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STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
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*Recycling Hospital  
incinerators*

(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 JULY 9, 1987  
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 July 9, 1987, adopted an amendment to its approved district solid waste management plan.

The amendment includes hospital waste incineration units for the Cherry Hill and Stratford Divisions of Kennedy Memorial Hospitals-University Medical Center into the district plan.

The amendment was received by the Department of Environmental Protection on July 31, 1987, 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 July 9, 1987 is approved, with modification, 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, Richard T. Dewling, Commissioner of the Department of Environmental Protection have studied and reviewed the July 9, 1987, 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. However, parts of the amendment are inconsistent with the state recycling plan and have been modified in Section C. of the certification.

In addition, the Division of Solid Waste Management circulated the plan amendment to sixteen review agencies and solicited their review and recommendations. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various agencies, bureaus, and divisions within the Department of Environmental Protection as well as the Board of Public Utilities. Also among these agencies were the Department of Community Affairs, the Department of the Public Advocate, the Department of Health, the Office of Recycling, the Department of Agriculture, the Pinelands Commission, 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 Environmental Quality, Water Resources, Fish, Game and Wildlife, Parks and Forestry, and Coastal Resources; the State Departments of Agriculture, Health, Community Affairs, and Transportation; the Board of Public Utilities, the Green Acres Program, and the New Jersey Advisory Council on Solid Waste Management. The following agencies failed to respond to our requests for comments: the State Department of the Public Advocate, the Pinelands Commission, the New Jersey Turnpike Authority, and the U.S. Environmental Protection Agency. The Office of Recycling and the Bureau of Resource Recovery within the Division of Solid Waste Management submitted substantive comments which are further addressed below.

The Office of Recycling found the supporting documentation on page 3 of the plan amendment to be inconsistent with the state recycling plan. In Section 2 on page 3, it was stated that "once incineration equipment is installed, Kennedy Memorial Hospitals-University Medical Center will investigate the financial feasibility of separating residual

non-combustibles for recycling purposes (i.e. glass, aluminum, ferrous metals)." The Office of Recycling states that this is not consistent with requirements of P.L. 1987, c.102, and that the applicant will be required to conform with the source separation requirements of the approved district recycling plan. This concern has also been stated by the Bureau of Resource Recovery within the Division of Solid Waste Management. In response, the Department has modified the amendment to reflect that compliance with the requirements of P.L. 1987, c. 102 and the district recycling plan is necessary.

The Bureau of Resource Recovery stated that, under the exemption allowed in N.J.A.C. 7:26-2.4(c), the facility through-put capacity cannot exceed 800 lbs/hr (9.6 tons/day). In response, since the projects are designed to handle 552 lbs/hr (2.2 tons/day), the facilities appear to meet this requirement. However, if this through-put capacity is, for any reason, revised upward, the applicant is hereby advised to contact the Bureau of Resource Recovery for possible additional submission requirements. Similarly, the Bureau has stated that it is unclear whether the incinerator installation will occur within an existing structure. If this is not the case, an expanded Environmental and Health Impact Statement must be submitted delineating the environmental nature of the site and vicinity. The approval in Section C. is worded to reflect these requirements.

Further, the Bureau of Resource Recovery notes that the plan amendment has stated that the units are to handle solid waste types 10 and 28. Waste type 28 is no longer listed as a solid waste type. Therefore, the amendment is modified in Section C. to specify that the units will burn only waste type 10 and pathological and infectious wastes as defined by the State Department of Health in accordance with the Hospital Manual of Standards.

Finally, the Bureau of Resource Recovery has stated that it is unclear what facility will be maintained for the acceptance of residual and non-processible waste, nor how non-processible waste has been defined. In response, the approval of this plan amendment is conditioned to require the submission of a definition of non-processible waste and the assurance that the ultimate disposal areas for both the ash and the non-processible waste will be in accordance with the Camden County waste flow rules.

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

I, Richard T. Dewling, 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 July 9, 1987 amendment to the approved Camden County District Solid Waste Management Plan and certify to the Camden County Board of Chosen Freeholders that the July 9, 1987 amendment is approved, with modification, as further specified below.

The inclusion of the Kennedy Memorial Hospitals - University Medical Center Divisional Incineration Facilities at the Cherry Hill and Stratford Divisions, as described in Camden County Plan Amendment 36-6-86, is approved subject to the following modifications/conditions:

1. Kennedy Memorial Hospitals - University Medical Center will conform with the source separation requirements of Camden County's district recycling plan, which is currently under review, and P.L. 1987, c.102.
2. If through-put capacity is projected to be in excess of 800 lbs/hr or 9.6 tons/day at any time, Kennedy Memorial Hospitals - University Medical Center will contact the Bureau of Resource Recovery within the Solid Waste Management Division of the Department of Environmental Protection for possible additional solid waste facility permit submission requirements.
3. If the subject incinerator units are to be installed in new structures, Kennedy Memorial Hospitals - University Medical Center will submit an expanded Environmental and Health Impact Statement delineating the environmental nature of the construction site and its vicinity.
4. The incinerator units will burn only waste type 10 and pathological and infectious wastes as defined by the State Department of Health in accordance with the Hospital Manual of Standards.
5. Kennedy Memorial Hospitals - University Medical Center will provide the Department, within 30 days of this certification, a definition of non-processible waste, and will provide assurance that the disposal sites to be utilized for the disposal of the incinerator residue and the non-processible waste stream will be in accordance with the Camden County waste flow rules.

Finally, the Department has also reviewed the entire Camden County District Solid Waste Management Plan and once again finds it deficient with respect to N.J.S.A. 13:1E-21(b)(3). This statute requires the district to identify in-county landfill facilities necessary to provide for disposal capacity, to reach an interdistrict agreement to provide for disposal capacity, or to certify its failure to do so through the plan amendment process. Therefore, the county is hereby ordered to submit in writing its plan of action for correcting this deficiency. In the absence of progress in locating an in-county site, entering into an interdistrict agreement, or certifying failure, the county's use of long-term out-of-state disposal capacity is approvable beyond May 31, 1989 solely as a component of contingency planning.

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 Plans

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 with Modification 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, with modification, 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 July 9, 1987.

I also hereby notify the Camden County Board of Chosen Freeholders that the Camden County District Solid Waste Management Plan remains deficient with regard to the identification of interim and long term in-county landfill capacity, and urge the board to expeditiously resolve this remaining deficiency.

December 28, 1987

DATE

  
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RICHARD T. DEWLING  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION