



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 JULY 27, 1989
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 September 26, 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 27, 1989, adopted an amendment to its approved district solid waste management plan. The amendment proposes to allow the continuation of out-of-state disposal of solid waste generated by twenty-three (23) Camden County municipalities until such time as alternative in-county or in-state disposal facilities are available.

The amendment was received by the Department of Environmental Protection on August 15, 1989, 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 27, 1989 is approved with modifications, 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 two 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, Helen C. Fenske, Acting Commissioner of the Department of Environmental Protection have studied and reviewed the July 27, 1989 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, as modified, with the Statewide Solid Waste Management Plan.

In addition, the Division of Solid Waste Management circulated the plan amendment to fifteen 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 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 Environmental Quality, Fish, Game and Wildlife, and Parks and Forestry; the State Departments of Agriculture, Community Affairs, and Transportation; the Board of Public Utilities, the Green Acres Program, and the Pinelands Commission. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Divisions of Water Resources and Coastal Resources; the State Departments of Health and the Public Advocate; the New Jersey Turnpike Authority, the New Jersey Advisory Council on Solid Waste Management and the U.S. Environmental Protection Agency. The Division of Solid Waste Management submitted substantive comments which are further addressed below.

The Division of Solid Waste Management commented that on March 23, 1988, an amendment to the Camden County District Recycling Plan was approved with modifications by the Commissioner. Upon certification of the plan, Camden County was required to submit a subsequent amendment which would address the district recycling plan deficiencies by May 6, 1988. To date, the Department has not received the required amendment. Thus, this constitutes a continuing deficiency in Camden County's District Recycling Plan. In response, by copy of this certification, Camden County is notified of this comment, and is directed in Section C. below to correct this deficiency within 45 days of the date of this certification.

The Division also noted that with the continuation of out-of-state disposal, both Resource Recovery Investment Tax revenues and Solid Waste Services Tax revenues will be lost to Camden County. In response, by copy of this certification, Camden County is notified of this comment.

Furthermore, the Division commented that the Department has established a goal of statewide self-sufficiency in solid waste disposal by December 31, 1992. Camden County has adopted a solid waste management strategy which calls for the development of the South Camden and Pennsauken Resource Recovery Facilities. However, in recent months the county has wavered in its commitment to construct these facilities and has continued to fail to site an in-county landfill. On September 5, 1989, Camden County issued a request for proposals for continued out-of-state disposal. The Division has informed the county, as it has done on numerous occasions in the past, that out-of-state disposal is only an interim solution to a district's solid waste disposal needs. In response, the Department concurs with these comments and has modified the amendment in Section C. below to approve the primary reliance on out-of-state disposal only until the resource recovery facility is operational or December 31, 1992, whichever occurs first, and to direct that primary in-state landfill capacity will be designated by the county in 1990 and be available by December 31, 1992. Thereafter, out-of-state landfill disposal, which includes residual ash, bypass and nonprocessibles, is only approvable as a component to the district's solid waste contingency plan. By copy of this certification, Camden County is informed of this comment.

Finally, the Division of Solid Waste Management commented that the amendment adopted on July 27, 1989 only addresses the continued out-of-state disposal of waste types 10, 13, 25, and 27. The county omitted inclusion of waste type 23. In response, since waste types 10, 13, 23, 25 and 27 are subject to waste flow control, the certification is modified to include type 23. By copy of this certification, Camden County is informed of this comment of the Division of Solid Waste Management.

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

I, Helen C. Fenske, Acting 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 27, 1989 amendment to the approved Camden County District Solid Waste Management Plan and certify to the Camden County Board of Chosen Freeholders that the July 27, 1989 amendment is approved with modification as further specified below.

The primary disposal of solid waste types 10, 13, 23, 25 and 27 generated within the municipalities of Audubon Park, Barrington, Bellmawr, Brooklawn, Camden City, Clementon, Collingswood, Gibbsboro, Gloucester City, Gloucester Township, Haddon Heights, Hi-Nella, Laurel Springs, Lawnside, Magnolia, Mt. Ephraim, Oaklyn, Pine Hill, Pine Valley, Runnemede, Somerdale, Stratford and Woodlynne at out-of-state solid waste facilities shall continue only until the South Camden Resource Recovery Facility, facility number 0408C, is operational or until December 31, 1992, whichever occurs first. The county shall designate primary in-state landfill disposal capacity, which includes disposal of ash, bypass and nonprocessibles by December 31, 1990 which shall be available by December 31, 1992. Thereafter, out-of-state disposal of ash, bypass and nonprocessibles shall only be permitted as a component of the district's solid waste contingency plan.

Pursuant to N.J.S.A. 13:1E-24e, within 45 days of the issuance of this certification, Camden County shall hold a public hearing on an amendment which includes a schedule for designating in-state landfill capacity by December 31, 1990, that will be available by December 31, 1992; and for including omitted waste type 23 among these waste types subject to waste flow control. The county shall expeditiously submit the adoption of the amendment to the Commissioner for review and certification pursuant to N.J.S.A. 13:1E-24f.

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. Since the intent of the July 27, 1989 amendment is to allow primary reliance on out-of-state disposal, the Camden County Plan remains deficient with respect to the requirements of N.J.S.A. 13:1E-21b(3). Therefore, I once again direct Camden County to identify sites in 1990 that will provide in-state disposal capacity after December 31, 1992 and to reaffirm its commitment to expeditiously complete the South Camden and Pennsauken Resource Recovery Facilities.

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 deficiencies in a subsequent amendment by May 6, 1988. To date, the Department has not received the required amendment thereby constituting a continuing deficiency with respect to N.J.S.A. 13:1E-99.11 et seq. The county is directed to correct this deficiency within 45 days of the date of this certification.

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 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 as modified 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 as modified to the Camden County District Solid Waste Management Plan contained herein shall take effect immediately.

7. Reservation of Authority

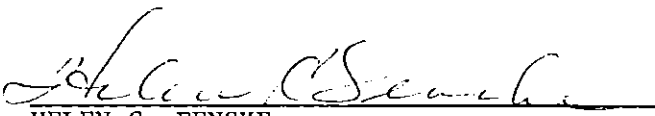
Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Camden County District Solid Waste Management Plan, including any amendment made thereto, shall conform with the Statewide Solid 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 27, 1989. I also hereby direct Camden County to expeditiously proceed with the directives specified in Section C. of this certification and to correct the remaining deficiencies in the district plan as described in Section C. above.

1/12/90
DATE


HELEN C. FENSKE

ACTING COMMISSIONER

DEPARTMENT OF ENVIRONMENTAL PROTECTION