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Commissioner

**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 SEPTEMBER 12, 2007  
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 (now known as the New Jersey Meadowlands Commission) develop comprehensive plans for waste management in their respective districts. On October 16, 1981, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Warren County District Solid Waste Management Plan (County 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 a 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 a ten-year period.

The Act further provides that a district may review its District Plan at any time and, if found inadequate, a new District Plan must be adopted. The Warren County Board of Chosen Freeholders (County Freeholders) completed such a review and on September 12, 2007 adopted an amendment to its approved County Plan. The September 12, 2007 amendment proposes County Plan inclusion of certain aspects of the County Plan Update in response to the updated Statewide Solid Waste Management Plan.

The amendment was considered administratively complete for review by the Department on September 28, 2007 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 Freeholders on September 12, 2007 is approved as provided in N.J.S.A. 13:1E-24.

On April 13, 2002, New Jersey Department of Environmental Protection Commissioner Bradley M. Campbell signed Administrative Order No. 2002-10, which requires, among other things, that the Department revise, update and readopt the Statewide Solid Waste Management Plan. On January 3, 2006, New Jersey Department of Environmental Protection Commissioner Lisa P. Jackson formally adopted the updated Statewide Solid Waste Management Plan

The updated Statewide Solid Waste Management Plan reaffirms the state's goal of recycling 50% of the municipal solid waste (MSW) stream. The overall strategy for achieving this ambitious goal starts with a quantification, on a statewide basis, of the increased tonnage of recycled materials needed. This is further calculated on a per county basis, with an analysis of current MSW recycling tonnages by county, and the necessary increases required by each county. The statewide increase needed is also expressed in terms of increased recycling tonnage by material, such as newspaper, corrugated, food waste, etc. Additionally, the plan targets specific classes of generators (schools, multi-family housing complexes, small and medium-sized businesses) that need to be focused on in terms of expanded recycling opportunities for the materials identified.

The state, through this Solid Waste Management Plan update, establishes the overall policy objectives and goals for solid waste management in New Jersey. The counties and the NJMC shall have the responsibility for developing their respective district solid waste management plans consistent with the state's goals and objectives. Therefore, as noted in the State Plan, each district shall, within one year of the adoption of the updated Statewide Solid Waste Management Plan or January 3, 2007, adopt and submit to the Department, an updated district solid waste plan. This district plan update shall demonstrate consistency with the State Plan. Further, the district plans shall reiterate the district plan requirements contained in N.J.S.A. 13:1E-21. Specifically, revised district plan updates shall include, but not be limited to the following components:

- 1) Designation of the department, unit or committee of the county government (or district in the case of the NJMC) to supervise the implementation of the district plan;
- 2) An inventory of the quantity of solid waste generated within the district for the ten-year period commencing with the adoption of updated district solid waste management plan;
- 3) An inventory of all solid waste and recycling facilities (lot and block and street address) including approved waste types and amounts, hours of operation and approved truck routes;
- 4) An outline of the solid waste disposal strategy to be utilized by the district for a ten-year planning period;
- 5) A procedure for the processing of applications for inclusion of solid waste and recycling facilities within the district solid waste management plans. The procedure shall state the applicant requirements for inclusion into the district plan and the specific county review process/procedures, including time frames for county approvals or rejections and subsequent

submittals to the Department. **Note-** the criteria for inclusion shall **not** include a requirement that local zoning or planning board approval(s) be obtained as a condition for inclusion within the district solid waste management plan, nor shall such a requirement be made a condition for subsequent construction or operation of any facility; and

- 6) Identify the additional tonnage of recycled materials in the MSW stream (by material commodity types) required by each county to meet the mandated MSW recycling goal, a strategy for the attainment of the recycling goals as outlined above. The strategy shall include, as necessary:
  - a) the designation of the currently mandated recyclable materials and additional materials, if any, to be source separated in the residential, commercial and institutional sectors;
  - b) a listing of those entities providing recycling collection, processing and marketing services for each of the designated recyclable materials;
  - c) the communication program to be utilized to inform generators of their source separation and recycling responsibilities;
  - d) a comprehensive enforcement program that identifies the county and/or municipal entity(ies) responsible for enforcement of the recycling mandates, specifies the minimum number of recycling inspections that will be undertaken by these entities on an annual basis and details the penalties to be imposed for non-compliance with the municipal source-separation ordinance and county solid waste management plan. Additionally, the updated district plan shall include copies of each municipal source separation ordinance.

**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 September 12, 2007 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 the amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the elements relative to the September 12, 2007 amendment which are included below.

In conjunction with the review of the amendment, the Department circulated copies to sixteen administrative review agencies and solicited their review and comment. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various bureaus, divisions, and agencies within the Department. All agencies contacted are as follows:

Division of Water Quality, DEP  
 Division of Parks and Forestry, DEP  
 Division of Fish and Wildlife, DEP  
 Solid and Hazardous Waste Management Program, DEP  
 Green Acres Program, DEP  
 Land Use Regulation Program, DEP  
 Office of Local Environmental Management, DEP  
 Office of Air Quality Management, DEP  
 Bureau of Solid Waste Compliance and Enforcement, DEP  
 Department of Community Affairs

Department of Transportation  
Department of Agriculture  
Department of Health and Senior Services  
New Jersey Turnpike Authority  
New Jersey Advisory Council on Solid Waste Management  
U.S. Environmental Protection Agency

### **Elements of the September 12, 2007 Amendment**

#### **Element: Designation of County Plan Implementation Agency**

The September 12, 2007 amendment to the County Plan includes the County of Warren, in cooperation with the Pollution Control Financing Authority (PCFA) of Warren County, as the County Plan implementation agency.

#### **Element: Inventory of the Quantity of Solid Waste Generated Within The County for the Next Ten Years**

Using the Department's waste generation data for 2004 and population projections based on statistics from the New Jersey Department of Labor, the County Plan includes the total tonnages of municipal solid waste (types 10 and 13) to be generated within the County in the years 2007 and 2017 as 182,250 and 246,726, respectively.

#### **Element: Inventory of Solid Waste and Recycling Facilities**

The below facilities are identified in the September 12, 2007 amendment to the County Plan as being included in the County Plan.

##### **Solid Waste Facilities**

- Covanta Energy Resource Recovery Facility (RRF) – This facility, located on Block 26, Lots 88, 88.01, 89, 87.02, and 84.03 at 218 Mt. Pisgah Avenue in the Township of Oxford, is included in the County Plan to accept 548 tons per day of solid waste types 10, 23, and 27. The County Plan includes the facility's hours of waste acceptance as 7:00 am – 5:00 pm, Monday through Friday and 7:00 am – 12:00 pm, Saturday. The September 12, 2007 County Plan amendment includes truck routes to this facility.
- Warren County District Landfill (WCDL) – This facility, located on Block 32, Lots 12-14, 12.01, 17, 18, and 22; Block 34, Lots 17, 18, 18.01, and 18.02; and Block 42, Lot 7 in the Township of White, is included in the County Plan to accept solid waste types 10, 13, 13C, 23, 25, 27, and 27I. The County Plan includes the facility's operating hours as 7:00 am – 4:00 pm, Monday through Friday and 7:00 am – 11:00 am, Saturday. The subject County Plan amendment includes truck routes to this facility.

The September 12, 2007 County Plan amendment proposes County Plan of an expansion of the WCDL through the construction of an additional cell (Cell #5) and a vertical expansion. It is projected that the life of the landfill will be extended through 2020 if the landfill is expanded as described above, based on solid waste disposal projections.

- Phillipsburg Associates, III, LP Landfill – This facility, located in the Town of Phillipsburg, is included in the County Plan to accept inert materials to bring the facility to grade prior to redevelopment of the site.

## **Recycling Centers**

### **Class A Recycling Centers**

- Warren County Class A Recycling Center – This facility, located on Block 17, Lot 14 at the WCDL in the Township of White, is included in the County Plan to accept glass bottles, plastic bottles, aluminum cans, steel and tin cans, newspaper, mixed office paper, magazines, glossy paper, and mixed paper. The County Plan includes the facility's operating hours as 7:00 am – 4:00 pm, Monday through Friday and 7:00 – 11:00 am, Saturday.

Other Class A, Class B, and Class C recycling centers included in the County Plan are identified in the second amendment to the County Plan adopted on September 12, 2007. That amendment will be the subject of a separate certification and is currently being reviewed by the Department.

### **Element: Solid Waste Disposal Strategy to be Utilized by the County for the Next Ten Years**

The September 12, 2007 County Plan amendment includes in the County Plan a free-market system for the management of solid waste generated within the County, in which solid waste transporters select the facility for ultimate disposal. The subject County Plan amendment also notes that Covanta Energy will offer haulers servicing generators within the County disposal contracts of 9 to 24 months, which contain an "in county rate", which may be lower than that charged for waste originating outside of the County.

Lastly, it is noted in the September 12, 2007 amendment to the County Plan that in accordance to the Service Agreement between the PCFA and Covanta Energy, all ash generated from the Covanta Energy RRF is disposed of at the WCDL.

### **Element: County Plan Inclusion Process**

The procedure for inclusion of new solid waste and/or recycling facilities or modifications of existing facilities in the County Plan is outlined in the second amendment to the County Plan adopted on September 12, 2007. That amendment will be the subject of a separate certification and is currently being reviewed by the Department.

**Element: Recycling**

The means by which the County will attain the recycling goals outlined in the Statewide Solid Waste Management Plan is described in the second amendment to the County Plan adopted on September 12, 2007. That amendment will be the subject of a separate certification and is currently being reviewed by the Department.

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

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 county solid waste management plans, I have reviewed the September 12, 2007 amendment to the approved County Plan and certify to the County Freeholders that the September 12, 2007 amendment is approved as further specified below.

The County Plan inclusion of certain aspects of the September 12, 2007 County Plan Update in response to the updated Statewide Solid Waste Management Plan is approved.

**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 this amendment to the County 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 and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the County 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, and for good cause shown, obtain an extension of time to complete such renegotiation.

**2. Compliance**

All solid waste facility operators and transporters registered with the Department and operating within the County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the County Plan. Any facility operator or transporter 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 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 County Plan**

The provisions of the County 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 including waste types 10, 13, 23, 25, and 27 and all applicable subcategories and shall not apply to liquid and hazardous wastes. All nonhazardous materials separated at the point of generation for sale or reuse are subject to regulation in accordance with N.J.A.C. 7:26A-1 et seq.

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

This document shall serve as the certification of the Commissioner of the Department to the County Freeholders and pursuant to N.J.S.A. 13:1E-24c. and f., the County Freeholders shall proceed with the implementation of the approved components of the amendment certified 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 -99.12, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

**6. Effective Date of Amendment**

The approved components of the amendment to the County Plan contained herein shall take effect immediately.

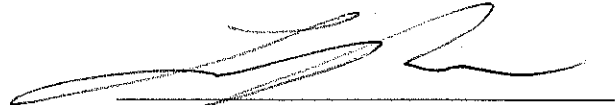
**7. Reservation of Authority**

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

**E. Certification of Approval of the Amendment 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 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 September 12, 2007.

1/11/08  
Date



Lisa P. Jackson, Commissioner  
Department of Environmental Protection