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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 WARREN COUNTY SOLID)
(WASTE MANAGEMENT DISTRICT)

CERTIFICATION OF APPROVAL
WITH MODIFICATION OF 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. 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 Warren County Solid Waste Management District on February 18, 1981. The Certification required the Warren County Solid Waste Management District to, among other things, develop schedules for resource recovery implementation and to identify the existing and proposed configuration of solid waste collection and disposal operations.

On September 2, 1981, the Warren 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 16, 1981. 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 Warren 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 Warren County Solid Waste Management Plan has been reviewed 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 Warren County. I am confident that with the implementation of this Plan, a comprehensive solid waste management program will be established in Warren County.

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

The Plan provides for a County designated landfill to accept solid waste from all of the County's sources. This facility will provide disposal capacity for the County's solid waste until the energy from refuse (EFR) facility becomes operational, and at that time to serve as the disposal site for the facility residue and as an emergency back-up.

The Plan also includes a comprehensive strategy for the use of terminated landfill sites.

The Plan also provides for the continuation of the County's comprehensive public involvement and participation program.

The Plan contains provisions for the development and expansion of source separation/recycling programs throughout the County.

C. Approved Warren 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 Warren County District Solid Waste Management Plan and the Modifications adopted by the Warren County Board of Chosen Freeholders on September 2, 1981.

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) Schedule for Resource Recovery (EFR Facility) Implementation

The Plan's schedule for the study and implementation of a regional resource recovery (EFR) facility is approved. The Department of Environmental Protection will monitor the progress of the District in meeting the milestones of this implementation schedule. Warren County shall make quarterly status reports to the Department of Environmental Protection concerning the District's progress in meeting these milestones. The first status report shall be submitted to the Department's Solid Waste Administration by February 1, 1982.

3) Public Participation Program

The Plan's public participation program is approved.

4) Terminated Landfills

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

5) Recycling Source Separation Program

The recycling/source separation program outlined in the Plan 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 Warren 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 Warren County District Solid Waste Management Plan and certify to the Warren County Board of Chosen Freeholders that the modifications contained herein are hereby made a final approved part of the Warren 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 Warren County municipalities of Allamuchy, Alpha, Belvidere, Blairstown, Frelinghuysen, Hackettstown, Hardwick, Hope, Independence, Knowlton, Liberty, Mansfield, Oxford, Pahaquarry, Phillipsburg, Washington Borough, Washington Township, and White shall be disposed of at High Point Sanitary Landfill, facility number 2105A, located in Franklin Township, Warren County, New Jersey.
- b) The Warren County municipalities of Franklin, Greenwich, Harmony, Lopatcong, and Pohatcong are utilizing disposal facilities in Pennsylvania. So long as these municipalities, or any collector/hauler which services these municipalities are able, pursuant to Pennsylvania law, to dispose of their solid wastes at disposal facilities in Pennsylvania, they shall be permitted to continue such disposal; provided, however, that at such time as the proposed energy from refuse facility is operational all solid waste will be directed to the energy from refuse facility. In the event that any of these municipalities are unable to continue disposal of the solid waste at Pennsylvania, the wastes shall be directed to such facility that may be designated in the County Solid Waste Management Plan.
- c) All animal and food processing (type 25) wastes generated from M & M/Mars - Division of Mars Inc., Hackettstown, New Jersey shall be disposed of at the M & M/Mars Industrial Sludge Farm, facility number 2108B, located in Hackettstown, Warren County, New Jersey.
- d) Compost facilities currently operating in Warren County, New Jersey and accepting vegetative (type 23) wastes are: Hackettstown Leaf Composting Center, facility number 2108A, located in Hackettstown; Jenny Jump State Forest Compost, facility number 2111B, located in Hope Township; Worthington State Forest, facility number 2118A, located in Pahaquarry Township; Washington Borough, facility number 2122A, located in Washington Borough.
- e) All dry non-hazardous chemical wastes (type 18) generated from the J.T. Baker Chemical Company, Phillipsburg, New Jersey shall be disposed at the J.T. Baker Landfill, facility number 2110B, Harmony Township, Warren County, New Jersey.
- f) Residents of White Township have the option to dispose vegetative (type 23) and bulky (type 13) at either High Point Sanitary Land-

fill, facility number 2105A, or Belvidere-White Township Landfill, facility number 2123A, until July 1, 1982. At such time, it is expected that the Belvidere-White Township Landfill will cease accepting any wastes and closure plans will be submitted to the Department. All wastes previously going to the Belvidere-White Township Landfill will be redirected to High Point Sanitary Landfill.

- g) Landfill capacity at the designated District-wide High Point Sanitary Landfill, facility number 2105A, will be exhausted on or about August 31, 1982. It is expected that closure plans and specifications shall be developed by the owner/operator according to approved and recognized methods and submitted to the Department for approval no later than November 18, 1981.
 - h) At present, landfill capacity in Warren County will be exhausted as of August 31, 1982. Therefore, the District will site and acquire a new landfill by February 1, 1982. However, should the Department of Environmental Protection receive an application from the owner/operator of High Point Sanitary with the proper application of expansion and should this application meet with the District's approval before January 1, 1982, then this landfill will be the designated District-wide landfill and will serve in lieu of the landfill the District has herein been ordered to site.
- 2) Out-of-County Wastes
- a) All solid wastes, with the exception of those noted in Section 4.c. herein, generated from within the Hunterdon County municipalities of Alexandria, Bethlehem, Bloomsbury, Califon, Clinton Town, Franklin, Glen Gardner, Hampton, High Bridge, Holland, Lebanon Boro, Lebanon Township, Milford, Union, and West Amwell shall be disposed of at High Point Sanitary Landfill, facility number 2105A, located in Franklin Township, Warren County, New Jersey, or the Warren County District landfill cited in D.1)h).
 - b) All solid wastes, with the exception of those noted in Section 4.c. herein, generated from within the Hunterdon County municipalities of Clinton Township, Delaware, East Amwell, Kingwood, Raritan, Readington, Tewksbury, and Flemington shall be disposed at Edgeboro Landfill, facility number 1204A, located in East Brunswick, Middlesex County (or any other landfill Middlesex County chooses) until the expiration of the interdistrict agreement which is June 30, 1982. At such time, all solid wastes generated from within the above mentioned municipalities shall be disposed of at High Point Sanitary Landfill, facility number 2105A, located in Franklin Township, Warren County, New Jersey, or the Warren County District landfill cited in D.1)h).
 - c) All solid wastes, with the exception of those noted in Section 4.c. herein, generated from within the Hunterdon County municipality of Lambertville, shall be disposed of at the Landfill and Development Company Landfill, facility number 0323A, located in Mount Holly Township, Burlington County, until the expiration of the current contract which is March 1, 1982. At such time, all solid wastes generated from within Lambertville shall be disposed of at High Point Sanitary Landfill, facility number 2105A, located in Franklin

Township, Warren County, New Jersey, or the Warren County District landfill cited in D.1)h).

- d) Currently, the Hunterdon County municipalities of Stockton and Frenchtown are utilizing disposal facilities in Pennsylvania. So long as these two municipalities or any collector/hauler which services these municipalities are able, pursuant to Pennsylvania law, to enter into contracts permitting disposal of their solid wastes at disposal facilities in Pennsylvania, they shall be permitted to continue such disposal; provided, however, that no later than December 31, 1982, all solid wastes, with the exception of those noted in Section 4.c. herein, generated from within Stockton and Frenchtown, shall be disposed of at High Point Sanitary Landfill, facility number 2105A, located in Franklin Township, Warren County, New Jersey, or any other landfill designated in the approved Warren County Solid Waste Management Plan. If Stockton and Frenchtown cannot legally contract such disposal facilities, then all solid wastes from Stockton and Frenchtown shall be directed to High Point Sanitary Landfill within 150 days from the adoption of this document.

3) Other Modifications

- a) The Warren County Board of Chosen Freeholders shall designate a Plan implementation agency on or before February 1, 1982.
- b) The Plan shall conform with any Rules and Regulations of the Department concerning sludge and septage.
- c) Whereas, Warren County can be congratulated for developing a comprehensive plan for the management of its solid waste, the State must be the lead authority in enforcement of State regulations. The Department of Environmental Protection will give all due consideration to the District Plan while discharging its responsibilities of enforcing State regulations (approval of closure designs, etc.).

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 Warren 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 Warren County District Solid Waste Management Plan if such renegotiation is not completed by the effective date of these Modifications (February 1, 1982); 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 Warren County and effected by the Modifications contained herein shall operate in compliance with these Modifications and all other approved provisions of the Warren 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 Warren 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 Warren 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 Warren County District Solid Waste Management Plan contained herein shall take effect on February 1, 1982, except Section D.1)g) and D.1)h) which will take effect immediately.

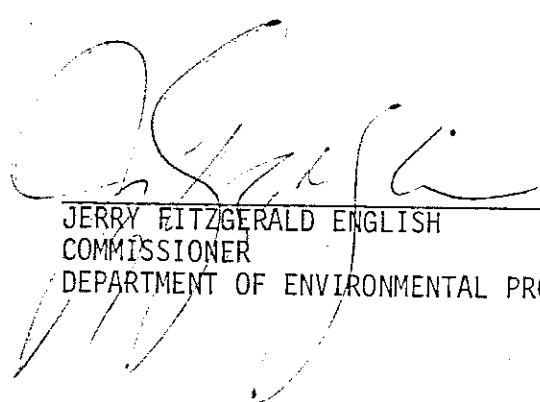
- g) Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Warren County District Solid Waste Management Plan shall conform with the Statewide Solid Waste Management Plan. The Statewide 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 Warren County District Solid Waste Management Plan and its adopted modifications, subject to the modifications and replacements contained and adopted herein.

October 16, 1981

DATE


 JERRY FITZGERALD ENGLISH
 COMMISSIONER
 DEPARTMENT OF ENVIRONMENTAL PROTECTION

*Note: In a municipal collection system where commercial and residential solid wastes are collected together, the wastes shall be considered, for the purposes of District solid waste planning, as residential solid waste.

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