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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)
(SUSSEX COUNTY SOLID WASTE)
(MANAGEMENT DISTRICT)

CERTIFICATION OF PORTIONS
OF THE JANUARY 12, 1988
AMENDMENT TO THE SUSSEX 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 June 1, 1981, the Department approved, with modifications, the Sussex 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 Sussex County Board of Chosen Freeholders completed such a review and on January 12, 1988, adopted an amendment to its approved district solid waste management plan. The amendment proposed to identify the allowable waste types to be accepted at any Sussex County solid waste facility, and to incorporate

specific waste flows and traffic routing to the transfer station and landfill, both to be located in Lafayette Township. The Sussex County Recycling Plan will be addressed in a separate certification document.

The amendment was received by the Department of Environmental Protection on January 29, 1988 and copies were distributed to various state level agencies for review and comment, as required by law. The Department has reviewed this amendment and has determined that the amendment adopted by the Sussex County Board of Chosen Freeholders on January 12, 1988, is approved with modifications as provided in N.J.S.A. 13:1E-24.

B. Findings and Conclusions with Respect to the Sussex 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 January 12, 1988 amendment to the Sussex 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, as modified, with the Statewide Solid Waste Management Plan.

In addition, the Division of Solid Waste Management circulated the plan amendment to fifteen 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 and Fish, Game and Wildlife, the State Departments of Agriculture, Community Affairs and Transportation, the Board of Public Utilities, the Green Acres Program, 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 N.J.D.E.P. Division of Coastal Resources; the State Departments of Health and the Public Advocate; and the U.S. Environmental Protection Agency. The N.J.D.E.P. Divisions of Environmental Quality and Parks and Forestry submitted substantive comments which are further addressed below.

The N.J.D.E.P. Division of Environmental Quality commented that transfer stations are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits odors and other air contaminants which interfere with the enjoyment of life or property. Transfer stations are also subject to N.J.A.C. 7:27-8.2(a)16 which requires air pollution control permits for any equipment which vents a solid waste facility directly or indirectly into the outdoor atmosphere. Such vents may require devices to control odors and other air contaminants.

The Division of Environmental Quality further commented that landfills are also subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." Furthermore, new and closed landfills should be equipped with positive ventilation systems, which direct landfill gases to air pollution control devices. These vents and devices require air pollution control permits pursuant to N.J.A.C. 7:27-8.2(a) 1 and 16. These regulations require permits for all stationary equipment used to ventilate a solid waste facility directly or indirectly to the ambient atmosphere. The Division of Solid Waste Management concurs with the comments of the Division of Environmental Quality and by way of this certification notifies Sussex County of the air pollution control permit requirements that the proposed facilities may be subject to.

The N.J.D.E.P. Division of Parks and Forestry commented on the proposed traffic routing within Sussex County to the proposed solid waste facilities to be located in Lafayette Township by stating that most of the proposed truck routes use major highways within the county and alternate routes are limited because of the geographic region. However, a review of their survey and site files indicate that two proposed routes pass through historic districts listed in the State Register of Historic Places. These routes are (1) Wallpack Township, County Route 615 north to Flatbrookville where it passes through the Peter Valley Historic District and (2) Montague Township, County Route 521 where it passes through Millville Historic and Archaeological District. Alternative routes which would bypass these historic districts if feasible should be considered. The Division of Solid Waste Management concurs with the comments of the Division of Parks and Forestry and by way of this certification document notifies the county of the concerns noted above.

The Division of Solid Waste Management commented that the permitted waste types deemed acceptable at any Sussex County solid waste facility, as defined in the amendment, do not address the mandates of P.L. 1987, c.102. The footnote to the municipal waste classification should indicate that those materials designated to be source separated and recycled as per the Sussex County District Recycling Plan and P.L. 1987, c.102, shall be considered unauthorized waste and shall not be accepted at any solid waste facility. In addition, the footnote to the vegetative waste classification should indicate that all leaves collected from residential premises must go to leaf composting facilities as of April 20, 1988.

Also, the Division of Solid Waste Management commented that the January 12, 1988 amendment initiates the waste flow redirection process contained in N.J.A.C. 7:26-6.6 for the transfer station and landfill location in Lafayette Township. Following the certification of this waste flow redirection amendment, the Department and Board of Public Utilities (Board) will conduct a public hearing after the publication of the proposed waste flow redirection in the New Jersey Register. Adoption of the proposed waste flow redirection amendment may then follow. The Division of Solid Waste Management further commented that the section of the proposed amendment that deals with allowable waste types at any county solid waste facility omitted solid waste type 25. It is the policy of the Department that the counties must be self-sufficient for solid waste disposal by 1992. Therefore, the plan amendment will be modified to include solid waste type 25 as a permitted waste type.

C. Certification of Sussex 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 January 12, 1988 amendment to the approved Sussex County District Solid Waste Management Plan and certify to the Sussex County Board of Chosen Freeholders that the January 12, 1988 amendment is approved with modification as further specified below.

The incorporation into the county plan of the waste flow redirection and traffic routing plan to the Sussex County transfer station and landfill as specified on pages 5 through 12 of the January 12, 1988 plan amendment, is approved and modified to allow waste type 25 to be directed to the facilities.

The incorporation into the county plan of the policy of allowable waste types to any Sussex County solid waste facility is approved but modified to include in the permitted waste types solid waste type 25. The permits for the solid waste facilities to serve the district will have to be amended to reflect this modification.

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 Sussex 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 Sussex 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 Sussex County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Sussex 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 Sussex 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 Sussex 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, 2.13 and 8.

6. Effective Date of Amendment

The amendment to the Sussex 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 Sussex 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 with Modification 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 with modifications the amendment as outlined in Section C. of this certification to the Sussex County District Solid Waste Management Plan which was adopted by the Sussex County Board of Chosen Freeholders on January 12, 1988.

June 28, 1988
DATE



RICHARD T. DEWLING
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION