



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROBERT E. HUGHEY, COMMISSIONER  
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(IN THE MATTER OF CERTAIN AMENDMENTS)  
(TO THE ADOPTED AND APPROVED SOLID )  
(WASTE MANAGEMENT PLAN OF THE )  
(CUMBERLAND COUNTY SOLID WASTE )  
(MANAGEMENT DISTRICT )

CERTIFICATION  
OF THE JULY 14, 1983 AMENDMENTS  
TO THE CUMBERLAND 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 March 4, 1981, the Department approved, with modifications, the Cumberland 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 Cumberland County Board of Chosen Freeholders completed such a review and on July 14, 1983, adopted Amendments to its approved District Solid Waste Management Plan. The Amendments were received by the Department of Environmental Protection on August 4, 1983 and copies were distributed to various state level agencies for review and comment, as required by law.

The Department has reviewed these Amendments, as well as the entire Cumberland County District Solid Waste Management Plan, and has determined that the Amendments adopted by the Cumberland County Board of Chosen Freeholders on

July 14, 1983 are approved in part and rejected in part (as explained below) in accordance with 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 several important ways. As a result, portions of the July 14, 1983 Amendments to the approved Cumberland County District Solid Waste Management Plan are rejected.

B. Certification of Cumberland County District Solid Waste Management Plan Amendments

I, Robert E. Hughey, 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 14, 1983 Amendments to the approved Cumberland County District Solid Waste Management Plan and certify to the Cumberland County Board of Chosen Freeholders that, except as provided below, the July 14, 1983 Amendments are judged not to be in compliance with the requirements of N.J.S.A. 13:1E-21 and are hereby rejected.

The Department has reviewed the entire Cumberland County District Solid Waste Management Plan, including these Amendments, to determine whether the Plan fulfills the requirements set forth in N.J.S.A. 13:1E-21. The result of that review is as follows.

Report

1. N.J.S.A. 13:1E-21a.(1) requires an inventory of the sources, composition, and quantity of solid waste generated within Cumberland County.

Cumberland County has complied with this requirement and this section of the Cumberland County District Solid Waste Management Plan remains approved.

2. N.J.S.A. 13:1E-21a.(2) requires projections on the amounts and composition of solid waste for a ten year period.

Cumberland County has complied with these requirements and this section of the Cumberland County District Solid Waste Management Plan remains approved.

3. N.J.S.A. 13:1E-21a.(3) requires an inventory and appraisal of all solid waste disposal facilities . . . and the identity of every person engaged in solid waste collection or disposal within the District.

Cumberland County has complied with these requirements and this section of the Cumberland County District Solid Waste Management Plan remains approved.

4. N.J.S.A. 13:1E-21a.(4) requires an analysis of existing solid waste collection systems and transportation routes within the Solid Waste Management District.

Cumberland County has complied with this requirement and this section of the Cumberland County District Solid Waste Management Plan remains approved.

Plan

1. N.J.S.A. 13:1E-21b.(1) requires the designation of a department, unit, or committee of County government . . . to supervise the implementation of the County's Solid Waste Management Plan.

Cumberland County has complied with the requirements of N.J.S.A. 13:1E-21b.(1) and the Cumberland County Improvement Authority, under the direction of the Cumberland County Board of Chosen Freeholders, is the approved solid waste implementation agency in Cumberland County to carry out implementation of the approved Cumberland County District Solid Waste Management Plan. In response to the County Environmental Health Act (N.J.S.A.26:2A3-21), the Cumberland County Health Department cooperates with the Cumberland County Improvement Authority in planning and implementation of the County's solid waste disposal operations.

2. N.J.S.A. 13:1E-21b.(2) requires a statement of the solid waste disposal strategy to be applied . . . which strategy shall include the maximum practicable use of resource recovery procedures and a plan for using terminated landfill disposal sites . . . in the Solid Waste Management District.

Cumberland County has developed a solid waste disposal strategy which calls for the implementation of a single county-wide landfill and increased utilization of low technology resource recovery. While this section of the July 14, 1983 Amendments is approved, the Department recommends that Cumberland County evaluate the feasibility of utilizing high technology resource recovery.

The Department notes that Cumberland County's goal of recycling 10% of its municipal solid waste is inconsistent with the Statewide goal of recycling 25% by 1986.

The Department of Environmental Protection will monitor the progress of the District in meeting the milestones of its approved solid waste implementation plan. The Cumberland District shall continue to submit quarterly status reports to the Department of Environmental Protection concerning the District's progress in meeting these milestones. The next status report shall be submitted to the Department's Division of Waste Management by March 1, 1984.

3. N.J.S.A. 13:1E-21b.(3) requires a site plan which shall include all existing solid waste disposal facilities located within the Solid Waste Management District . . . and sufficient additional available suitable sites to provide solid waste facilities to treat and dispose of the actual and projected amounts of solid waste contained in the report accompanying the Plan.
  - a) Cumberland County has complied, in part, with the requirements of N.J.S.A. 13:1E-21b.(3) and the following solid waste facilities are an approved part of the Cumberland County District Solid Waste

Management Plan and are required to operate in conformance with the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6 et seq.).

These facilities include Bridgeton City Landfill (0601A), Bridgeton; Commercial Township Landfill (0602A), Commercial Township; Deerfield Township Landfill (0603A), Deerfield Township; Downe Township Landfill (0604B), Downe Township; Fairfield Township Landfill (0605A), Fairfield Township; Hopewell Township Landfill (0607A), Hopewell Township; Lawrence Township Landfill (0608C), Lawrence Township; Maurice River Township Landfill (0609B), Maurice River Township; Upper Deerfield Township Landfill (0613A), Upper Deerfield Township; and Vineland City Landfill (0614B), Vineland.

- b) The Alex Hayes Compost (0614A) facility (Vineland) is an approved part of the Cumberland County District Solid Waste Management Plan.
- c) The Cumberland County Board of Chosen Freeholders, in the July 14, 1983 Amendments, designated two additional facilities for inclusion in the County Plan. The following facilities are hereby made an approved part of the Cumberland County District Solid Waste Management Plan.
  - i) The inclusion within the Plan of the City of Millville compost facility, to be located on Block 631, Lot 53A in the municipality of Millville is approved. The construction or operation of any facilities at this site shall be preceded by the obtaining of all necessary permits and approvals under N.J.S.A. 13:1E-1 seq. and all other applicable laws.
  - ii) The inclusion within the Plan of the John Mellor, Jr. compost facility, to be located on Block 422, Lot 11A in the municipality of Millville is approved. The construction or operation of any facilities at this site shall be preceded by the obtaining of all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq. and all other applicable laws.
- d) The Cumberland County Board of Chosen Freeholders, in the July 14, 1983 Amendments, proposed seven amendments to the approved Cumberland County District Solid Waste Management Plan concerning available and additional suitable landfill sites. The Department has reviewed each proposed amendment and its findings are noted.
  - i) That one County-wide landfill will be established rather than two.

This amendment is approved and made an approved part of the Cumberland County District Solid Waste Management Plan under N.J.S.A. 13:1E-21b.(2).
  - ii) The designation of the site of the county landfill which is to be located at the following Blocks and Lots:

City of Millville  
City of Vineland

Block 605, Lots 4 and 6  
Block 959, Lot 1

The Department has reviewed this proposed location (Site #18) for the county landfill and determines that this site is in conflict with established land use and does not represent an available suitable site for a county landfill. This property is part of a recent land acquisition by the State for preservation and is subject to an explicit deed restriction prohibiting its use for solid waste facilities. Therefore, this site location for the proposed county landfill must be rejected and is not made an approved part of the Cumberland County District Solid Waste Management.

- iii) That the date for the county-wide landfill to be operational will be extended to January 1, 1985.

The Department believes that January 1, 1985 is a realistic date for a county landfill given the county's current determined effort to select an alternate site. However, this part of the county plan must be considered deficient since the county has not identified sufficient available capacity remaining to meet its disposal needs until 1985.

- iv) That all municipal landfills in Cumberland County which have approved remaining capacity will be permitted to remain operational until December 31, 1984, or until the particular landfill's capacity is exhausted, or until the county-wide landfill becomes operational, whichever first occurs.

This amendment is approved subject to the condition that no existing landfill may continue to operate where it has failed to meet all applicable health and environmental standards.

- v) That waste generated in municipalities which have exhausted their landfill capacity be disposed of at those municipal landfills which continue to be operational.

This amendment is approved but, as adopted, it is incomplete regarding the procedures for amending the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6 et seq.). A plan amendment which proposes to redirect waste flows must explicitly state the alternative disposal sites for each waste type for each affected municipality. In addition, any waste flow redirection which would direct waste to a non-utility municipal landfill must be provided for in an intermunicipal agreement between the affected municipalities. Therefore, Cumberland County must amend its plan to include this specific information and copies of executed intermunicipal agreements in order to perfect its proposal to allow existing landfills to receive new waste flows.

- vi) That a review of the implementation progress for Site 18 will be undertaken in October 1983. If the aforementioned review indicates that unanticipated delays have thwarted the implementation effort, waste flows redirected from other municipalities to the City of Vineland may have to be redirected outside of the County.

The Department approves this amendment and notes that the designation of Site 18 has been rejected elsewhere in this plan certification. Thus the need for evaluation of out-of-county alternatives is even more important. Moreover, the amendment, as adopted, is incomplete regarding the procedures for amending the previously cited State waste flow rules. If Cumberland County wishes to utilize a landfill facility located in another district, then the County must negotiate an interdistrict waste flow agreement with the County in which the facility is located before the identified facility can be utilized.

- vii) That the proposed schedule for the implementation of the landfill at Site 18 will be followed.

This amendment is approved for the same reasons as amendment iii) above. As previously noted, this section of the plan remains deficient because the County has not identified sufficient available capacity to handle the County's waste until 1985. The need to designate a replacement for Site 18 will further compress the timing of necessary activities to realize an operational site by January 1, 1985. Nevertheless, this date can be achieved.

- 4. N.J.S.A. 13:1E-21b.(4) requires a survey of proposed collection districts and transportation routes with projected transportation costs from collection districts to existing or available suitable sites for solid waste disposal facilities.

Cumberland County has complied with the requirements of N.J.S.A. 13:1E-21b.(4) and this section of the Cumberland County District Solid Waste Management Plan remains approved.

- 5. N.J.S.A. 13:1E-21b.(5) requires procedures for coordinating all activities related to the collection and disposal . . . within the Solid Waste Management District, which procedures shall include the agreements entered into as provided herein between the Board of Chosen Freeholders . . . and every such person, and the procedures for furnishing the solid waste facilities contained in the Solid Waste Management Plan.

The Solid Waste Management Act requires all districts which import or export waste to reach formal interdistrict agreement. No such agreement exists between the Cumberland District and the Gloucester District to provide for the current waste flow from Newfield Borough, Gloucester County to the Vineland landfill in the City of Vineland, Cumberland County. Therefore, the Cumberland County District Solid Waste Management Plan is deficient with respect to the requirements of N.J.S.A. 13:1E-21b.(5).

6. N.J.S.A. 13:1E-21b(6) requires a method or methods of financing solid waste management in the Solid Waste Management District pursuant to the Solid Waste Management Plan.

Cumberland County has evaluated various financing alternatives for the proposed County landfill facility but has indicated that a selection of the appropriate financing method will be made at the time of final design. Therefore, this portion of the Plan will be certified when final financing arrangements are selected.

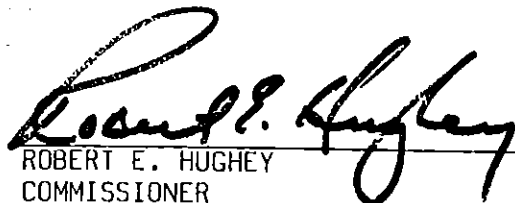
C. Certification of Amendments and Notification of Deficiencies by the Commissioner of the Department of Environmental Protection

In accordance with the provisions of N.J.S.A. 13:1E-24, I hereby approve in part, and reject in part, the July 14, 1983 Amendments to the Cumberland County District Solid Waste Management Plan.

In accordance with N.J.S.A. 13:1E-24, the Cumberland County Board of Chosen Freeholders are directed to conduct a public hearing within forty-five (45) days of the date of this Certification. The hearing shall be conducted pursuant to the procedures contained in N.J.S.A. 13:1E-23. The purpose of the hearing shall be to inform the public of the deficiencies identified in the Plan, to identify the County's plans for addressing these deficiencies, and to solicit public comment on these matters. Further, Cumberland County is directed to amend its Plan to address the deficiencies identified above. These amendments shall be adopted by the County and submitted to the Department of Environmental Protection within ninety (90) calendar days from the date of this Certification.

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 Cumberland County District Solid Waste Management Plan, including any Amendments made thereto, shall conform with the 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.

12/22/83  
DATE

  
ROBERT E. HUGHEY  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION