



Am 6-26-80
7-31-80

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER
P. O. BOX 1390
TRENTON, N. J. 08625
609-292-2885

(IN THE MATTER OF THE ADOPTED AND)
(MODIFIED SOLID WASTE MANAGEMENT)
(PLAN OF THE OCEAN COUNTY SOLID)
(WASTE MANAGEMENT DISTRICT)

CERTIFICATION OF APPROVAL
WITH MODIFICATION OF THE
OCEAN 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. as amended by C. 326, Laws of 1975) determines, among other things, "...that the management of solid waste in New Jersey consists largely of piecemeal, uncoordinated activities developed to meet the immediate needs of local government with little, if any, regard for regional planning and coordination..." and that "...the solid waste planning and management process is adversely affected by the absence of area-wide structures...." The Act addressed these and other findings by establishing "...a statutory framework within which all solid waste collection, disposal and utilization activity..." in New Jersey would be coordinated. This framework includes the designation of each of New Jersey's twenty-one counties and the Hackensack Meadowlands District as a Solid Waste Management District. Each District is authorized, either singly or jointly with one or more other Districts, to formulate and develop a comprehensive Solid Waste Management Plan. Following development, the resulting Plan is submitted by the District to the public for comment at an informational hearing. Thereafter, the District must adopt or reject, in whole or in part, the Solid Waste Management Plan.

After adoption of a Plan in whole or in part by a District, the Plan is then submitted to the Commissioner of the Department of Environmental Protection for review and final approval. The Commissioner has authority to modify, reject or approve such Plans and, in the final analysis, the Commissioner is authorized to adopt and promulgate any modification or replacement she deems necessary with respect to the Solid Waste Management Plan.

In order to establish a meaningful and responsible role for the State in the solution of solid waste problems, the Act grants broad powers to the Department of Environmental Protection. This includes the power "...to regulate and supervise all solid waste collection and disposal facilities and operations...", "...to register all persons engaged in the collection or disposal of solid waste...", "...to develop through a Statewide solid waste management plan objectives, criteria and procedures to assure the orderly preparation and evaluation of the [district] solid waste management plans...", "...to approve, modify or reject such solid waste management plans on the basis of their conformity with such objectives, criteria and

procedures...", and "...to develop and implement such a plan where none is approved or forthcoming from any solid waste management district...."

Specifically, the solid waste planning process includes five stages. These include the promulgation of guidelines by the Department of Environmental Protection, Plan formulation by the Districts, public hearings on the Plans developed by the Districts, adoption of the Plan by the District, and approval, rejection or modification of the Plan by the Department of Environmental Protection.

At the beginning of the planning process, the Department of Environmental Protection set forth guidelines for the formulation and development of District Solid Waste Management Plans.* The guidelines contain planning objectives, planning schedules and specific tasks to be addressed in the planning process. The objectives identified in the guidelines include the protection and enhancement of environmental quality and the conservation of natural resources. Through these objectives, the Department encouraged District Plans which would provide for the termination of existing solid waste disposal operations which cannot be upgraded to meet environmental standards, the provision of alternative services and facilities capable of meeting environmental standards and conservation of natural resources by the implementation of waste reduction techniques and resource recovery systems.

In order to achieve these objectives, the Department of Environmental Protection has and continues to encourage the development of a comprehensive regional scheme to ensure recovery systems and environmentally sound disposal facilities. To this end, the Commissioner of the Department of Environmental Protection, after study and review, issued a Certification of Modification to the Adopted Solid Waste Management Plan of the Ocean County Solid Waste Management District on December 14, 1979. The Certification required the Ocean County Solid Waste Management District to, among other things, include a waste flow diagram showing the existing and proposed flow of solid waste for the ten year planning period and develop a schedule for resource recovery implementation.

On June 26, 1980, the Ocean County Board of Chosen Freeholders formally adopted modifications to the District's Plan. The modifications were received by the Department of Environmental Protection on July 1, 1980. The Department of Environmental Protection has studied and reviewed the Plan and its modifications in accordance with the Solid Waste Management Act. Based on the results of this review and evaluation, I have determined that the Ocean County District Solid Waste Management Plan be granted approval as amended by the modifications adopted herein and promulgated by me (see N.J.S.A. 13:1E-24).

B. Solid Waste Management Plan Accomplishments

The Ocean County District Solid Waste Management Plan has been reviewed by

*"Guidelines for the Development and Formulation of District Solid Waste Management Plans," New Jersey Department of Environmental Protection, Solid Waste Administration (Trenton, August 1977).

the Department of Environmental Protection and other State-level agencies and, with the District's adopted modifications along with the replacement modifications herein set forth, provides for environmentally sound solid waste management in Ocean County. I am confident that with the implementation of this Plan, a comprehensive solid waste management program will be established in Ocean County.

The Plan provides for two regional sanitary landfills to accommodate all domestic, commercial, and non-chemical industrial wastes generated in the County. The Ocean County Landfill Corp. site in Manchester Township is to serve the northern region of the County. It is to be acquired and operated by the Manchester Municipal Utilities Authority as an agent of the County by mid-1981. Environmental upgrading is to be completed by early 1982. Southern Ocean Landfill, Inc. in Ocean Township will serve as the regional facility for southern Ocean County and is to be acquired and operated by the County. Before acquisition, the site must pass an engineering and environmental evaluation, scheduled for completion by December 1980.

Regarding the implementation of resource recovery, the Ocean County Plan provides for the development of an energy recovery facility by the Dover Township Municipal Utilities Authority and the completion of detailed studies concerning the feasibility of utilizing sludge and solid waste to produce energy at the Ocean County Sewage Authority Treatment Plant(s).

The Plan also contains provisions for the development of source separation/recycling programs throughout the County. Already, the Ocean County computer center is recycling its waste paper. The Resource Recovery and Recycling Committee of the Ocean County Solid Waste Advisory Council is investigating opportunities for recycling and low technology as part of their responsibilities.

In addition, the Plan contains a comprehensive synopsis of Ocean County's role in the public participation process during preparation of the Solid Waste Management Plan.

The Plan provides for the Board of Chosen Freeholders to create a County department to manage solid waste and for the supervision of all agency contracts. The Solid Waste Advisory Council has organized a Plan Implementation Committee to help ensure proper implementation of the Plan.

C. Approved Ocean County District Solid Waste Management Plan

I, Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq., do hereby approve the following key elements of the adopted Ocean County District Solid Waste Management Plan and the Modifications adopted by the Ocean County Board of Chosen Freeholders on June 26, 1980:

1) Data Base

The basic data utilized in the Plan is approved. However, as further data, particularly in the area of solid waste generation and composition becomes available as part of the District's Sludge Management

Plan by the Ocean County Utilities Authority, such data will supercede existing data, and be made part of any Plan revisions or updates.

2) Recycling/Source Separation Program

The recycling/source separation program outlined in the Plan is approved.

3) Public Participation Program

The Plan's public education and participation program is approved.

4) Sludge and Septage

The Plan shall conform with any Rules and Regulations of the Department concerning sludge and septage.

5) Schedule for County Landfill Implementation

The Plan's schedule for the implementation of two regional County landfills (Ocean County Landfill Corp. and Southern Ocean Landfill, Inc.) is approved. The Department of Environmental Protection will monitor the progress of the District in meeting the milestones of this implementation schedule. The County's Department of Solid Waste Management shall submit quarterly status reports to the Department of Environmental Protection concerning the District's progress in meeting these milestones. The first status report shall be submitted to the Department's Solid Waste Administration by January 1, 1981.

D. Modifications Adopted and Promulgated By The Commissioner Pursuant To N.J.S.A. 13:1E-1 et seq. and Made An Approved Part of The Ocean County District Solid Waste Management Plan

I, Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq., do hereby adopt and promulgate the following modifications to the Ocean County District Solid Waste Management Plan and certify to the Ocean County Board of Chosen Freeholders that the modifications contained herein are hereby made a final approved part of the Ocean County District Solid Waste Management Plan.

1) In-County Wastes

a) Dover Township has entered into a contract whereby solid wastes are re-directed from the Dover Township Sanitary Landfill, facility number 1507A, located in Dover Township, to the Ocean County Landfill Corporation landfill, facility number 1518B, located in Manchester Township. Therefore, in view of this contractual commitment and operational problems experienced at the Dover Township landfill, facility number 1507A shall not be considered in the solid waste disposal plan of the Ocean County Solid Waste Management District after August 1, 1980.

b) The Little Egg Harbor Township Sanitary Landfill, facility number 1516A, located in Little Egg Harbor Township is presently in

violation of an order of the Department of Environmental Protection. It is the intention of the Department and the requirement of this modification that facility number 1516A shall not be considered in the solid waste disposal plan of the Ocean County Solid Waste Management District.

- c) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from within the Ocean County municipality of Beachwood shall be disposed of at the Beachwood Boro Landfill, facility number 1504A, located in Beachwood Boro, Ocean County, New Jersey.
- d) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from within the Ocean County municipalities of Berkeley and Seaside Park shall be disposed of at the Berkeley Township Public Works landfill, facility number 1505A, located in Berkeley Township, Ocean County, New Jersey.
- e) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from within the Ocean County municipality of Point Pleasant Beach shall be disposed of at the James H. James, Inc. landfill, facility number 1506A, located in Brick Township, Ocean County, New Jersey.
- f) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from within the Ocean County municipality of Eagleswood shall be disposed of at the Eagleswood Municipal Sanitary Landfill, facility number 1508A, located in Eagleswood Township, Ocean County, New Jersey.
- g) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from within the Ocean County municipality of Lacey shall be disposed of at the Lacey Township Sanitary Landfill, facility number 1512B, located in Lacey Township, Ocean County, New Jersey.
- h) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from within the Ocean County municipalities of Bayhead, Island Heights, and Lakewood shall be disposed of at the Lakewood Township Landfill, facility number 1514A, located in Lakewood Township, Ocean County, New Jersey.
- i) Municipal solid wastes, with the exception of those noted in Section 3.c. herein, generated from within the Ocean County municipality of Manchester shall be disposed of at the Manchester Township Municipal Sanitary Landfill, facility number 1518A, located in Manchester Township, Ocean County, New Jersey.
- j) All solid wastes, with the exception of municipal waste from Manchester Township and those noted in Section 3.c. herein, generated from within the municipalities of Brick, Dover, Jackson, Lakehurst, Lavallette, Manchester, Mantoloking, Ocean Gate, Pine Beach, Point Pleasant, and Seaside Heights shall be disposed of at the Ocean County Landfill Corporation landfill, facility number 1518B, located in Manchester Township, Ocean County, New Jersey.

- k) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from within the Ocean County municipalities of Barnegat, Barnegat Light, Beach Haven, Harvey Cedars, and Ocean shall be disposed of at the Southern Ocean Landfill, Inc. landfill, facility number 1520A, located in Ocean Township, Ocean County, New Jersey.
- l) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from within the Ocean County municipality of Plumsted shall be disposed of at the Plumsted Township Sanitary Landfill, facility number 1523A, located in Plumsted Township, Ocean County, New Jersey.
- m) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from within the Ocean County municipality of South Toms River shall be disposed of at the South Toms River Sanitary Landfill, facility number 1529A, located in South Toms River Boro, Ocean County, New Jersey.
- n) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from within the Ocean County municipalities of Little Egg Harbor, Long Beach, Ship Bottom, Stafford, Surf City, and Tuckerton shall be disposed of at the Stafford Township Landfill, facility number 1530A, located in Stafford Township, Ocean County, New Jersey.
- o) Upon closure of Beachwood Boro Landfill, facility number 1504A; Berkeley Township Public Works landfill, facility number 1505A; James H. James, Inc. landfill, facility number 1506A; Lakewood Township Landfill, facility number 1514A; Manchester Township Municipal Sanitary Landfill, facility number 1518A; Plumstead Township Sanitary Landfill, facility number 1523A; and South Toms River Sanitary Landfill, facility number 1529A; (all the landfill facilities identified in this section shall, according to the modifications adopted and promulgated herein, close by November 1, 1981) wastes going to these facilities shall be disposed of at the Ocean County Landfill Corp. regional site, facility number 1518B, providing the engineering and upgrading requirements have been met.
- p) Upon closure of Eagleswood Municipal Sanitary Landfill, facility number 1508A; Lacey Township Sanitary Landfill, facility number 1512B; and Stafford Township Landfill, facility number 1530A; (all the landfill facilities identified in this section shall, according to the modifications adopted and promulgated herein, close by November 1, 1981) wastes going to these facilities shall be disposed of at the Southern Ocean Landfill, Inc., facility number 1520A, providing the site is acquired and upgraded by Ocean County.
- q) The Dover Township Municipal Utilities Authority proposed 600 ton per day energy recovery facility should be on line in July 1982 at which time it will receive all of Dover Township's processable*

*Processable solid waste is that part of the solid waste stream which can be processed through a resource recovery facility.

solid wastes. Residue and non-processable** solid wastes shall be disposed of at the Ocean County Landfill, Inc. regional site. As the proposed facility reaches its maximum effective operating capacity and in light of seasonal fluctuations in waste generation in Ocean County, it is anticipated that additional solid wastes from other Ocean County communities will be directed, perhaps seasonally, to the Dover Municipal Utilities Authority facility. The sources of these additional wastes will be determined in subsequent Plan revisions and updates.

- r) The Department recognizes the long term potential problems such as gas buildup, the re-surfacing of previously buried materials, and the instability of the landfill mass that may result in unpredictable settling that may impact the use of terminated landfill sites. Therefore, the Department recommends that terminated landfills be designated as "open space" and that any proposed use of terminated landfill sites be carefully investigated and the results incorporated into any application for a construction permit or site plan approval.

2) Out-of-County Wastes

Due to the availability of in-county waste disposal sites, interdistrict waste flow will cease on the effective date of the Modifications.

3) Other Provisions Effecting the Plan Modifications

a) Contracts

Nothing contained in these Modifications shall be construed as to interfere with, or in any way modify, the provisions of any contract for solid waste collection or solid waste disposal in force in any solid waste management district upon the effective date of this Act (July 29, 1977); provided, however, as set forth at N.J.S.A. 13:1E-29 no renewal of any such contract upon the expiration or termination of the original term thereof, and no new contract for solid waste collection or solid waste disposal, shall be entered into after the effective date of this act, unless such renewal or such new contract shall conform with the applicable provisions of the approved solid waste management plan, as set forth herein, of the relevant solid waste management district or unless such contract is approved by the Commissioner.

Any contract renewal or new contract for solid waste collection or solid waste disposal which was executed prior to the approval of the within modifications to the Ocean County District Solid Waste Management Plan 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 Depart-

**Non-processable solid waste includes that part of the waste stream which cannot be processed through a given resource recovery facility and solid wastes resulting from emergency back-up procedures.

ment of Environmental Protection and operating pursuant to a contract as herein described, shall be deemed to be in violation of these Modifications and of the Ocean County District Solid Waste Management Plan if such renegotiation is not completed by the effective date of these Modifications (November 1, 1980); 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.

b) Compliance

All solid waste facility operators registered with the Department of Environmental Protection and operating within Ocean County and effected by the Modifications contained herein shall operate in compliance with these Modifications and all other approved provisions of the Ocean County District Solid Waste Management Plan. Any facility operator 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 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.

c) Types of Solid Wastes Covered by the Ocean County District Solid Waste Management Plan Modifications

The Modifications contained herein shall apply to all "solid wastes" generated within the identified County municipalities, as defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-2.5.27 and with the exceptions of liquid wastes, sewage sludge, septage, hazardous wastes, oil spill clean-up waste, infectious waste and those wastes separated and recovered at the point of generation.

d) Certification to Proceed with the Implementation of Plan Modifications

This Document shall serve as the Certification of the Commissioner of the Department of Environmental Protection to the Ocean County Board of Chosen Freeholders, as provided for by N.J.S.A. 13:1E-24f., to proceed with the implementation of the Modifications contained herein.

e) Definitions

For the purpose of these Modifications 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 -2.5.27.

f) Effective Date of Modifications

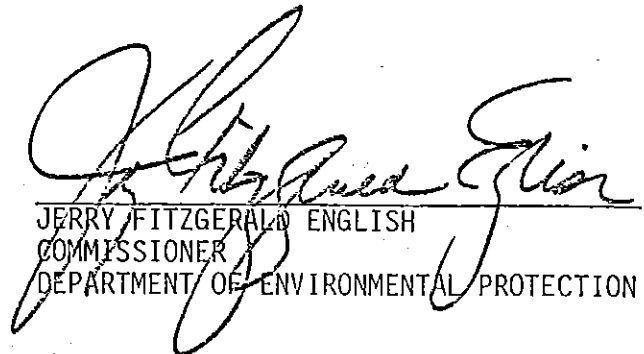
The adopted and promulgated Modifications to the Ocean County District Solid Waste Management Plan contained herein shall take effect on November 1, 1980.

- g) Nothing contained herein shall be construed as a bar to any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Ocean County District Solid Waste Management Plan shall conform with the Statewide Solid Waste Management Plan. The Statewide Solid Waste Management Plan includes the Department's Planning Guidelines and rules, regulations, and orders of the Department, and will include the compilation of individual District Plans and modifications as they are approved. The Statewide Solid Waste Management Plan for Group I and II Districts will be published this summer.*

E. Certification of Approval and Adoption and Promulgation of Modifications 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 Ocean County District Solid Waste Management Plan and its adopted modifications, subject to the modifications and replacements contained and adopted herein.

31 July 1980
Date


JERRY FITZGERALD ENGLISH
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION

*The Commissioner may adopt modifications to the approved District Plans in the Statewide Solid Waste Management Plan when it is promulgated.