



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
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(IN THE MATTER OF CERTAIN AMENDMENTS)  
(TO THE ADOPTED AND APPROVED SOLID)  
(WASTE MANAGEMENT PLAN OF THE)  
(CAMDEN COUNTY SOLID WASTE)  
(MANAGEMENT DISTRICT)

CERTIFICATION  
OF THE MARCH 22, 1990  
AMENDMENT TO THE CAMDEN 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 July 17, 1980, the Department approved, with modifications, the Camden 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 Camden County Board of Chosen Freeholders completed such a review and on March 22, 1990 adopted an amendment to its approved district solid waste management plan. The March 22, 1990 amendment redirects solid waste generated within the Borough of Barrington from out-of-state disposal to the Pennsauken Solid Waste Management Authority Landfill on an interim basis until completion of the South Camden resource recovery facility.

The March 22, 1990 amendment was received by the Department of Environmental Protection on April 4, 1990 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 Camden County District Solid Waste Management Plan, and has determined that the amendment adopted by the Camden County Board of Chosen Freeholders on March 22, 1990 is approved 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 Camden County District Solid Waste Management Plan Amendment**

Pursuant to N.J.S.A. 13:1E-24a(1), I, Judith A. Yaskin, Commissioner of the Department of Environmental Protection have studied and reviewed the March 22, 1990 amendment to the Camden 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 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. 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 N.J.D.E.P. Divisions of Fish, Game and Wildlife and Parks and Forestry, and the State Departments of Agriculture and Transportation. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Division of Coastal Resources and the Green Acres Program; the State Departments of Health, the Public Advocate and Community Affairs; the Pinelands Commission; the New Jersey Advisory Council on Solid Waste Management; the New Jersey Turnpike Authority and the U.S. Environmental Protection Agency. The N.J.D.E.P. Divisions of Environmental Quality, Water Resources and Solid Waste Management as well as the Board of Public Utilities submitted substantive comments which are further addressed below.

The Division of Environmental Quality commented that landfills 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. Further, new and closed landfills should be equipped with positive ventilation systems, which direct landfill gases to air pollution control devices, and require air pollution control permits pursuant to N.J.A.C. 7:27-8.2(a)1 and 16. These regulations also require permits for all stationary equipment used to ventilate a solid waste facility directly or indirectly to the ambient atmosphere. In response, the Pennsauken Landfill is an existing permitted landfill that has two active ventilation systems to comply with Division of Environmental Quality requirements. Furthermore, the landfill has obtained all necessary Departmental permits required for operation.

The Division of Water Resources commented that the NJPDES permit (NJ0054470) for stormwater runoff for the Pennsauken Landfill expired on January 31, 1990, and the renewal application is currently under review by the Bureau of Industrial Discharge Permits. This proposed increase in solid waste volume to the permitted facility will be considered when developing the permit requirements in the permit renewal. In response, by copy of this certification, the county is notified of this action.

The Board of Public Utilities commented that the amendment contains no information which would enable the Board to determine the economic affect on the Borough of Barrington of the redirection of waste from disposal out-of-state to the Pennsauken Landfill. The municipality is under contract with the O'Connor Corporation for waste removal. The question of how this redirection would affect the contract price and if there would be a reduction of disposal and transportation costs are not addressed. In response, by copy of this certification, the county is notified of the Board's concerns and is directed to correspond with the Board directly to provide answers to these outstanding issues.

The Division of Solid Waste Management commented that the amendment states that solid waste types 10, 13, 23, and 27, which is collected and disposed of under municipal contract, is the only waste proposed for redirection from the Borough of Barrington. Therefore, waste type 25 shall continue to be disposed of out-of-state, and waste not collected under a municipal contract shall also continue to be disposed of out-of-state. Also, the waste flow change for the Borough of Barrington must be preceded by formal rulemaking by the Department and the Board of Public Utilities in accordance with N.J.A.C. 7:26-6.6.

Finally, the Division noted that pursuant to N.J.S.A. 13:1E-99.21, no leaves shall be disposed of at the landfill. Leaves must be source separated and recycled in one of the following manners: composted at vegetative waste composting facilities or leaf composting facilities, mulched into the soil at land deemed actively devoted to agricultural or horticultural use, or recycled by the generator. Also, while bulky waste materials, including tree stumps, tires, asphalt, concrete and white goods, are not designated recyclable materials for Camden County, commercial haulers should be referred to the Camden County Recycling

Coordinator for information on N.J.D.E.P. approved bulky waste recyclers in the area. Furthermore, an amendment to the Camden County District Recycling Plan was approved with modifications by former Commissioner Daggett on March 23, 1988. Upon certification of the plan by the Commissioner, Camden County was required to submit to the Department by May 6, 1988 a subsequent plan amendment to its district recycling plan which would address plan deficiencies. To date, the Department has not received the required modification to the district recycling plan. Camden County's failure to submit the required modification to its plan is significant for it indicates that the county does not yet have a final state approved district recycling plan. Thus, the county is in violation of state law. In response, by copy of this certification, the county is notified of these comments of the Division of Solid Waste Management.

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

I, Judith A. Yaskin, 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 22, 1990 amendment to the approved Camden County District Solid Waste Management Plan and certify to the Camden County Board of Chosen Freeholders that the March 22, 1990 amendment is approved as further specified below.

The redirection of solid waste types 10, 13, 23 and 27, which is collected and disposed of under municipal contract, generated within the Borough of Barrington from out-of-state disposal to the Pennsauken Solid Waste Management Authority Landfill is approved. This redirection shall be on an interim basis until the South Camden Resource Recovery Facility becomes operational for the acceptance of waste from its franchised municipalities. Since the Pennsauken Landfill is permitted to accept only waste types 10, 13, 23, and 27, waste type 25 generated within the Borough of Barrington, as well as all waste not collected under municipal contract, will continue to be directed to out-of-state disposal facilities. Since this redirection constitutes the need for a rule change, final disposition of this rule modification will be determined pursuant to formal rulemaking by the Department and the Board of Public Utilities in accordance with N.J.A.C. 7:26-6.6.

In addition to our review of the proposed amendment, the Department has again reviewed the entire Camden County District Solid Waste Management Plan to determine whether it addresses the deficiency at N.J.S.A. 13:1E-21b(3) which refers to identification of sufficient available suitable sites for solid waste disposal within the state. In the Department's certification of numerous Camden County plan amendments, the Department has reiterated its policy that primary reliance on out-of-state disposal is allowable only until December 31, 1992. Thereafter, such out-of-state disposal reliance can only be approved as a component of the county's contingency plan. Therefore, the Camden County freeholders are once again directed to identify an in-county landfill site or enter into an interdistrict agreement with another county to ensure in-state disposal capacity.

Finally, the county is hereby notified of its continuing failure to address deficiencies in the Camden County District Recycling Plan. On March 23, 1988, the Department approved with modifications an amendment to the district recycling plan and directed the county to address the remaining deficiencies in a subsequent amendment. The county's failure to comply with this directive constitutes a continuing deficiency with respect to N.J.S.A. 13:1E-99.11 et seq. The county is hereby directed to correct this deficiency.

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 Camden 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 Camden 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 Camden County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Camden 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 Plan

The provisions of the Camden 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 Camden 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 Camden County District Solid Waste Management Plan contained herein shall take effect immediately.

7. Reservation of Authority

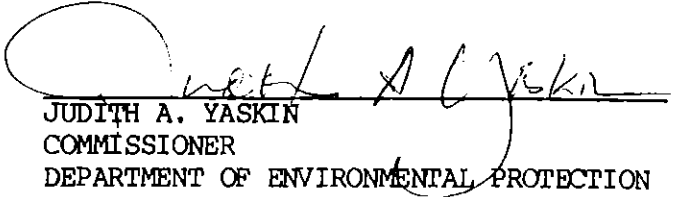
Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Camden County District Solid Waste Management Plan, including any amendment made thereto, shall conform with the Statewide Solid 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 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 the amendment as outlined in Section C. of this certification to the Camden County District Solid Waste Management Plan which was adopted by the Camden County Board of Chosen Freeholders on March 22, 1990. I also hereby direct Camden County to expeditiously correct the deficiencies noted in Section C. of this certification.

DATE

8/13/96  
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JUDITH A. YASKIN  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION