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State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

OFFICE OF THE COMMISSIONER

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(IN THE MATTER OF CERTAIN RESPONSES TO)
(DEFICIENCIES IN THE ADOPTED AND)
(APPROVED SOLID WASTE MANAGEMENT PLAN)
(OF THE SUSSEX COUNTY SOLID WASTE)
(MANAGEMENT DISTRICT)

CERTIFICATION
OF THE JUNE 12, 1984 RESPONSE
OF THE SUSSEX COUNTY DISTRICT
TO THE DEFICIENCIES IN THE 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 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 October 11, 1983, adopted an amendment to its approved District Solid Waste Management Plan. The Department's March 19, 1984 Certification of that amendment directed that certain deficiencies remaining in the plan be corrected within 90 days. On June 12, 1984, the Sussex County Board of Chosen Freeholders adopted a response to those deficiencies. The response was received by the Department of Environmental Protection on June 19, 1984.

limit is reached). This expansion proposal is not valid for inclusion into the District Solid Waste Management Plan through this procedure. The June 12, 1984 Response to Deficiencies can only respond to deficiencies identified in the October 11, 1983 Amendment to the Sussex County District Solid Waste Management Plan. Any expansion proposal must be included in a new amendment to the District Solid Waste Management Plan pursuant to the requirements of N.J.S.A. 13:1E-1 et seq., which requires, among other things, that a public hearing be held.

The June 12, 1984 Response to Deficiencies states that the County's plan for using terminated landfill disposal sites recommends that recreation fields be considered as the primary ultimate use of such sites and that other active and passive recreation uses may be considered. The response further states that since all existing or already terminated sites are either municipally or privately owned, the final use of such sites is left to be resolved between the municipality and private owners. This is inconsistent with the County's responsibility under the Solid Waste Management Act to provide "a plan for using terminated landfill disposal sites".

Therefore, the Sussex County plan remains deficient with respect to the requirements of N.J.S.A. 13:1E-21b.(2).

- 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.

The June 12, 1984 Response to Deficiencies in the Sussex County District Plan contains a schedule for the development and operation of the new County-owned landfill. This schedule projects the new landfill to be operational by June, 1985. This is approved. However, the schedule lists tasks that are to be performed by Sussex County Resource Recovery, Inc., the proposed facility operator. Since the Act requires only a site plan, and since the Department does not have sufficient information regarding the proposed operator (which information would be submitted as part of the facility registration process) that portion of the Response to Deficiencies which identifies Sussex County Resource Recovery, Inc. as the operator of the proposed facility is not approved.

The June 12, 1984 Response to Deficiencies contains a schedule for the implementation of the proposed Sussex County resource recovery facility. This schedule contains a deadline of December 1984 for the adoption of a District Solid Waste Management Plan amendment to include the selected resource recovery site and system into the approved District Solid Waste Management Plan. The schedule also contains a deadline for the completion and operation of the resource recovery facility to be January 1987. This schedule however, does not address the acquisition of a site and eventual transfer to a private operator. Financing of acquisition is also not addressed.

C. Other Provisions Affecting the Plan

1) Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with the Sussex County District Solid Waste Management Plan and which was executed prior to the approval of this Response to Deficiencies and subsequent to the effective date of the Solid Waste Management Act (July 20, 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 the Sussex County District Solid Waste Management Plan if such renegotiation is not completed within ninety (90) days of the effective date of this certification; 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 Response to Deficiencies contained herein shall operate in compliance with this Response to Deficiencies 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, 10, 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-2 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. 7:26-6.1 et seq.) which are part of the Sussex County District Solid Waste Management Plan.