



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL  
PROTECTION AND ENERGY

CHRISTINE TODD WHITMAN  
Governor

ROBERT C. SHINN, JR.  
Commissioner

IN THE MATTER OF CERTAIN AMENDMENTS  
TO THE ADOPTED AND APPROVED SOLID  
WASTE MANAGEMENT PLAN OF THE  
MONMOUTH COUNTY SOLID WASTE  
MANAGEMENT DISTRICT

CERTIFICATION  
OF THE JULY 21, 1994  
AMENDMENT TO THE MONMOUTH 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 August 31, 1980, the Department of Environmental Protection (Department or DEP) approved with modifications the Monmouth County District Solid Waste Management Plan (County 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 a 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 a 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 County Plan at any time and, if found inadequate, a new County Plan must be adopted. The Monmouth County Board of Chosen Freeholders (County Freeholders) completed such a review and on July 21, 1994 adopted an amendment to its approved County Plan. The amendment proposed to delete from the County Plan the Waste Disposal, Inc. (WDI) Landfill located in Howell Township.

The amendment was received by the Department of Environmental Protection on July 22, 1994 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this amendment and has determined that the amendment adopted by the County Freeholders on July 21, 1994 is approved as provided in N.J.S.A. 13:1E-24.

**B. Findings and Conclusions with Respect to the Monmouth County District Solid Waste Management Plan Amendment**

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the July 21, 1994 amendment to the County 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 this regard, the County Freeholders and the applicant are notified of the issues of concern relative to the July 21, 1994 amendment which are included in Section B.2 below.

In conjunction with the review of the amendment, the Department circulated copies to fourteen administrative review agencies, and solicited their review and comment. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various bureaus, divisions, and agencies within the Department. These agencies include the following:

Office of Air Quality Management, DEP  
Division of Parks and Forestry, DEP  
Division of Fish, Game and Wildlife, DEP  
Division of Solid Waste Management, DEP  
Green Acres Program, DEP  
Land Use Regulation Element, DEP  
Wastewater Facilities Regulation Element, DEP  
New Jersey Turnpike Authority  
New Jersey Advisory Council on Solid Waste Management  
Department of Agriculture  
Department of Health  
Department of Transportation  
Department of Community Affairs  
U.S. Environmental Protection Agency

**1. Agency Participation in the Review of the July 21, 1994 Amendment**

The following agencies did not object to the proposed amendment:

Green Acres Program, DEP  
New Jersey Turnpike Authority  
New Jersey Advisory Council on Solid Waste Management  
Department of Agriculture  
Department of Transportation

The following agencies did not respond to our requests for comment:

Office of Air Quality Management, DEP  
Division of Parks and Forestry, DEP  
Division of Fish, Game and Wildlife, DEP  
Land Use Regulation Element, DEP  
Wastewater Facilities Regulation Element, DEP  
Department of Health  
Department of Community Affairs  
U.S. Environmental Protection Agency

The following agency provided substantive comments as shown in Section B. of the certification document:

Division of Solid Waste Management

**2. Issues of Concern Regarding the July 21, 1994 Amendment**

**Issue: Historical Background**

The WDI Landfill began operating in 1946 and although the facility was initially grandfathered within the County Plan pursuant to the Solid Waste Management Act, the facility was formally included within the County Plan on August 31, 1981. SCA Services, the former owner of the WDI Landfill, suspended operations at the facility on November 22, 1983 with about 926,000 cubic yards of remaining unfilled capacity.

On March 25, 1987, Waste Management, Inc. (WMI), the current landfill owner, initiated attempts to reopen the facility and submitted a permit renewal application in June 1989. However, in response to significant opposition from local officials and residents in Howell Township, the County Freeholders adopted an amendment on March 8, 1990 which proposed deletion of the facility from the County Plan. The Department's August 24, 1990 certification of the March 8, 1990 amendment remanded for reconsideration and potential modification the deletion of the WDI Landfill from the County Plan pending final adoption of the State's requirements concerning source reduction, recycling, and regionalization. The DEP noted that policy and regulatory changes such as the planning horizons for County Plans and requirements

pertaining to the use of volume reduction equipment at landfills, and county-by-county assessments could arise based upon adoption of these State requirements. Therefore, the Department concluded at that time that it would be premature and imprudent for the DEP to specifically act upon the proposed deletion of the WDI Landfill from the County Plan.

On October 8, 1992, the County adopted a second amendment seeking to delete the WDI Landfill from the County Plan. This amendment was accompanied by substantial documentation concerning economic, environmental, and land use concerns relative to the WDI Landfill. However, in a March 11, 1993 certification the Department did not address these concerns but, instead, focused on the threshold question of whether the County had adequate in-county long-term disposal capacity such that it could delete potential existing capacity. In concluding that the County did not have such sufficient available capacity, the DEP's March 11, 1993 certification rejected the October 8, 1992 amendment and directed the County to submit a new amendment to address the issue of long-term disposal capacity as well as the State requirements for source reduction, recycling, and regionalization. Finally, the DEP noted that it would reconsider the deletion of WDI from the County Plan once the County addressed these outstanding planning issues.

On June 24, 1993, the County responded to the DEP's March 11, 1993 certification by adopting a multifaceted amendment which addressed long-term in-county disposal resources and the State requirements for source reduction, recycling, and regionalization. The amendment did not, however, address whether the County continued to seek the deletion of the WDI Landfill from the County Plan. In a December 2, 1993 certification, the Department approved the County's long-term in-county disposal plan finding that it could rely on the expanded capacity of the Monmouth County Reclamation Center Landfill through the year 2015. Also, the DEP found that the County had sufficiently addressed the major aspects of the State requirements concerning source reduction, recycling, and regionalization. Finally, the Department noted that since the County had addressed the outstanding planning issues which had previously caused the DEP to reject the deletion of the WDI Landfill in the August 24, 1990 and March 11, 1993 certifications, the Department directed the County to adopt a new amendment that clarified its intention to delete the WDI Landfill from the County Plan. The July 21, 1994 amendment satisfies this last DEP directive.

#### **Issue: County Concerns Regarding the WDI Landfill Reopening**

Within the July 21, 1994 amendment, the County identifies its concerns regarding the reopening of the WDI Landfill. These issues concern landfill capacity, access to the landfill, and environmental and economic issues.

### Landfill Capacity

Although the existing permitted capacity for Phase II of the Monmouth County Reclamation Center is estimated to be exhausted by July 1, 1996, the County presently has pending before the Department a Phase III landfill expansion application. This expansion will provide an estimated 16 million cubic yards of disposal capacity which is projected to keep the County self-sufficient through mid 2015. Conversely, the disposal capacity available to accommodate the County's entire solid waste stream provided by the reopening of the WDI Landfill is estimated to be only 15 months.

### Limited Access to WDI Landfill

The County's Engineering and Traffic Safety Departments have reviewed several truck routes identified by WMI to provide access to the WDI Landfill. Concerning these truck routes, various problem areas have been noted: two bridges require upgrades; two intersections require realignment or traffic signals; one road requires widening and repaving; and other roads are unsuitable to truck traffic due to increased residential development. The County projects \$350,000.00 in road improvements will be necessary to address these problems with several years required to design, permit, schedule, and construct the needed improvements.

### Unresolved Environmental Issues

Several unresolved environmental issues remain regarding the reopening of the WDI landfill. These issues include possible ground and surface water contamination, pollution of potable water supplies, wetlands and water table disturbances, performance of the landfill's groundwater pumping system, and the past and potential future discovery of leaking drums or other possibly hazardous chemicals from earlier years of landfill operation.

### Economic Issues

Since the WDI Landfill ceased operation in 1983, the Monmouth County Reclamation Center has accepted all of the County's solid waste requiring disposal. Long-term plans and major public investments by the County have been, and continue to be, based on the total quantities of solid waste generated within Monmouth County. The redirection of waste to another disposal facility within the County will not only disrupt municipal and private transporters' collection routes, but will also impact the rate base at the existing County disposal site and proposed materials recovery facility. Reopening the WDI Landfill will require current and long-term solid waste plans to be disrupted and disposal fees will need to be raised to compensate for the smaller rate base and added engineering expenses. Finally, an initial rate setting filed by WMI with the Board of Public Utilities in 1990 requested

disposal rates 64% higher than those currently charged by the Monmouth County Reclamation Center.

**Issue: DEP Denial of WDI Landfill Permit Renewal Application**

On May 31, 1994 the Department denied the solid waste facility permit renewal application for the WDI Landfill. Although the permit denial does not itself delete the WDI Landfill from the County Plan, it does lend further support to the County's finding that the WDI site is unsuitable for the operation of a landfill. The DEP cited four reasons for its permit renewal application denial decision. Specifically:

- a. The design for the infiltration layer for the final capping system does not satisfy the requirements of the Federal Solid Waste Disposal Criteria at 40 CFR Part 258.60;
- b. The detection of groundwater contamination from the proposed liner system as required by the Federal Solid Waste Disposal Criteria at 40 CFR Part 258.51 is not possible due to the existing groundwater contamination;
- c. The liner foundation does not satisfy N.J.A.C. 7:26-2.A.7(b) by providing a firm, relatively unyielding, planar surface to support the liner; and
- d. The horizontal acceleration used in the seismic analysis is not acceptable pursuant to the Federal Solid Waste Disposal Criteria at 40 CFR Part 258.14.

**Issue: Department Concerns Regarding the WDI Landfill Reopening**

The DEP also has concerns relative to the reopening of the WDI Landfill. As noted above, Department approval of the Monmouth County Reclamation Center Phase III landfill expansion application will provide the County with disposal capacity until the year 2015. As such, the DEP questions the need for reopening the WDI Landfill, particularly in light of the limited remaining capacity available at the site. Also, as noted above, the Department denial of the WDI Landfill permit renewal application indicates that this site may not be suitable for the operation of a landfill. Finally, the DEP is concerned with evolving land use patterns that have occurred in the area surrounding the WDI Landfill since it suspended operations in 1983. Substantial population growth in Howell Township (an increase from 25,065 to 38,987 according to the 1980 and 1990 census counts, respectively) resulting in significant residential and commercial development has occurred since the landfill closure which is now incompatible with the reopening of the landfill.

The Department acknowledges the significant record compiled by the County regarding the capacity, access, environmental, and economic issues relative to reopening the WDI Landfill. Also, the Department

concludes that the County has sufficient in-county landfill disposal capacity at the Monmouth County Reclamation Center. Therefore, as noted in Section C. of the certification, the Department is approving the deletion of the WDI Landfill from the County Plan based upon the County having addressed all outstanding planning issues identified in the Department's March 11, 1993 and December 2, 1993 certifications and the capacity, access, environmental, and economic reasons the County has identified.

**C. Certification of the July 21, 1994 Monmouth County District Solid Waste Management Plan Amendment**

In accordance with N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-21, which establishes specific requirements regarding the contents of the district solid waste management plans, I have reviewed July 21, 1994 amendment to the approved County Plan and certify to the County Freeholders that the July 21, 1994 amendment is approved as further specified below.

The County Plan deletion of the WDI Landfill located on Block 42, Lots 93, 93.01, 94, and 94.01 in Howell Township, Monmouth County is approved. As noted in Section B., this deletion is approved based on the County's compliance with the outstanding planning issues identified in the Department's March 11, 1993 and December 2, 1993 certifications relative to long-term disposal capacity and the State requirements for source reduction, recycling, and regionalization, and the significant record compiled by the County regarding capacity, access, environmental, and economic reasons relative to the reopening of the WDI Landfill.

**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 County 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 and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the County 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, and for good cause shown, obtain an extension of time to complete such renegotiation.

**2. Compliance**

All solid waste facility operators and transporters registered with the Department and operating within the County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the County Plan. Any facility operator or transporter 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 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 Plan**

The provisions of the County 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. All nonhazardous 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 set forth at N.J.A.C. 7:26A-1 et seq.

**4. Certification to Proceed with the Implementation of the Plan Amendment**

This document shall serve as the certification of the Commissioner of the Department to the County Freeholders and pursuant to N.J.S.A. 13:1E-24c and f, the County shall proceed with the implementation of the approved amendment certified 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 -99.12, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

**6. Effective Date of the Amendment**

The amendment to the County 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 pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning

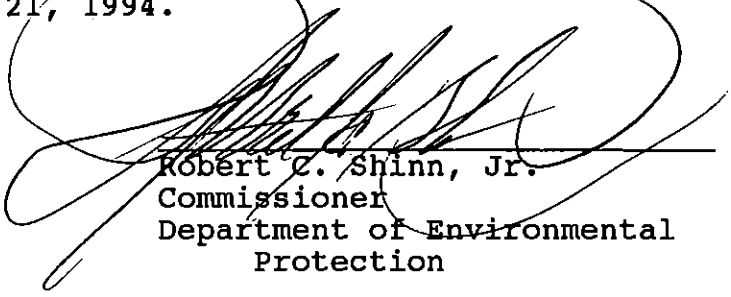


guidelines, rules, regulations, orders of the Department, interdistrict and intradistrict waste flow rules, and also includes the compilation of individual district plans and amendments as they are approved.

E. Certification of Approval of the Amendment 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 Monmouth County District Solid Waste Management Plan which was adopted by the Monmouth County Board of Chosen Freeholders on July 21, 1994.

11/15/94  
Date

  
Robert C. Shinn, Jr.  
Commissioner  
Department of Environmental  
Protection