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STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
RICHARD T. DEWLING, Ph.D., P.E., COMMISSIONER
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(IN THE MATTER OF CERTAIN AMENDMENTS)
(TO THE ADOPTED AND APPROVED SOLID)
(WASTE MANAGEMENT PLAN OF THE)
(MERCER COUNTY SOLID WASTE)
(MANAGEMENT DISTRICT)

CERTIFICATION
OF THE DECEMBER 23, 1986
AMENDMENT TO THE MERCER 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 Board of Chosen Freeholders and the Hackensack Meadowlands Development Commission develop comprehensive plans for waste management in their respective districts. On July 31, 1980, the Department approved, with modifications, the Mercer 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 Mercer County Board of Chosen Freeholders completed such a review and on December 23, 1986, adopted an amendment to its approved district solid waste management plan. The amendment proposes for inclusion within the district plan nine (9) operating or planned compost facilities.

The amendment was received by the Department of Environmental Protection on February 11, 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 Mercer County District Solid Waste Management Plan, and has determined that the amendment adopted by the Mercer County Board of Chosen Freeholders on December 23, 1986, is approved 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 Mercer 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 December 23, 1986, amendment to the Mercer 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.

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 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 Water Resources, Fish, Game and Wildlife, Parks and Forestry, and Coastal Resources; the State Departments of Agriculture, Community Affairs, and Transportation; the Board of Public Utilities, 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 Department of the Public Advocate; and the U.S. Environmental Protection Agency. The Office of Recycling, Green Acres Program, Division of Environmental Quality and Department of Health submitted substantive comments which are further addressed below.

The Office of Recycling commented that Mercer County should make the Royer Shedder/Mixer Model 365 (funded by the Office of Recycling) available to the operators of the compost facilities to assure a marketable end product. Also, the Office of Recycling recommended that a user fee fund be established by the county to provide for future equipment maintenance contingencies as is indicated in Mercer County's 1986 Recycling Program Planning Grant Application. In response, by copy of this certification, Mercer County is informed of the Office of Recycling's recommendations.

The Division of Environmental Quality commented that the provisions of N.J.A.C. 7:27-5, Prohibition of Air Pollution, are applicable to compost facilities. In response, operators of compost facilities are required to abide by N.J.A.C. 7:27-5.

The Department of Health commented that compost facilities should be fenced, accept only authorized waste types, and be sited to minimize traffic and noise impacts. In response, the Department only issues permits for compost facilities that are suitably sited away from sensitive receptors or which are designed to mitigate and minimize impacts on the surrounding community. Also, the Department periodically inspects compost facilities to assure that only authorized wastes are being accepted and that conditions of the operating permit are being followed.

The Green Acres Program commented regarding the Hopewell Township and Princeton Township compost facilities, both of which have applications pending before the Department. With regard to the Hopewell Township compost facility, Green Acres indicated that the site has been designated as open space on the township's Recreation and Open Space Inventory. Since Hopewell Township has received Green Acres funding to acquire lands within the township, the use of the site in question is regulated by Green Acres even though it is municipally owned. Therefore, the site must receive Green Acres approval before a compost facility permit is issued by the Department. Concerning the Princeton Township site, the proposed compost facility is adjacent to a Green Acres funded park, Herrontown Woods. Green Acres recommends that an adequate minimum buffer be established between the compost facility and the park. In response to the above concerns, by copy of this certification, the county is informed of the Green Acres comments and directed to address them through application addendum from the respective applicants to the Engineering Element of the Division of Solid Waste Management, if this has not already been done.

The Division of Solid Waste Management has issued permits to seven (7) of the nine (9) compost facilities proposed for inclusion within the Mercer County District Solid Waste Management Plan. Departmental permit review is presently underway for the remaining two compost facilities - Hopewell Township and Princeton Township. Mercer County has adopted this plan amendment as a positive measure toward compliance with provisions of the New Jersey Solid Waste Management Act which specifies that all solid waste facilities must be included within the relevant district solid waste management plan.

C. Certification of Mercer 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 December 23, 1986 amendment to the approved Mercer County District Solid Waste Management Plan and certify to the Mercer County Board of Chosen Freeholders that the December 23, 1986 amendment is approved as further specified below:

The inclusion within the district plan of the following compost facilities is approved:

Ewing compost facility, located on Block 13, Lots 16 and 17, in the Township of Ewing, facility number 1102E.

Hamilton compost facility, located on Block 499, Lot 15, in the Township of Hamilton, facility number 1103H.

Hightstown compost facility, located on Block 7, Lot 41, in the Borough of Hightstown, facility number 1104B.

Hopewell compost facility, located on Block 92, Lots 5 and 49, in the Township of Hopewell, no facility number.

Lawrence compost facility, located on Block 16, Lots 39, 40, 42 and 43, in the Township of Lawrence, facility number 1107C.

Princeton compost facility, located on Block 32.04, Lots 38, 128 and 168, in the Township of Princeton, no facility number.

Princeton University compost facility, located on Block 3, Lot 2, in the Township of West Windsor, facility number 1110C.

Trenton Crane compost facility, located on Block 39, Lots 1 and 4, in the City of Trenton, facility number 1111D.

West Windsor compost facility, located on Block 6, Lots 17 and 32, in the Township of West Windsor, facility number 1113A.

The Department has reviewed the entire Mercer County District Solid Waste Management Plan, including this amendment, 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.

The certification of the October 14, 1986 Amendment to the Mercer County District Solid Waste Management Plan, which was issued by Commissioner Dewling on April 6, 1987, noted that the Mercer plan remained deficient with respect to the requirements of:

1. N.J.S.A. 13:1E-21b(3) which 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.
2. N.J.S.A. 13:1E-21b(4) which 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.
3. N.J.S.A. 13:1E-21b(5) which 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.

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

Until a plan amendment designating an in-county site for a landfill or incorporating an interdistrict agreement providing for long-term landfilling disposal privileges at an in-state facility are approved by the Department, the Mercer County District Solid Waste Management Plan remains deficient with respect to the requirements of N.J.S.A. 13:1E-21b (3), (4), (5) and (6).

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 Mercer 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 Mercer 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 Mercer County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Mercer 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 Mercer 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 Mercer 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 N.J.A.C. 7:26-2.13.

6. Effective Date of Amendment

The amendment to the Mercer County District Solid Waste Management Plan contained herein shall take effect immediately.

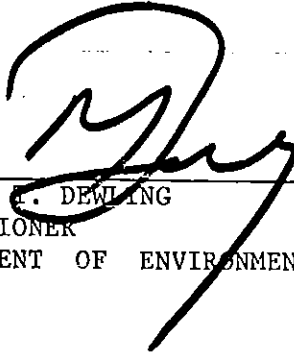
7. Reservation of Authority

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 Mercer 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 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 the amendment as outlined in Section C. of this certification, to the Mercer County District Solid Waste Management Plan which was adopted by the Mercer County Board of Chosen Freeholders on December 23, 1986. I

hereby further direct the Mercer County Board of Chosen Freeholders to rectify those deficiencies specified in Section C. of this certification as soon as possible.



RICHARD E. DEWLING
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION

July 9, 1987

DATE