



# State of New Jersey

## DEPARTMENT OF ENVIRONMENTAL PROTECTION SITE REMEDIATION AND WASTE MANAGEMENT PROGRAM

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*Commissioner*

### **CERTIFICATION OF THE SEPTEMBER 8, 2021 AMENDMENT TO THE WARREN COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN**

#### **BY ORDER OF THE DEPARTMENT:**

##### **A. Introduction**

The New Jersey Solid Waste Management Act (“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 County Commissioners and the Hackensack Meadowlands Development Commission (previously known as the New Jersey Meadowlands Commission, and now known as New Jersey Sports & Exposition Authority or NJSEA) develop comprehensive plans for waste management in their respective districts. On October 16, 1981, the Department of Environmental Protection (“Department” or “DEP”) approved the Warren County District Solid Waste Management Plan (“County Plan”).

The Act further provides that a District may review its County Plan at any time and, if found inadequate, a new County Plan must be adopted. The Warren County Board of County Commissioners completed such a review and on September 8, 2021 adopted an amendment to its approved County Plan.

The September 8, 2021 Amendment (“Amendment”) proposes to amend the County Plan to remove the Covanta Warren Energy Resource Co., LLC (“Covanta”) Resource Recovery Facility (“RRF”) located at 218 Mt. Pisgah Avenue on Block 26, Lots 88, 88.01, 89, 87.02, and 84.03 in the Township of Oxford and Nature’s Choice Corporation Class C Recycling Center located at 40 Foul Rift Road on Block 21, Lot 11 in the Township of White from the County Plan, to revise the short- and long-term disposal strategy for the disposal of solid waste generated within Warren County, and to clarify language regarding the reconfiguration and consolidation of block and lots for the Warren County District Landfill.

The Amendment was considered complete for review by the Department on September 28, 2021 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this Amendment and has determined that the Amendment adopted by the County Commissioners on September 8, 2021 is approved 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 have studied and reviewed the Amendment to the County Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that this Amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Commissioners are notified of the elements of the Amendment which are included below.

**Elements of the September 8, 2021 Amendment**

**Element: Deletion of Covanta Warren Energy Resource Co., LLC RRF**

**Facility History**

An amendment to the County Plan adopted by the Warren County Board of Chosen Freeholders on November 21, 1984 included the Warren County Resource Recovery Facility (“WCRRF”), to be located on Block 26, Lots 88, 88A, and 89 in the Township of Oxford in the County Plan. Neither acceptable waste types nor the capacity of the facility were noted in the November 21, 1984 amendment to the County Plan. This County Plan amendment was certified as approved by the Department on November 27, 1984.

An amendment to the County Plan adopted by the Warren County Board of Chosen Freeholders on April 27, 1988 proposed County Plan inclusion of, amongst other things, the acceptance and processing of solid waste types 10, 23, and 27 at the WCRRF. This County Plan amendment was certified as approved by the Department on October 13, 1988.

On January 27, 1998, the Department approved a January 8, 1998 request for administrative action to the County Plan which proposed a 100-ton per day (“tpd”) increase in the solid waste processing capacity of the WCRRF, bringing the facility’s capacity in the County Plan to 548 tpd.

On September 12, 2007, the Warren County Board of Chosen Freeholders approved an amendment to the County Plan, which proposed County Plan inclusion of, amongst other things, the reaffirmation of the inclusion of the WCRRF, located Block 26, Lots 88, 88.01, 89, 87.02, and 84.03 at 218 Mt. Pisgah Avenue in the Township of Oxford for the acceptance of up to 548 tpd of solid waste types 10, 23, and 27. The September 12, 2007 amendment to the County Plan also proposed County Plan inclusion of the facility’s operating schedule for solid waste acceptance as 7:00 am – 5:00 pm, Monday through Friday and 7:00 am – 12:00 pm, Saturday and traffic routes for solid waste vehicles accessing the facility. These components of the subject amendment to the County Plan were certified as approved by the Department on January 11, 2008.

On August 18, 2015, the Department approved a July 7, 2015 request for administrative action to the County Plan, which proposed inclusion of the name change of Covanta Warren Energy Resource Co., LP to Covanta Warren Energy Resource Co., LLC.

On January 21, 2016, the Department approved a January 15, 2016 request for administrative action to the County Plan, which proposed a pilot project to receive liquid wastes (waste type 72) from various industrial facilities that currently cause upset conditions at Publicly Owned Treatment Works ("POTW") and injecting the waste into each boiler to test the limits of the current injection system to determine if it can handle additional volume, flow rates, and material. Covanta applied to the DEP to conduct this pilot program as a Research, Development and Demonstration ("RD&D") project. The RD&D expired June 30, 2016.

On May 3, 2016, the Department approved a May 2, 2016 request for administrative action to the County Plan which proposed Covanta and the New Jersey Department of Agriculture ("NJDA") to conduct a RD&D project to conduct a test burn of non-infected poultry carcasses (waste type #25) to evaluate a proposed procedure for the incineration of poultry carcasses in the event of an outbreak of Highly Pathogenic Avian Influenza ("HPAI") at the Covanta facility. If the test burn proves that the Covanta facility could be used in the event of an emergency, Covanta and the NJDA will make an application to Warren County to include waste type #25 as a permitted waste type at the Covanta facility for incineration during an emergency in the event of an outbreak of HPAI.

On May 16, 2016, the Department approved a May 13, 2016 request for administrative action to the County Plan which proposed a six-month extension of the pilot program at Covanta from June 30, 2016 until September 30, 2016. This project involves receiving liquid wastes (waste type 72) from various industrial facilities that currently cause upset conditions at POTW and injecting the waste into each boiler to test the limits of the current injection system to determine if it can handle additional volume, flow rates and material.

On August 17, 2016, the Department approved an August 12, 2016 request for administrative action to the County Plan which proposed a six-month extension of the pilot program at Covanta from September 30, 2016 until March 31, 2017. This project involves receiving liquid wastes (waste type 72) from various industrial facilities that currently cause upset conditions at POTW and injecting the waste into each boiler to test the limits of the current injection system to determine if it can handle additional volume, flow rates and material.

Lastly, on September 20, 2016, the Department approved a September 16, 2016 request for administrative action to the County Plan which proposed inclusion of the acceptance of waste type 72 at the Covanta RRF.

Pursuant to N.J.A.C. 7:26-6.11(b)7, a county's implementing agency may delete a facility from the County Plan that has not been in operation for more than two years. Therefore, this Amendment to the County Plan proposes County Plan deletion of the Covanta RRF located at 218 Mt. Pisgah Avenue on Block 26, Lots 88, 88.01, 89, 87.02, and 84.03 in the Township of Oxford. In a letter dated February 29, 2019, Covanta informed the Department that it will be temporarily suspending operations on March 7, 2019 and provided a copy of a Mothball Closure Plan. On March 2, 2019, Covanta ceased accepting waste and formally suspended operations. A March 17, 2021 facility inspection conducted by DEP Compliance

and Enforcement confirmed the removal of all solid waste, ash, metal, and other material remaining at the facility. In addition, the turbine and two boilers were offline and not generating power. Both boilers were cleaned as per the Mothball Closure Plan.

**Element: Deletion of Nature's Choice Corporation Class C Recycling Center**

Facility History

On May 13, 1992, the Warren County Board of Chosen Freeholders approved an amendment to the County Plan, which proposed County Plan inclusion of Nature's Choice Class C Recycling Center to be located on Block 21, Lot 11 in the Township of White. The amendment to the County Plan was certified as approved by the Department on September 18, 1992.

On September 12, 2007, the Warren County Board of Chosen Freeholders approved an amendment to the County Plan, which proposed County Plan inclusion of, amongst other things, the reaffirmation of the inclusion of Nature's Choice Corporation Class C Recycling Center, located on Block 21, Lot 11 at 40 Foul Rift Road in the Township of White, which is included in the County Plan to accept no more than 70 trucks per day of leaves, grass clippings, brush, tree parts, and wood chips. The County Plan includes the facility's operating hours as 6:00 am – 8:00 pm, Monday through Saturday. These components of the subject amendment to the County Plan were certified as approved by the Department on January 11, 2008.

Lastly, on December 13, 2005, the Department approved an October 28, 2005 request for administrative action to the County Plan which proposed to modify the operating hours at the Nature's Choice Corporation Class C Recycling Center, located on Block 21, Lot 11 in the Township of White. The subject request for administrative action notes that the proposed operating hours of the Nature's Choice Corporation Class C Recycling Center are 6:00 a.m. to 8:00 p.m., January through December.

This Amendment to the County Plan proposes County Plan deletion of Nature's Choice Corporation Class C Recycling Center located at 40 Foul Rift Road on Block 21, Lot 11 in the Township of White. Nature's Choice received a formal termination confirmation letter from the DEP Division of Solid and Hazardous Waste dated March 25, 2021, with an effective Class C Recycling Center General Approval termination date of February 25, 2021.

**Element: Revised Short- and Long-Term Disposal Strategy**

The Amendment to the County Plan proposes County Plan inclusion of a short- and long-term disposal strategy for solid waste generated within Warren County. Specifically, the Amendment proposes the following:

Short-Term Disposal

From the present time until early 2022, solid waste type 10 generated within Warren County may be transported to the two nearest available in-State disposal facilities in Hunterdon and Somerset Counties. The Hunterdon County Transfer Station is owned by the County of Hunterdon and operated by Waste Management, located at 11 Petticoat Lane in the Township of Clinton. The Somerset County Transfer Station, known as Bridgewater Resources, Inc. is owned by Interstate Waste Services and is located at 15 Polhemus Lane in the Township of Bridgewater. Both are permitted to receive solid waste types 10, 13, 13C, 23, 25, and 27. Additionally, because Warren County is not a flow control county, waste generated within Warren County may also be disposal of at any permitted disposal site outside of New Jersey or at any permitted disposal site within New Jersey subject to applicable laws, regulations, and contracts.

Solid Waste types 13, 13C, 23, 25, 27, and 27I generated within Warren County may be disposed of at the Warren County District Landfill (“Landfill”) or at another permitted disposal site in-state or out-of-state.

#### Long-Term Disposal

Once the first phase construction of Cell 7 of the Landfill is complete in early 2022, all acceptable permitted waste generated within Warren County may be disposed of at the Landfill. It is estimated that the completion of Cell 7 and Cell 6 will extend the Landfill’s capacity to the year 2061. The Landfill is permitted for the disposal of solid waste types 10, 13, 13C, 23, 25, 27, and 27I. Alternatively, solid waste types 10, 13, 13C, 23, 25, 27, and 27I generated within Warren County may be disposed of at other permitted disposal sites in-state or out-of-state.

#### **Element: Warren County District Landfill – Alternate Wildlife Mitigation Agreement and Block & Lot Consolidation**

To clarify language regarding the reconfiguration and consolidation of lots for the Landfill, in a separate Alternate Wildlife Mitigation Agreement (“Agreement”), Block 34, Lot 33 and Block 42, Lot 7 (containing 22 acres) and Block 32, Lots 18 & 22 (containing 31.4 acres) were subdivided and offered for donation to the DEP to compensate for the loss of the existing wildlife management area when the Landfill is expanded. The Resolution authorizing the subdivision and donation through the Agreement was approved by the Board of Chosen Freeholders on March 28, 2018 and similarly executed by the DEP and the Pollution Control Finance Authority of Warren County. To satisfy the terms and conditions of the Agreement and to facilitate the donation, the County amended the County Plan on June 12, 2019 through an administrative action to reconfigure and consolidate the lots of the landfill into Block 32, Lot 12 (containing a total of 217.866 acres) and removing the remaining areas designated for the Landfill.

In accordance with N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-21, which establishes specific requirements regarding the contents of the district solid waste management plans, I have reviewed the Amendment to the approved County Plan and certify to the County Commissioners that the Amendment is approved as further specified below.

The amending of the County Plan to remove the Covanta Warren Energy Resource Co., LLC RRF located at 218 Mt. Pisgah Avenue on Block 26, Lots 88, 88.01, 89, 87.02, and 84.03 in the Township of Oxford and Nature's Choice Corporation Class C Recycling Center located at 40 Foul Rift Road on Block 21, Lot 11 in the Township of White from the County Plan, to revise the short- and long-term disposal strategy for the disposal of solid waste generated within Warren County, and to clarify language regarding the reconfiguration and consolidation of block and lots for the Warren County District Landfill is approved.

**D. Other Provisions Affecting the Plan Amendment**

**1. Certification to Proceed with Implementation of Amendment**

This document shall serve as the Certification by the Department to the County Commissioners and pursuant to N.J.S.A. 13:1E-24c and f., the County Commissioners shall proceed with the implementation of the approved components of the Amendment certified herein.

**2. 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 -99.12, N.J.A.C. 7:26-1.4 and -2.13, and N.J.A.C. 7:26A-1.3.

**3. Effective Date of Amendment**

The approved components of this Amendment shall take effect immediately.

**4. Reservation of Authority**

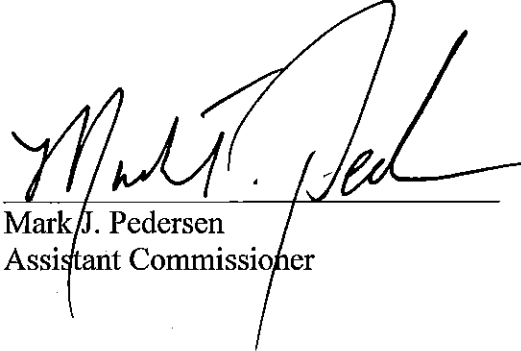
Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform to the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, and includes the compilation of individual county plans and amendments as they are approved.

**E. Certification of Approval of the Amendment by the Department of Environmental Protection**

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve 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 County Commissioners on September 8, 2021.

FEB 17 2022

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Date



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Mark J. Pedersen  
Assistant Commissioner

