prior to resource recovery, as well as residue and non-processable wastes after resource recovery.

The Plan also contains provisions for the development and expansion of source separation/recycling programs throughout the County. A pilot source separation program will be implemented in four Burlington County municipalities incorporating bi-weekly curbside collection of newspaper. An expansion of this two-year pilot program is planned through the development of five recycling Regions. Regions I, II and III will utilize curbside collection of source separated materials, while the more sparsely populated areas, Regions IV and V, will incorporate a municipal drop-off center concept. Depending upon the success of these initial programs, Burlington County plans to develop multi-material separation while utilizing intermediate processing methods.

The Plan designates the Burlington County Office of Waste Management Programs, or any other agency duly designated by the Board of Chosen Freeholders, as the County's responsible implementation agency. This Office will, among other things, continue to provide public speaking services, conduct necessary public programs for the regional source separation curbside districts and most importantly, oversee implementation of the recommended solid waste facility.

The Plan contains a comprehensive synopsis of Burlington County's role in the public participation process during preparation of the Solid Waste Management Plan.

C. Approved Burlington County District Solid Waste Management Plan

I, Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq., do hereby approve the following key elements of the adopted Burlington County District Solid Waste Management Plan and the Modifications adopted by the Burlington County Board of Chosen Freeholders on September 24, 1980.

1) Data Base

The basic data utilized in the Plan is approved. However, as further data, particularly in the area of solid waste generation and composition becomes available as part of the District's resource recovery feasibility studies, such data will supercede existing data, and be made part of any Plan revision or update.

2) Recycling/Source Separation Program

The recycling/source separation program outlined in the Plan is approved.

3) Public Participation Program

The Plan's public education and participation program is approved.

4) The Plan's disposal facility siting policy is approved.

5) The procedure outlined in the Plan for the use of terminated landfill sites is approved.

D. Modifications Adopted and Promulgated by the Commissioner Pursuant to N.J.S.A. 13:1E-1 et seq. and Made An Approved Part of the Burlington County District Solid Waste Management Plan

I, Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq., do hereby adopt and promulgate the following modifications to the Burlington County District Solid Waste Management Plan and certify to the Burlington County Board of Chosen Freeholders that the modifications contained herein are hereby made a final approved part of the Burlington County District Solid Waste Management Plan.

1) In-County Wastes

a) All solid wastes, with the exception of those noted in Section 4.c. herein, generated from within the Burlington County municipalities of Beverly City, Burlington Township, Delanco Township, Delran Township, Eastampton Township, Mansfield Township, Maple Shade Township, Medford Lakes Boro, Mount Holly Township, Mount Laurel Township, New Hanover Township, Pemberton Boro, Pemberton Township, Riverside Township, Southampton Township, Springfield Township, Westampton Township, and Willingboro Township shall be disposed of at the Landfill and Development Company landfill, facility number 0323A, located in Mount Holly Township, Burlington County, New Jersey. It is anticipated that facility number 0323A will have capacity beyond July, 1983.

b) All solid wastes, with the exception of those noted in Section 4.c. herein, generated from within the Burlington County municipalities of Bordentown City, Bordentown Township, Chesterfield Township, and Wrightstown Boro shall be disposed of at the Parklands Reclamation Project landfill, facility number 0304A, located in Bordentown Township, Burlington County, New Jersey. It is anticipated that facility number 0304A will have capacity beyond July, 1983.

c) All solid wastes, with the exception of those noted in Section 4.c. herein, generated from within the Burlington County municipalities of Edgewater Park, Fieldsboro Borough and Florence Township shall be disposed of at the Florence Land Recontouring landfill, facility number 0315B, located in Florence Township, Burlington County, New Jersey.

- d) All solid wastes, with the exception of those noted in Section 4.c. herein, and bulky (type 13) wastes, vegetative (type 23) wastes, and animal and food processing (type 25) wastes, generated from within the Burlington County municipalities of Cinnaminson Township, Palmyra Borough and Riverton Boro, shall be disposed of at the Pennsauken sanitary landfill, facility number 0427A, located in Pennsauken Township, Camden County, New Jersey. All bulky (type 13) wastes, vegetative (type 23) wastes, and animal and food processing (type 25) wastes, generated from within the Burlington County municipalities of Cinnaminson Township, Palmyra Borough and Riverton Boro, shall be disposed of at the Landfill and Development Company landfill, facility number 0323A, located in Mount Holly Township, Burlington County, New Jersey.
- e) All solid wastes, with the exception of those noted in Section 4.c. herein, and industrial (type 27) wastes, generated from within the Burlington County municipalities of Bass River Township and Washington Township, shall be disposed of at the Bass River Township Sanitary Landfill, facility number 0301A, Bass River Township, Burlington County, New Jersey. All industrial (type 27) wastes generated from within the Burlington County municipalities of Bass River Township and Washington Township, shall be disposed of at the Landfill and Development Company landfill, facility number 0323A, located in Mount Holly Township, Burlington County, New Jersey.
- f) All solid wastes, with the exception of those noted in Section 4.c. herein, generated from within the Burlington County municipalities of Hainesport Township and Lumberton Township, shall be disposed of at the Lumberton Township Sanitary Landfill, facility number 0317A, located in Lumberton Township, Burlington County, New Jersey.
- g) All solid wastes, with the exception of those noted in Section 4.c. herein, and bulky (type 13) wastes, animal and food processing (type 25) wastes, and non-chemical industrial (type 27) wastes, generated from within the Burlington County municipality of Burlington City, shall be disposed of at the Burlington City sanitary landfill, facility number 0305A, located in Burlington City, Burlington County, New Jersey. All bulky (type 13) wastes, animal and food processing (type 25) wastes, and non-chemical industrial (type 27) wastes, generated from within the Burlington County municipality of Burlington City, shall be disposed of at the Parklands Reclamation Project landfill, facility number 0304A, located in Bordentown Township, Burlington County, New Jersey.
- h) All solid wastes, with the exception of those noted in Section 4.c. herein, and non-chemical industrial (type 27) wastes, generated from within the Burlington County municipality of Tabernacle Township, shall be disposed of at the Tabernacle Township sanitary landfill, facility number 0335A, located in Tabernacle Township, Burlington County, New Jersey. All non-chemical industrial (type 27) wastes, generated from within

the Burlington County municipality of Tabernacle Township, shall be disposed of at the Landfill and Development Company landfill, facility number 0323A, located in Mount Holly Township, Burlington County, New Jersey.

- i) All solid wastes, with the exception of those noted in Section 4.c. herein, generated from within the Burlington County municipality of Evesham, shall be disposed of at the Evesham Township Sanitary Landfill, facility number 0313A, Evesham Township, Burlington County, New Jersey (this facility shall according to the modifications adopted and promulgated herein, close by November 1, 1981). Upon the closure of the Evesham landfill, wastes going to this facility shall be disposed of at the Landfill and Development Company landfill, facility number 0323A, located in Mount Holly Township, Burlington County, New Jersey.
- j) All solid wastes, with the exception of those noted in Section 4.c. herein and industrial (type 27) wastes, generated from within the Burlington County municipality of Moorestown Township shall be disposed of at the Moorestown landfill, facility number 0322A, Moorestown Township, Burlington County, New Jersey (this facility shall, according to the modifications adopted and promulgated herein, close by November 1, 1981). Upon the closure of the Moorestown Township landfill wastes going to this facility shall be disposed of at the Landfill and Development Company landfill, facility number 0323A, located in Mount Holly Township, Burlington County, New Jersey.
- k) Non-chemical industrial (type 27) wastes generated from within the Burlington County municipality of Moorestown Township, shall be disposed of at the Landfill and Development Company landfill, facility number 0323A, located in Mount Holly Township, Burlington County, New Jersey.
- l) All solid wastes, with the exception of those noted in Section 4.c. herein, generated from within the Burlington County municipalities of Shamong and Medford Townships shall be disposed of at the Medford Township landfill, facility number 0320A, Medford Township, Burlington County, New Jersey (this facility shall, according to the modifications adopted and promulgated herein, close by November 1, 1981). Upon the closure of the Medford landfill, wastes going to this facility shall be disposed of at the Landfill and Development Company landfill, facility number 0323A, located in Mount Holly Township, Burlington County, New Jersey.
- m) All solid wastes, with the exception of those noted in Section 4.c. herein, generated from within the Burlington County municipality of North Hanover Township shall be disposed of at the North Hanover Township Landfill, facility number 0326A, North Hanover Township, Burlington County, New Jersey (this facility shall, according to the modifications adopted and promulgated herein, close by November 1, 1981). Upon the closure of the North Hanover Township landfill, wastes shall be disposed of at the Parklands Reclamation Project landfill, facility number 0304A, located in Bordentown Township, Burlington County, New Jersey.

- m) All solid wastes, with the exception of those noted in Section 4.c. herein, generated from within the Burlington County municipality of Woodland Township shall be disposed of at the Woodland Township Sanitary Landfill, facility number 0339A, Woodland Township, Burlington County, New Jersey (this facility shall, according to the modifications adopted and promulgated herein, close by November 1, 1981). Upon the closure of the Woodland landfill, wastes going to this facility shall be disposed of at the Landfill and Development Company Landfill, facility number 0323A, located in Mount Holly Township, Burlington County, New Jersey.
- o) Upon closure of the Bass River Township sanitary landfill, facility number 0301A, the Lumberton Township sanitary landfill, facility number 0317A, and the Tabernacle Township sanitary landfill, facility number 0335A, (the three facilities identified in this section shall, according to the modifications adopted and promulgated herein, close by November 1, 1981) all solid wastes going to these facilities shall be disposed of at the Landfill and Development Company landfill, facility number 0323A, located in Mount Holly Township, Burlington County, New Jersey.
- p) Upon closure of the Burlington City sanitary landfill, facility number 0305A, (the facility identified in this section shall, according to the modifications adopted and promulgated herein, close by November 1, 1981) wastes going to this facility shall be disposed of at the Parklands Reclamation Project landfill, facility number 0304A, located in Bordentown Township, Burlington County, New Jersey.
- q) Upon closure of the Florence Land Recontouring landfill, facility number 0315B, (the facility identified in this section shall, according to the modifications adopted and promulgated herein, close by November 1, 1981 or upon reaching their approved capacity, whichever comes first) all solid wastes going to this facility from Edgewater Park Township shall be disposed of at the Landfill and Development Company landfill, facility number 0323A, located in Mount Holly Township, Burlington County, New Jersey. All solid wastes going to this facility from Fieldsboro Borough and Florence Township shall be disposed of at the Parklands Reclamation Project landfill, facility number 0304A, located in Bordentown Township, Burlington County, New Jersey.
- r) Burlington County shall comply with the schedule outlined below in order to construct a County landfill to assure that a site capable of handling Burlington County's solid waste is available for use by May 1, 1982. The facility should be of sufficient capacity to handle all of Burlington County's solid waste as an interim measure prior to the implementation of resource recovery.
- January 1, 1981 - site selection for regional landfill
 - July 1, 1981 - site acquisition
 - September 1, 1981 - submittal of all necessary applications and engineering plans
 - May 1, 1982 - facility to be operational

In conjunction with the development of this landfill, Burlington County shall undertake a transfer station feasibility study to determine the most efficient means of transporting solid wastes to the county landfill.

- s) When the Burlington County resource recovery facility scheduled to be on line in, or prior to, 1985 becomes operational, processable* solid wastes generated in all of Burlington County's municipalities shall be directed to the energy recovery facility. Residue and non-processable** solid wastes shall be disposed of at a landfill(s) designated in the first two-year update of the District Plan.

2) Out-of-County Wastes

- a) All solid wastes, with the exception of those noted in Section 4.c. herein, generated from within Mercer County, shall be disposed of at the Parklands Reclamation Project landfill, facility number 0304A, located in Bordentown Township, Burlington County, New Jersey. The quantities of solid waste exported from Mercer County to facility number 0304A shall be those designated in the approved Mercer County District Solid Waste Management Plan (approved with modifications on July 31, 1980).

Mercer County is presently undertaking a landfill siting study. It is anticipated that Mercer County will have its own landfill(s) on line before existing disposal capacity in Burlington County is utilized.

- b) By prior directive of the Department of Environmental Protection, dated May 28 and 29, 1980, registered collector/haulers and state and local governments which import solid wastes into New Jersey for disposal were required to enter into disposal agreements with the appropriate New Jersey Solid Waste Management District as a condition for the continued utilization of the Districts' solid waste disposal facilities. The requirements for such agreements are substantially similar to the planning requirements placed by the Department on sister Solid Waste Management Districts which import solid wastes into Burlington County for disposal. These requirements were contained in previously issued Certifications of Modification and by the adopted modifications to the Union and Middlesex County District Solid Waste Management Plan promulgated by me on March 20, 1980.

*Processable solid waste is that part of the solid waste stream which can be processed through a resource recovery facility.

**Non-processable solid waste includes that part of the waste stream which cannot be processed through a given resource recovery facility and solid wastes resulting from emergency back-up procedures.

Pursuant to the directive of the Department on May 28 and 29, 1980, all such agreements with out-of-state generators and/or collector/haulers shall be finalized by the effective date of the Plan Modifications (February 1, 1981). After this date, any out-of-state generators and/or collector/haulers who have failed to enter into an agreement with Burlington County for disposal under the directives of May 28 and 29, 1980, shall be precluded from utilizing disposal facilities within the Burlington County Solid Waste Management District at least until the Department of Environmental Protection is furnished with the following information and makes an assignment for the use of remaining and uncommitted disposal capacity, if any, within the Burlington County Solid Waste Management District:

- type(s) of solid waste to be imported,
- quantity of solid waste to be imported, and
- period of time that the solid waste is to be imported.

3) Other Modifications

- a) On March 26, 1980, the Department of Environmental Protection issued an Administrative Order - Revocation of Registration in the matter of the Burlington Environmental Management Services, Inc. ("BEMS") landfill, facility number 0333A, located in Southampton Township, Burlington County, New Jersey. This order was based, inter alia, upon violations of the Department of Environmental Protection's rules and regulations and is now before the Office of Administrative Law. There is also pending litigation between the Department of Environmental Protection and BEMS. This litigation relates, inter alia, to BEMS' authority to operate. Both the matter before the Office of Administrative Law and the matters before the courts involve violations of applicable health and environmental standards, and there are sufficient additional available suitable sites to provide solid waste facilities to treat and dispose of the actual and projected amounts of solid waste reported or found to be disposed of at this facility. Accordingly, it is the intention of the Department of Environmental Protection that BEMS, facility number 0333A, shall not be considered in the solid waste disposal plans for the region until and pursuant to resolution of the questions of BEMS' authority to operate; extent of operation permitted; and improvements to be effected.
- b) The Plan shall conform with any Rules and Regulations of the Department concerning sludge and septage.

- c) The Department recognizes the Burlington County Freeholders position not to include a procedure for the uniform distribution of resource recovery and disposal costs within the Plan. However, it is the Department's position that a scheme for uniform rate averaging is an integral component of the County Plans. Therefore, at a future date, Burlington County shall be required to comply with a statewide procedure for the uniform distribution of resource recovery and disposal costs within the District(s).
- d) Burlington County shall develop semi-annual updates on available disposal capacity within the District. A copy of the update shall be made available to the Department and those New Jersey Solid Waste Management Districts and out-of-state generators and/or collector/haulers exporting solid waste into Burlington County for disposal. The first capacity update will be due on or before July 1, 1981.

4) Other Provisions Effecting the Plan Modifications

a) Contracts

Nothing contained in these Modifications shall be construed as to interfere with, or in any way modify, the provisions of any contract for solid waste collection or solid waste disposal in force in any solid waste management district upon the effective date of this Act (July 29, 1977); provided, however, as set forth at N.J.S.A. 13:1E-29 no renewal of any such contract upon the expiration or termination of the original term thereof, and no new contract for solid waste collection or solid waste disposal, shall be entered into after the effective date of this act, unless such renewal or such new contract shall conform with the applicable provisions of the approved solid waste management plan, as set forth herein, of the relevant solid waste management district or unless such contract is approved by the Commissioner.

Any contract renewal or new contract for solid waste collection or solid waste disposal which was executed prior to the approval of the within modifications to the Burlington County District Solid Waste Management Plan 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 Modifications and of the Burlington County District Solid Waste Management Plan if such renegotiation is not completed by the effective date of these Modifications (February 1, 1981); 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.

b) Compliance

All solid waste facility operators registered with the Department of Environmental Protection and operating within Burlington County and effected by the Modifications contained herein shall operate in compliance with these Modifications and all other approved provisions of the Burlington County District Solid Waste Management Plan. Any facility operator 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 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.

c) Types of Solid Wastes Covered by the Burlington County District Solid Waste Management Plan Modifications

The Modifications contained herein shall apply to all "solid wastes" generated within the identified County municipalities, as defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-2.5.27 and with the exceptions of liquid wastes, sewage sludge, septage, hazardous wastes, oil spill clean-up waste, infectious waste and those wastes separated and recovered at the point of generation.

d) Certification to Proceed with the Implementation of Plan Modifications

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 Modifications contained herein.

e) Definitions

For the purpose of these Modifications 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 -2.5.27.

f) Effective Date of Modifications

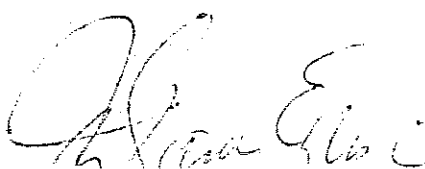
The adopted and promulgated Modifications to the Burlington County District Solid Waste Management Plan contained herein shall take effect on February 1, 1981.

- g) Nothing contained herein shall be construed as a bar to 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 shall conform with the Statewide Solid Waste Management Plan. The Statewide Solid Waste Management Plan includes the Department's Planning Guidelines and rules, regulations, and orders of the Department, and will include the compilation of individual District Plans and modifications as they are approved.*

E. Certification of Approval and Adoption and Promulgation of Modifications 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 Burlington County District Solid Waste Management Plan and its adopted modifications, subject to the modifications and replacements contained and adopted herein.

27 October 1980
Date



JERRY FITZGERALD ENGLISH
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION

*The Commissioner may adopt modifications to the approved District Plans in the Statewide Solid Waste Management Plan when it is promulgated.



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER
P. O. BOX 1390
TRENTON, N. J. 08625
609-292-2885

BURLINGTON COUNTY
DISTRICT SOLID WASTE MANAGEMENT PLAN

DIRECTIVE REQUIRING CERTAIN MODIFICATIONS

On October 27, 1980, the Department of Environmental Protection (DEP) issued a Certification of Approval with Modification to the Burlington County District Solid Waste Management Plan (Burlco Plan), which Certification stated:

On March 26, 1980, the Department of Environmental Protection issued an Administrative Order - Revocation of Registration in the matter of the Burlington Environmental Management Services, Inc. (BEMS) landfill, facility number 0333A, located in Southampton Township, Burlington County, New Jersey. This order was based, inter alia, upon violations of the Department of Environmental Protection's rules and regulations and is now before the Office of Administrative Law. There is also pending litigation between the Department of Environmental Protection and BEMS. This litigation relates, inter alia, to BEMS' authority to operate. Both the matter before the Office of Administrative Law and the matters before the courts involve violations of applicable health and environmental standards, and there are sufficient additional available suitable sites to provide solid waste facilities to treat and dispose of the actual and projected amounts of solid waste reported or found to be disposed of at this facility. Accordingly, it is the intention of the Department of Environmental Protection that BEMS, facility number 0333A, shall not be considered in the solid waste disposal plans for the region until and pursuant to resolution of the questions of BEMS' authority to operate; extent of operation permitted; and improvements to be effected.

Subsequently, on May 20, 1981, an Order of Judgment was issued by the Honorable Neil F. Deighan, Jr., J.S.C., in the matter of Burlington Environmental Management Services, Inc. v. State of New Jersey, Department of Environmental Protection and State of New Jersey, Department of Environmental Protection v. David Ehrlich, Richard H. Winn, Anthony Amadei, Dennis Dubin, Docket No. C-1759-77. Said Order of Judgment requires that BEMS take specific actions to bring Lots Three, Four and Five of this landfill into compliance with the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. (Act) and the rules and regulations thereunder, including inter alia, litter removal, the installation and maintenance of an active gas venting

and odor control system acceptable to the DEP, the proper elevation, sloping, grading and cover for all or portions of Lots Three, Four and Five, and the installation of an adequate leachate collection system and sumps for Lots Four and Five. Additionally, said Order of Judgment requires the DEP to approve, conditionally approve, disapprove or require modifications for approval of certain BEMS engineering designs for Lots Four and Five within 60 days of the entry of this Order. Although the DEP had requested closure of the BEMS landfill, Judge Deighan's Order permits this facility to accept wastes for disposal upon Lots Four and Five and, in effect, requires that wastes be directed to BEMS for such disposal.

On June 25, 1981, BEMS caused substantial damage to the homes and properties in Leisure Towne, a residential community adjacent to the landfill, when flooding from the slope of Lot Three brought solid waste, mud, debris and water into and on said homes and properties. On June 26, 1981, the DEP sought relief in Superior Court requiring immediate compliance with the Act and the terms of the Order of Judgment. This matter is presently pending before the Court.

Notwithstanding the June 25th incident, Judge Deighan's Order permits BEMS to continue to operate Lots Four and Five pending (1) BEMS' prompt compliance with all the requirements contained therein, and (2) BEMS' continued compliance with the Act and rules and regulations thereunder. It is the DEP's position that BEMS is not now in compliance with the Act and rules and that serious environmental problems continue to exist on Lots Three, Four and Five which must be resolved. However, as heretofore indicated, Judge Deighan's Order of Judgment does now allow BEMS to conduct a landfill business upon Lots Four and Five. Since no waste flow has been directed to BEMS by Burlington County or the DEP because of the aforesaid litigation, DEP, in consultation with the Burlington County Solid Waste Coordinator, has designated an interim waste flow to be directed to the BEMS landfill for disposal upon said Lots Four and Five.

If BEMS timely complies with all the requirements of the Order of Judgment, and timely complies and remains in compliance through December 31, 1981 with the Act and rules and regulations thereunder:

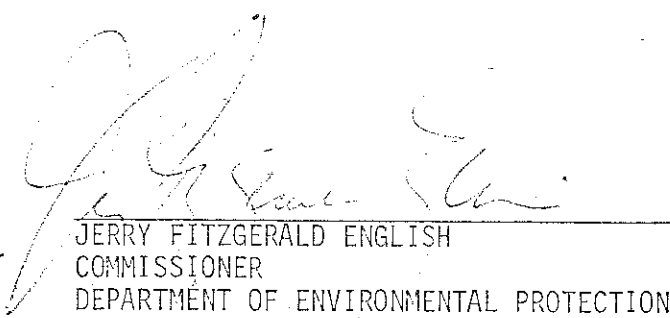
- (1) on January 1, 1982, the following interim waste flow shall be implemented: all solid wastes* generated within Bass River, Cinnaminson, Delran, Evesham, Maple Shade, Medford, Moorestown, Mount Laurel, Riverside, Shamong, Southampton, Tabernacle, Washington and Woodland Townships, and Medford Lakes, Palmyra and Riverton Boroughs, shall be disposed of at Lots Four and Five of BEMS landfill;
- (2) by January 1, 1982, Burlington County shall have amended its Plan to include Lots Four and Five of BEMS landfill and shall direct wastes pursuant to the above interim waste flow, except that Burlington County or the DEP may modify said interim waste flow as a result of the amendment process.

*As defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-2.5.27 and excluding liquid wastes, sewage sludge, septage, hazardous wastes, oil spill cleanup wastes, infectious waste and those wastes separated and recovered at the point of generation.

Subject to BEMS' compliance with the Order of Judgment, the Act and the rules and regulations thereunder, BEMS may continue to accept waste from its present customers until December 31, 1981, provided that BEMS shall, within 30 days hereof, apply to the Pinelands Commission for a Waiver of Strict Compliance to permit the disposal of Camden County wastes at BEMS until December 31, 1981. See Comprehensive Management Plan for the Pinelands National Reserve, §6-704. As of January 1, 1982,* only such wastes as are designated in the interim waste flow shall be disposed of at BEMS unless Burlington County has otherwise amended the Plan and the DEP has approved said amendment, in which case waste flows shall be directed to BEMS pursuant to the Burlco Plan, as amended.

The DEP understands that Mercer County, the City of Philadelphia, and certain out-of-state collector/haulers have been engaged in good faith negotiations with Burlington County to enter interdistrict agreements for the disposal of their wastes in Burlington County landfills, and has extended the deadline for reaching such agreements to July 15, 1981. In view of the changed situation in Burlington County resulting from Judge Deighan's Order of Judgment, and the resultant waste flow directives contained herein, such deadline will be further extended for a Mercer County agreement up to and including July 31, 1981 and for Philadelphia and out-of-state collector/hauler agreements up to and including September 15, 1981. Should any of the aforesaid fail to reach interdistrict agreements with Burlington County by those dates, the DEP will take such action as may be necessary, including the issuance of waste flow orders directing appropriate New Jersey facilities, if any, to accept such wastes.

July 16, 1981
Date


JERRY FITZGERALD ENGLISH
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION

*Bass River Township, Evesham Township, Moorestown Township and Tabernacle Township presently utilize municipal landfills which are expected to close on December 31, 1981 by Administrative Consent Order with the DEP. Medford Township and Shamong Township now dispose of their wastes at Medford Township Municipal Landfill which is expected to close on or about April 1, 1982 and, therefore, Medford Township and Shamong Township will not be expected to implement this waste flow directive until April 1, 1982. Any municipalities which are presently adjudicating closure dates for their municipal landfills or which may hereafter make timely requests for a hearing in regard to such closure, will implement this order only upon the closure date determined by such litigation.