



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

OFFICE OF THE COMMISSIONER
CN 402
TRENTON, N.J. 08625
609-292-2885

(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 OCTOBER 24, 1985
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 October 24, 1985, adopted an amendment to its approved district solid waste management plan. The amendment

proposes the inclusion of a financial plan which allows for the disbursement of funds collected under the Resource Recovery Investment Tax and Solid Waste Services Tax, in accordance with Chapter 38 of the Laws of 1985 (A-1778). In addition, this amendment proposes additional modifications to the previously approved recycling plan for the county, the establishment of a policy with respect to the development of vegetative waste or compost facilities and procedures required for the development of on-site burial facilities.

The amendment was received by the Department of Environmental Protection on October 28, 1985 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 October 24, 1985 is approved in part and rejected in part 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 October 24, 1985 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 the portion of this plan amendment that is approved is fully consistent with the Statewide Solid Waste Management Plan.

In addition, the Division of 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 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, Coastal Resources and Parks and Forestry; the State Departments of Agriculture, Health and Transportation; the Board of Public Utilities, the Green Acres Program, the Office of Recycling, the New Jersey Turnpike Authority and the New Jersey Advisory Council on Solid Waste Management. The following agencies failed to respond to our requests for comments: the State Departments of Community Affairs and the Public Advocate and the U.S. Environmental Protection Agency.

The Division of Waste Management has reviewed the proposed amendment and has concern with respect to the development of accurate data concerning the generation of solid waste in Camden County and the application of such data to the Resource Recovery Investment Tax.

As identified in the amendment, the county proposes to use funds from the Resource Recovery Investment Tax to develop two projects. These are the Camden City Resource Recovery Facility and the Pennsauken Township Resource Recovery Facility. However, there appears to be a discrepancy involving the design capacity of the Camden City Resource Recovery project and the amount of solid waste currently generated in Camden County. At this time, the proposed project being developed by Pennsauken Township has a design capacity of 500 tons per day (TPD) which will adequately serve this project's designated service area. The proposed project slated for Camden City has a design capacity of 1000 TPD with a provision to accept 1400 TPD. Currently, the service area which would use the proposed facility generates only 800 TPD. Camden County has not stated how they will resolve the tonnage shortfall nor have they identified where this additional tonnage will be generated. If Camden County plans to secure additional solid waste to alleviate the expected shortfall at the above referenced facility, then prior to waste acceptance, a plan amendment identifying this solid waste source will be required. Further, if the solid waste is generated from another district located outside of Camden County, an interdistrict agreement must be developed and submitted as part of the plan amendment.

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 October 24, 1985 amendment to the approved Camden County District Solid Waste Management Plan and certify to the Camden County Board of Chosen Freeholders that the October 24, 1985 amendment is approved in part and rejected in part as further specified below.

1. Camden County has proposed the following strategy concerning the disbursement of funds collected through the Resource Recovery Investment Tax (Chapter 38, P.L. 1985). This strategy involves dispersing funds for the implementation of two resource recovery projects proposed within Camden County. These two projects are known as the Camden City Resource Recovery Facility located in the City of Camden and the Pennsauken Township Resource Recovery Facility located in the Township of Pennsauken. A further definition of this strategy is provided below.

As stated, all aid derived from the Resource Recovery Investment Tax collected by the Kinsley and Winslow Township landfills will be used for costs associated with the implementation of the Camden City Resource Recovery Facility. Additionally, all aid derived from the Resource Recovery Investment Tax which is collected by the Pennsauken Sanitary Landfill will be utilized for costs associated with the implementation of the Pennsauken Township Resource Recovery Facility.

The Department approves in concept the financial plan noted above concerning the utilization of funds collected through the Resource Recovery Investment Tax (Chapter 38, P.L. 1985). However, Section 15.C. of Chapter 38, P.L. 1985 requires that a schedule for disbursements of these monies be developed. Since Camden County has not developed the required schedule,

the Department cannot approve the County's plan for disbursement of district investment tax funds.

Also, Camden County has submitted the following proposal concerning the utilization of aid collected through the Solid Waste Services Tax (Chapter 38, P.L. 1985):

"....all aid derived from the Solid Waste Service Tax collected by the Kinsley, Pennsauken and Winslow landfills will be used to subsidize equipment, equipment replacement and other operating expenses associated with the Camden Recycling Facility."

As stated in the plan amendment, the Camden Recycling Facility will be operated by a private joint venture known as GRR joint venture involving Giordano Waste Materials, Inc. and Resource Recovery Systems, Inc. At this time, there are various unresolved legal issues concerning the use of Solid Waste Services Tax funds to subsidize a for-profit operation such as the intermediate processing facility planned by the GRR Joint Venture.

Therefore, due to the legal issues involving the development of a for-profit facility using Solid Waste Services Tax funding, the Department must reject the proposal submitted by Camden County. Also, consistent with the provisions of Chapter 38, P.L. 1985 (A-1778) each district must make application for funding from the Solid Waste Services Tax for each year in which the funds are collected.

2. The modification to the previously approved municipal recycling plan which is identified in amendment 34-10-85 is approved. This modification requires that each municipality in Camden County add glass and metal food and beverages containers to the list of materials covered by the mandatory recycling collection program.
3. The inclusion within the plan of the Camden County vegetative waste policy with respect to the establishment and development of such facilities within the county stated below is approved.

"It is the policy of the Camden County Solid Waste Management District that upon receipt of any new application for a compost facility within this district, said facility is consistent with the approved District Solid Waste Management Plan provided it meets existing environmental design and operation standards of the Department of Environmental Protection. A compost facility is defined as any facility utilized for the natural conversion of organic materials to humus by microorganism activity."

The term organic materials as used above shall not be construed to mean material other than leaves, shrubbery and tree parts. In no case shall it be considered to mean municipal garbage.

4. The inclusion within the plan of a policy concerning the development of on-site burial facilities within Camden County, which is identified below is approved:

"With respect to any new application for a temporary facility for the disposal of on-site generated solid waste it is the policy of the Camden County Solid Waste Management District that such applications are subject to district review and approval procedures as provided in Amendment 18-8-83 "Review Procedure for the Inclusion of New Solid Waste Disposal Facilities in the Camden County Solid Waste Management Plan" certified by the Commissioner of NJ DEP on 7-30-84."

The procedures as noted in amendment 18-8-83 require that an applicant who wishes to develop a new solid waste facility (including on-site burial facilities) in Camden County, must submit an application to the Camden County Office of Solid Waste Management which includes specific site related information, ownership and operating arrangements and demonstrate that the proposed facility conforms with the solid waste management plan of Camden County. If these criteria are satisfied then the applicant must adhere to the review procedures established in amendment 18-8-83, which require a review by the Office of Solid Waste Management, the Solid Waste Advisory Council of the county and, after approval by these agencies, the proposal will be submitted to the Camden County Board of Chosen Freeholders for inclusion into the county plan. After completion of these steps, the applicant can submit their proposal to the Department for consideration.

In addition to the October 24, 1985 amendment addressed above, the Department has reviewed the entire Camden County District Solid Waste Management Plan to determine whether the plan fulfills the requirements set forth in N.J.S.A. 13:1E-21. This review demonstrated the need to clarify the Department's position regarding the use of the Winslow Township site and the long-term use, by Camden County, of out-of-district disposal capacity. As stated in the November 25, 1985 certification of the Camden plan, the Department conditionally approved the inclusion of the Winslow site for use as a backup facility as a matter of contingency planning. The approval stipulated that Camden County must obtain approval from the New Jersey Pinelands Commission of all the required Waivers of Strict Compliance from the Comprehensive Management Plan which are needed for the increased utilization of this facility and that plan amendment approval did not relieve Camden County of its responsibility to pursue the development of disposal sites located within Camden County to handle its solid waste. Also, if Camden County is to utilize out-of-district disposal sites as a long term solid waste strategy, the county must adhere to the requirements contained in N.J.S.A. 13:1E-21(b)(3) including, but not limited to, the certification of the absence of sufficient existing or available suitable sites within the Camden County District.

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, 10, 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 sections of the 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 approved portions of 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 in Part and Rejection in Part 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 in part and reject in part 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 October 24, 1985.

March 26, 1986

DATE



RICHARD T. DEWLING
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION