

Let's protect our earth



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF THE COMMISSIONER  
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(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 APRIL 27, 1988  
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 April 27, 1988, adopted an amendment to its approved district solid waste management plan. The proposed amendment is a two-year update to the Warren County District Solid Waste Management Plan.

The amendment was received by the Department of Environmental Protection on May 17, 1988 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 Warren County Board of Chosen Freeholders on April 27, 1988 is approved with a modification as provided in N.J.S.A. 13:1E-24.

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, Christopher J. Daggett, Acting Commissioner of the Department of Environmental Protection have studied and reviewed the April 27, 1988 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 this plan amendment, with one modification, is consistent with the Statewide Solid Waste Management Plan.

In addition, the Division of Solid 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 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 Department of Environmental Protection's Divisions of Fish, Game and Wildlife and Coastal Resources, the State Departments of Agriculture and Community Affairs, the Board of Public Utilities, the Green Acres Program and the New Jersey Advisory Council on Solid Waste Management. The following agencies failed to respond to our requests for comments: the State Departments of Health and the Public Advocate, the New Jersey Turnpike Authority and the U.S. Environmental Protection Agency. The Department of Environmental Protection's Divisions of Water Resources, Environmental Quality, Parks and Forestry and Solid Waste Management and the State Department of Transportation submitted substantive comments which are further addressed below.

The Division of Water Resources commented that a permit may be required from the Department for management of washdown waters or leachate generated at transfer stations or recycling centers. Also, a separate certification will be developed by the Division of Water Resources addressing the sludge and septage management component of the plan. In response, by way of this certification, Warren County is notified of the possible requirement of the Division of Water Resources which is noted above and that a separate certification will be developed by the Division of Water Resources.

The Division of Parks and Forestry commented that the proposed Ingersoll-Rand Company landfill would require demolition of several old buildings on-site at the company's Phillipsburg location. In order for the Division to assess the potential for impacts on, or to identify resources potentially eligible for, inclusion in the State and National Registers of

Historic Places, large scale maps identifying the location of the proposed landfill, photographs of all buildings in the vicinity of the proposed landfill, including the buildings slated for demolition, must be submitted.

The Division of Parks and Forestry further commented that none of the collection/haul truck routes proposed present conflicts with resources listed in the State Register of Historic Places with the exception of those which are routed through the town of Hope. The Hope Historic District is listed in both the State and National Register of Historic Places. If feasible alternatives exist for some or all of the truck routes which are slated to pass through the Hope Historic District, they should be considered.

The Department responds by stating that at the time Ingersoll-Rand Company submits an environmental and health impact statement (EHIS) and engineering designs as part of a submission to receive a permit from the Division of Solid Waste Management to construct and operate the landfill, the Division of Parks and Forestry will be forwarded a copy for review and comment. Concerning the truck routes, the county is informed, by way of this certification, of the concerns of the Division of Parks and Forestry. Alternate routes should be investigated. However, it will be impossible to prohibit all trucks from the Hope Historic District due to the need to service the local community.

The Division of Environmental Quality commented that landfills, transfer stations, resource recovery facilities, composting facilities and recycling centers are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits odors and other air contaminants which interfere with the enjoyment of life or property.

The Division of Environmental Quality further commented that landfills, transfer stations, resource recovery facilities, composting facilities and recycling centers are also subject to the provisions of N.J.A.C. 7:27-8.2(a)16 which requires air pollution control permits for any equipment which vents a solid waste facility directly or indirectly into the outdoor atmosphere. Such vents require devices to limit emissions, odors and other air contaminants. In response, by way of this certification, Warren County is informed of the regulations of concern to the Division of Environmental Quality.

The Department of Transportation commented that under the provisions of an agreement between the State and Warren County dated August 7, 1986, Warren County will make, at no cost to the State, improvements along Route 31 at the proposed access road to the resource recovery facility in Oxford Township, Warren County, in order to mitigate the effects of the resource recovery project upon the existing traffic flow conditions at the aforementioned locations.

The Department of Transportation also noted that other than the proposed facility discussed above, the plan amendment does not specifically address other collection/haulage location routes. Please note that anyone desiring to do any work within the limits of a State highway right of way must

obtain a valid permit from the Department of Transportation. Applications for permits are to be made to the Department's Netcong Maintenance Office. In response, by way of this certification, Warren County is informed of the requirements of the Department of Transportation.

The Division of Solid Waste Management commented that the proposed waste flow to the county landfill, as contained in Section 3 of the plan amendment, omitted a waste flow for solid waste type 25 (animal and food processing waste) generated from within Warren County. Therefore, by way of this certification, the waste flow to the county landfill is modified to accept all solid waste type 25 generated within Warren County.

C. Certification of Warren County District Solid Waste Management Plan Amendment

I, Christopher J. Daggett, Acting 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 April 27, 1988 amendment to the approved Warren County District Solid Waste Management Plan and certify to the Warren County Board of Chosen Freeholders that the April 27, 1988 amendment is approved with a modification as further specified below.

The incorporation into the district plan of the two-year update is approved. The specific sections of the plan are listed below:

1. Section 1: Existing Solid Waste Generation

The solid waste generation data and waste generation projections (contained in Table A) are accepted and approved by the Department. However, the waste generation projections end in 1992. Since the submission of the biennial update, the Department has received generation data through the year 2010. Warren County should, in subsequent amendments, include this updated data in their plan.

2. Section 2: Existing Solid Waste Facilities

The solid waste facilities data is accepted and approved by the Department. In subsequent plan amendments, data currently listed as undetermined or not appropriate must be clarified. For example, the county should have a projected closure date for all operating solid waste facilities.

3. Section 3: Waste Flow Direction and Interdistrict Waste Flow Agreements

The proposed waste flow to the Warren County Resource Recovery Facility and the District Landfill is modified and approved. This modification is consistent with provisions of the Emergency Redirection Order signed by the Department and the Board of Public Utilities on June 1, 1988 which directs waste to the resource recovery facility. Specifically, all solid waste types 10, 13, 23, 25 and 27 from within Warren County shall be directed to the Warren

County Resource Recovery Facility, facility #2177A, located in Oxford Township, Warren County. Also, one hundred (100) tons per day on average of processible solid waste types 10 and portions of type 27 shall be delivered from the Hunterdon County Transfer Station, facility #1006B, to the Warren County Resource Recovery Facility. The portions of the above noted solid waste streams which are not processed at the resource recovery facility and residual ash shall be disposed of out-of-state. Upon completion and operation of the Warren County Landfill, all unprocessed portions of solid waste types 10, 23 and 27 and waste types 13 and 25 generated in Warren County, residual ash, and that portion of the one hundred (100) tons per day of waste from the Hunterdon County Transfer Station that is not processed at the resource recovery facility, shall be directed to the Warren County Landfill, facility #2123D, located in White Township, Warren County. Also, at times when the resource recovery facility is not operating, all solid waste directed to that facility shall be redirected to the landfill. The Department has modified the waste flow to allow the landfill to accept solid waste type 25 for disposal.

The Hunterdon County/Warren County Interdistrict Agreement, signed on July 23, 1986, is approved for inclusion into the Warren County District Solid Waste Management Plan. Under the provisions of this agreement, Warren County will accept at the resource recovery facility an average of one hundred (100) tons per day of processible solid waste type 10 and portions of type 27 from the Hunterdon County Transfer Station until December 31, 2001.

4. Section 4: Solid Waste Collection Practices; Section 5: Municipal Solid Waste Collection/Disposal Contracts; and Section 6: Collection/Haul Analysis

Sections 4, 5 and 6 are approved for inclusion into the District Plan. ~~These sections~~ described the collection practices and haulers per municipality and routes to the current disposal facilities.

5. Section 7: Warren County Recycling Plan

On August 1, 1988, the Department certified as approved with modifications the Warren County District Recycling Plan.

6. Section 8: District Solid Waste Disposal Strategy

The District solid waste disposal strategy is approved. Specifically, the district use of the resource recovery facility and landfill and the importation of solid waste from Hunterdon County, under the provisions of the Hunterdon County/Warren County Interdistrict Agreement, is approved.

The incorporation into the approved district plan of the Ingersoll-Rand Company sole source demolition landfill, to be located on tax account 70773 in Phillipsburg, is approved.

7. Section 9: Solid Waste Management Facility Siting

The Warren County Resource Recovery Facility and Landfill have been previously approved for inclusion into the district plan.

8. Section 10: Solid Waste Management Financing; and Section 11: Solid Waste Taxes, Uses and Disbursement Schedule

The Warren County Board of Chosen Freeholders adopted an amendment to their district plan for the use and disbursement of moneys from the Warren County District Resource Recovery Investment Tax Fund on March 11, 1987. This amendment was approved in part and modified in part by the Department on November 25, 1987.

9. Section 12: Proposed Solid Waste Implementation Schedule

The proposed solid waste implementation schedule is approved for inclusion into the district plan. The resource recovery facility is currently undergoing shakedown operations. The landfill is scheduled to commence operations by early 1989. Thereafter, out-of-state disposal will cease.

10. Section 13: Completed and Planned Solid Waste Studies

The inclusion of the completed solid waste studies into the district plan is approved. These studies were landfill and resource recovery facility siting studies. It should be noted that this section fails to note any planned studies.

11. Section 14: Solid Waste Management Contingency Plan

The solid waste management contingency plan is approved for inclusion into the district plan. This plan was previously adopted by Warren County on August 12, 1987 and certified by the Department on February 2, 1988.

Finally, the Warren County Septage and Sludge Management Plan submitted as an appendix to the District Plan Biennial Update is not being acted upon with this certification, but will be the subject of a subsequent certification initiated by the Department's Division of Water Resources.

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 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. 7:26-1.4 and 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 and pursuant to N.J.S.A. 13:1E-24c. and f., the county shall proceed with the implementation of the approved 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 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 with Modification of the Amendment by the Acting 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 with modification 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 April 27, 1988.

/s/ Christopher J. Daggett

October 13, 1988

DATE

CHRISTOPHER J. DAGGETT

ACTING COMMISSIONER

DEPARTMENT OF ENVIRONMENTAL PROTECTION