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STATE OF NEW JERSEY
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 ROBERT E. HUGHEY, COMMISSIONER
 CN 402
 TRENTON, N.J. 08626
 609-292-2885

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

CERTIFICATION
 OF THE MARCH 6, 1985
 AMENDMENT TO THE WARREN 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 16, 1981, the Department approved, with modifications, the Warren 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 Warren County Board of Chosen Freeholders completed such a review and on March 6, 1985, adopted an amendment to its approved district solid waste management plan. The amendment includes a site for a district landfill in White Township and also contains other revisions to update the plan which are addressed in

more detail in Section C. of this certification. The amendment was received by the Department of Environmental Protection on June 14, 1985 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 Warren County District Solid Waste Management Plan, and has determined that the amendment adopted by the Warren County Board of Chosen Freeholders on March 6, 1985 is approved in part and rejected in part as provided in N.J.S.A. 13:1E-24. With regard to the district plan, while the requirements of the Act concerning the report have been met, the district's plan remains deficient in some important ways.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I, Robert E. Hughey, Commissioner of the Department of Environmental Protection have studied and reviewed the March 6, 1985 amendment to the Warren 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 the portion of this plan amendment that is approved is fully consistent with the Statewide Solid Waste Management Plan. The rejected portion of this plan amendment which pertains to septage and sludge management planning is inconsistent with the objectives, criteria and standards developed in the Statewide Solid Waste Management Plan.

In addition, the Division of Waste Management circulated the plan amendment 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. Four of these agencies submitted substantive comments on the plan amendment as follows: the Division of Fish, Game, and Wildlife expressed concern for site containment and adequate monitoring, collection, and treatment of leachate/surface runoff at the proposed landfill site; the Department of Transportation requested data on the number of additional truck trips on Routes 31 and 46 to be generated by the new facility; the Division of Environmental Quality requested data on air quality from truck traffic to the facility; and the Division of Water Resources expressed opposition to approval of the Warren County Septage and Sludge Management Plan prior to approval of the Statewide Septage and Sludge Management Plan.

The first three comments will be addressed by the applicant during the technical submission phase which will encompass both an environmental impact study and engineering design. At that time, all state level review agencies will again be contacted for their review and comment. Not until all necessary permits and approvals are obtained, as required by N.J.S.A. 13:1E-1, may construction of the landfill commence. Since I have determined that these three issues are best addressed during the technical review phase noted above, I conclude that it is appropriate to approve portions of the plan amendment at this time. Regarding the remaining

point, the certification rejects that portion of the March 6, 1985 amendment which includes the Warren County Septage and Sludge Management Plan. The State Septage and Sludge Management Plan has not yet been approved, therefore, the Department will not approve the Warren County Septage and Sludge Management Plan until after approval of the state plan.

C. Certification of Warren 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. 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 March 6, 1985 amendment to the approved Warren County District Solid Waste Management Plan and certify to the Warren County Board of Chosen Freeholders that the March 6, 1985 amendment is approved in part and rejected in part as further specified below.

The inclusion of the proposed district landfill site located in White Township on Block 32, Lots 12,13,14,15 and 22; and Block 34, Lots 17,18,18-01 and 18-02 is approved. The construction or operation of this facility shall be preceded by the obtainment of all the necessary permits and approvals under N.J.S.A. 13:1E-1 et seq. and all other applicable laws. Issuance of construction and/or operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department to be fit and competent to manage such facilities.

The March 6, 1985 amendment to the Warren County Solid Waste Management Plan includes the District's Septage and Sludge Management Plan. Since the State Septage and Sludge Management Plan has not yet been approved, the Department cannot approve the Warren County Septage and Sludge Management Plan. Therefore, that portion of the March 6, 1985 amendment which includes the Warren County Septage and Sludge Management Plan is rejected.

The Department has reviewed the entire Warren County District Solid Waste Management Plan, including this amendment, to determine whether the plan fulfills the requirements set forth in N.J.S.A. 13:1E-21. The result of that review is as follows:

1. N.J.S.A. 13:1E-21b(3) requires a site plan which shall include all existing solid waste disposal facilities located within the Solid Waste Management District . . . and sufficient additional available suitable sites to provide solid waste facilities to treat and dispose of the actual and projected amounts of solid waste contained in the report accompanying the plan.

The March 6, 1985 amendment includes a site plan showing all existing solid waste disposal facilities as well as the site for the planned landfill and resource recovery facility. Currently, with the exception of some minor landfills, Warren County has no in-county disposal facility. Waste generated within the district is disposed of at the Ocean County Landfill or out-of-state landfills. According to a consent order signed with the Department on November 13, 1984, Warren County was to designate an interim disposal system by January

15, 1985. Since no interim system has been designated, I find this section of the Warren County Solid Waste Management Plan to remain deficient, since it does not provide for contractual or interdistrict agreements to dispose of solid waste generated in the district prior to the construction of proposed facilities.

2. N.J.S.A. 13:1E-21b(4) requires a survey of proposed collection districts and transportation routes with projected transportation costs from collection districts to existing or available sites for solid waste disposal facilities.

Warren County has no in-county disposal facilities and transportation surveys with projected costs to the designated energy-from-refuse facility site and the designated landfill site have not been received by the Department. Therefore, I find that this section of the Warren County Solid Waste Management Plan is deficient.

3. N.J.S.A. 13:1E-21b(5) requires procedures for coordinating all activities related to the collection and disposal . . . within the Solid Waste Management District, which procedures shall include the agreement entered into as provided herein between the Board of Chosen Freeholders . . . and every such person, and the procedures for furnishing the solid waste facilities contained in the Solid Waste Management Plan.

Since Warren County currently has no in-county disposal capacity and no interdistrict agreements with any districts that have disposal capacity, I find that this section of the Warren County Solid Waste Management Plan is deficient.

4. N.J.S.A. 13:1E-21 b(6) requires a method or methods of financing solid waste management in the Solid Waste Management District pursuant to the Solid Waste Management Plan.

The Warren County Pollution Control Financing Authority has issued revenue bonds to finance the energy-from-refuse facility. However, the financing mechanism for the landfill has not yet been finalized. Therefore, I find that this section of the Warren County Solid Waste Management Plan is deficient.

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 Warren 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 Warren 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 Warren County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Warren 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 Warren 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 Warren County Board of Chosen Freeholders, as provided for by N.J.S.A. 13:1E-24F., to proceed with the implementation of the approved portions of the amendment contained herein in accordance with the schedule outlined in the November 13, 1984 Administrative Consent Order entered into between Warren County and the Department.

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 portions of the amendment to the Warren 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 Warren 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 Approval in Part and Rejection in Part of the Amendment and Notification of Deficiencies 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 in part, and reject in part, the amendment as outlined in Section C. of this certification, to the Warren County District Solid Waste Management Plan which was adopted by the Warren County Board of Chosen Freeholders on March 6, 1985 and further direct the Warren County Board of Chosen Freeholders to remedy those deficiencies outlined in Section C. of this certification as soon as possible in accordance with the Administrative Consent Order signed with the Department on November 13, 1984.

DATE

10/17/85



ROBERT E. HUGHEY
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION