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**State of New Jersey**  
**Department of Environmental Protection and Energy**  
Office of the Commissioner  
CN 402  
Trenton, NJ 08625-0402

Jeanne M. Fox  
Acting Commissioner

**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 25, 1993  
AMENDMENT TO THE CAMDEN COUNTY  
DISTRICT SOLID WASTE MANAGEMENT PLAN**

**BY ORDER OF THE ACTING 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 September 26, 1980, the Department of Environmental Protection approved, with modifications, the Camden 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, 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 County Plan at any time and, if found inadequate, a new County Plan must be adopted. Amendments to the Act found in N.J.S.A. 13:1E-136 et seq. require that, among other things, counties amend their county plans to include an outline of the proposed uses of moneys in the county Resource Recovery Investment Tax (RRIT) Fund, as well as establish a schedule for the disbursement of moneys in that Fund. The Camden County Board of Chosen Freeholders (County Freeholders) completed such a review and on March 25, 1993, adopted an amendment to its approved County Plan. As adopted, the amendment proposed to:

1) Modify the disbursement schedule for the RRIT Fund such that all moneys are retained by the County instead of the Pollution Control Financing Authority of Camden County (PCFACC) for uses approved in the County's April 2, 1992 amendment. These uses include funding various recycling programs, a household hazardous waste and used battery collection program, and tip fee reduction at the South Camden Incinerator and the Pennsauken Landfill.

2) Modify the County waste flow by redirecting residential waste types 10, 13, 23, and 27 generated from within the Borough of Chesilhurst and the Townships of Winslow and Waterford from the Winslow Township Transfer Station to the South Camden Incinerator.

The amendment was received by the Department of Environmental Protection and Energy (Department or DEPE) on April 27, 1993 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 March 25, 1993 is approved as provided in N.J.S.A. 13:1E-24.

**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 have studied and reviewed the March 25, 1993 amendment to the County Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and N.J.S.A. 13:1E-150 and I find and conclude that this plan amendment is consistent with the Statewide Solid Waste Management Plan and N.J.S.A. 13:1E-150. In this regard, the County Freeholders are also notified of the issue of concern relative to the March 25, 1993 amendment which is included in Section B.2 below.

In conjunction with the review of the amendment, the Department circulated copies to seventeen 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. These agencies are the following:

Office of Energy, DEPE

Land Use Regulation Element, DEPE

Groundwater Quality Management Element, DEPE

Wastewater Facilities Regulation Element, DEPE  
Division of Parks and Forestry, DEPE  
Division of Fish, Game and Wildlife, DEPE  
Division of Solid Waste Management, DEPE  
Green Acres Program, DEPE  
Pinelands Commission  
New Jersey Turnpike Authority  
New Jersey Advisory Council on Solid Waste Management  
Department of Agriculture  
Department of Health  
Department of Transportation  
Department of Community Affairs  
Department of the Public Advocate  
U.S. Environmental Protection Agency

1. Agency Participation in the Review of the March 25, 1993 Amendment

The following agencies did not object to the proposed plan amendment:

Office of Energy, DEPE  
Land Use Regulation Element, DEPE  
Division of Parks and Forestry, DEPE  
Division of Fish, Game and Wildlife, DEPE  
Green Acres Program, DEPE  
Pinelands Commission  
New Jersey Turnpike Authority  
Department of Agriculture  
Department of Health

The following agencies did not respond to the Department's requests for comments:

Groundwater Quality Management Element, DEPE  
New Jersey Advisory Council on Solid Waste Management  
Department of Transportation  
Department of Community Affairs  
Department of the Public Advocate  
U.S. Environmental Protection Agency

The following agency submitted substantive comments which are further addressed below:

Division of Solid Waste Management, DEPE  
Wastewater Facilities Regulation Element, DEPE

2. Comments Received for the March 25, 1993 Amendment

**Issue: Regulatory Requirements**

On November 9, 1992 the Department issued an Emergency Redirection Order of Solid Waste Flow as a result of the unanticipated closure of the Winslow Township Transfer Station. The order redirected residential waste types 10, 13, 23, and 27 generated from within the Camden County municipalities of Chesilhurst Township, Waterford Township, and Winslow

Township to the South Camden Incinerator effective November 9, 1992. Additionally, the County was directed to amend their County Plan to include this waste flow within 60 days of the issuance of the order. The required amendment was not received until April 27, 1993. Pursuant to the order, the Department will initiate formal rulemaking procedures, pursuant to N.J.A.C. 7:26-6.6, to embody the waste flow formally within N.J.A.C. 7:26-5(d).

Additionally, the December 5, 1991 amendment to the Camden County Plan, which was certified by the Commissioner on May 19, 1992, approved truck routes to the South Camden Incinerator from all municipalities which included interstate routes such as I-676, I-76 and I-295. The certification stated that all solid waste transporters utilizing interstate routes must comply with the weight limit standards established by Federal and State government for such highways. Since the Borough of Chesilhurst and the Townships of Winslow and Waterford now haul their waste directly to the South Camden Incinerator, these municipalities are hereby reminded of the need for compliance with the weight limit standards for such highways.

Finally, if any of the facilities identified within this amendment will discharge pollutants as defined in N.J.A.C. 7:14A-1.9, said facility must secure a New Jersey Pollutant Discharge Elimination System Permit and/or a Treatment Works Approval for pollutant discharges prior to operation.

C. Certification of the Camden 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 district solid waste management plans, and N.J.S.A. 13:1E-150 which establishes uses and disbursement schedule requirements for a county's RRIT Fund, I have reviewed the March 25, 1993 amendment to the approved County Plan and certify to the County Freeholders that the March 25, 1993 amendment is approved as further specified below.

a. **Waste Flow Redirection**

The County Plan inclusion of the waste flow redirection of solid waste from the Winslow Township Transfer Station to the South Camden Incinerator is approved. This waste flow change is in accordance with the November 9, 1992 Emergency Redirection Order of Solid Waste Flow issued by the DEPE as a result of the unanticipated closure of the Winslow Township Transfer Station. The order redirected residential waste types 10, 13, 23 and 27 generated from within the Camden County municipalities of Chesilhurst Township, Waterford Township, and Winslow Township to the South Camden Incinerator effective November 9, 1992.

b. **RRIT Fund Disbursement Schedule Modification**

The County Plan inclusion of a modification to the RRIT Fund disbursement schedule such that all moneys are retained by the County instead of the PCFACC is approved. Previously, in the Department's June 24, 1992

certification of the April 2, 1992 amendment to the County Plan, the DEPE approved the use of and disbursement schedule for Fiscal Years 1990 through 1995 of the County's RRIT Fund. Specifically, that amendment directed that the disbursement of all monies received by the County from the RRIT Fund shall subsequently be transferred to the PCFACC for the uses of funding various recycling programs, a household hazardous waste and used battery collection program, and tip fee reduction at the South Camden Incinerator and the Pennsauken Landfill. The transfer of RRIT Fund moneys to the PCFACC was in accordance with an interlocal services agreement which expired on December 31, 1992. Therefore, it was necessary for the County to adopt the March 25, 1993 amendment to modify the disbursement schedule for the RRIT Fund such that all moneys are retained by Camden County for those uses identified in the County Plan amendment of April 2, 1992.

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 District Solid Waste Management 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 and shall not apply to liquid wastes, sewage sludge, septage, and hazardous wastes. All nonhazardous

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 set forth at N.J.A.C. 7:26-6, but are subject to regulation in accordance with N.J.A.C. 7:26A-1 et seq.

4. Certification to Proceed with the Implementation of the Plan Amendment

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

6. Effective Date of the Amendment

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

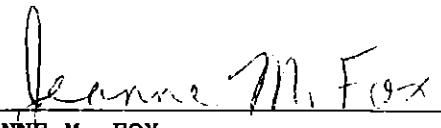
7. Reservation of Authority

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. The Department has published a Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, 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 by the Acting Commissioner of the Department of Environmental Protection and Energy

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 25, 1993.

Sept. 10, 1993  
DATE

  
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JEANNE M. FOX  
ACTING COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
AND ENERGY