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CERTIFICATION OF THE SEPTEMBER 27, 2017 AMENDMENT TO THE WARREN 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 (previously formally known as the New Jersey Meadowlands Commission, and now known as New Jersey Sports and Exposition Authority or NJSEA) develop comprehensive plans for waste management in their respective districts. On October 16, 1981, the Department of Environmental Protection (Department or DEP) approved the Warren County District Solid Waste Management Plan (County Plan).

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 Warren County Board of Chosen Freeholders (County Freeholders) completed such a review and on September 27, 2017 adopted an Amendment to its approved County Plan.

The September 27, 2017 Amendment (Amendment) proposes County Plan inclusion of the vertical expansion of the existing Warren County District Solid Waste landfill by an increase in height of 100 feet to an elevation of 780 feet. The vertical expansion will provide for approximately 1.34 million cubic yards of additional capacity which will extend the useful life of the landfill to the year 2061 at the current rate of filling. The landfill is located in White Township, Warren County with a street address of 500 Mt. Pisgah Avenue, Oxford, NJ and situated on Block 32, Lots 10, 12, 13, 14, 15.01, 17, 18 & 22; Block 34, Lots 17, 18, 18.01 & 18.02 and Block 42, Lot 7.

The Amendment was considered administratively complete for review by the Department on October 10, 2017, 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 September 27, 2017 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the September 27, 2017 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 the Amendment proposing inclusion of the vertical expansion of the existing Warren County District Landfill is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the elements of the September 27, 2017 Amendment which are included below.

Elements of the September 27, 2017 Amendment

Element: Historical Background of the Warren County District Landfill

The Warren County District Landfill (WCDL) was initially included in the County Plan via a Plan Amendment dated March 6, 1985 and certified by the Department on October 17, 1985. This Plan Amendment noted the facility location to be Block 32, Lots 12, 13, 14, 15, and 22, and Block 34, Lots 17, 18, 18-01, and 18-02, in White Township.

An April 27, 1988 Plan Amendment proposed that upon completion of construction and operation of the WCDL, all unprocessable portions of solid waste types 10, 23, and 27 and waste types 13, and 25 generated within Warren County and residual ash from the Warren County Resource Recovery Facility (WCRRF) would be disposed of at the WCDL. This Plan Amendment was certified as approved on October 13, 1988.

A November 12, 2003 Plan Amendment proposed County Plan inclusion of an expansion of landfill capacity, an increase in the tonnage of waste deliveries, and the planned closure and capping of the WCDL in 2007. The proposed expansion will not result in an increase in the footprint or height of the WCDL, but rather will increase the landfill's side slopes from 4:1 to 3:1. This Plan Amendment was certified as approved on March 31, 2004.

A September 12, 2007 Plan Amendment proposed County Plan inclusion of an expansion of the WCDL through the construction of an additional cell (Cell #5) and a vertical

expansion. It is projected that the life of the landfill will be extended through 2020 if the landfill is expanded as described above, based on solid waste disposal projections. This Plan Amendment was certified as approved on January 11, 2008.

On July 11, 2008, the Department approved a July 1, 2008 request for Administrative Action to the County Plan. The subject request for Administrative Action to the County Plan proposed County Plan inclusion of a modification in the operating hours for the WCDL to 7:00 am – 2:30 pm, Monday through Friday and 7:00 am – 11:00 am, Saturday, except in instances where solid waste from the Covanta WCRRF needs to be bypassed to the WCDL, in which case, the WCDL will accept solid waste until 4:00 pm, Monday through Friday.

On February 18, 2010, the Department approved a February 1, 2010 request for Administrative Action to the County Plan. The subject request for Administrative Action to the County Plan proposed County Plan inclusion of a correction to the block and lot designation of the WCDL. Specifically, the February 1, 2010 request for Administrative Action to the County Plan proposed to correct the County Plan to read that Block 32, Lot 15.01 is the site of a portion of the WCDL as opposed to Block 32, Lot 12.01.

On April 9, 2014, the Department approved a January 8, 2014 request for a Plan Amendment via an Administrative Action. The subject request for Amendment to the County Plan proposed inclusion of the County's direction of the Pollution Control Financing Authority of Warren County (PCFA) to conduct the necessary studies to determine the feasibility and extent to which the Warren County District Landfill (WCDL) in the Township of White can be expanded and the potential disposal capacity of the expansion. The Amendment continues that if the studies show that an expansion is feasible, the PCFA should proceed with the steps to construct the new cell or cells. Lastly, the January 8, 2014 Amendment to the County Plan also directs the PCFA to study the feasibility of conducting enhanced recycling operations for wood, metals, carpet, and other materials at the PCFA Recycling Center in the Township of White.

A September 9, 2015 Plan Amendment proposed County Plan inclusion of the horizontal expansion of the WCDL by 34.3 acres for a total of 79.3 acres. This horizontal expansion will provide for approximately 7.09 million cubic yards of additional capacity which will extend the life of the landfill until approximately the year 2056, 35.3 years beyond 2021 when the current landfill is expected to reach capacity. A portion of Block 32, Lot 10 will be acquired to accommodate the expansion. This Plan Amendment was certified as approved on February 2, 2016.

Lastly, the September 27, 2017 Plan Amendment proposes County Plan inclusion of the vertical expansion of the existing Warren County District Solid Waste landfill by an increase in height of 100 feet to an elevation of 780 feet. The vertical expansion will

provide for approximately 1.34 million cubic yards of additional capacity which will extend the useful life of the landfill to the year 2061 at the current rate of filling.

Element: Regulatory Requirements

The September 27, 2017 Amendment to the County Plan calls for an increase in the approved capacity of the Warren County District Landfill. Prior to the commencement of said expansion, a modification to WCDL's SWF Permit will have to be obtained pursuant to N.J.A.C. 7:26-2.6 et seq.

Solid waste facilities are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This subchapter of regulations prohibits the release of odors and other air contaminants which interfere with the enjoyment of life and property. In addition, the owner or operator of a solid waste facility requires an air quality preconstruction permit and operating certificate in accordance with N.J.A.C. 7:27-8.2.

Finally, if any operation of a solid waste facility will discharge pollutants as defined in N.J.A.C. 7:14A-1.2, the owner or operator of that solid waste facility must secure a New Jersey Pollutant Discharge Elimination System Permit pursuant to N.J.A.C. 7:14A-2.4(b)4. Additionally, as per N.J.A.C. 7:14A-22.3(a)2, if the owner or operator of a solid waste facility will, as part of its operation, build, install, modify, or operate any sewer line, pumping station, or force main which serves more than two buildings or is for the conveyance of 8,000 gallons per day or more of wastewater, a Treatment Works Approval would have to be obtained from the Department prior to construction.

Additional Element of the Warren County District Solid Waste Management Plan

Element: Municipal Solid Waste (MSW) Recycling in Warren County

On September 12, 2007, the Warren County Board of Chosen Freeholders adopted an Amendment to the County Plan which, among other things, included specific strategies for achieving the State's statutorily-mandated minimum MSW recycling rate of 50% (N.J.S.A. 13:1E-99.13). This Amendment to the County Plan was certified as approved by the Department on February 4, 2008. The most recent recycling data compiled by the State shows that in 2015, Warren County achieved a MSW recycling rate of 35%. Using 2015 Department data, an additional 25,610 tons of Warren County MSW would have had to have been recycled in 2015 to reach a MSW rate of 50%.

In this regard, the County is reminded that the Department adopted an update to the Statewide Solid Waste Management Plan in 2006, which set forth, among other things, a framework for the counties in assessing various strategies to be employed to achieve the statutorily-mandated recycling goals. As these goals have not been achieved, in order for the County to provide a broader, more robust and strategic review and

analysis toward reaching mandated goals, the Department requests that the county, at a minimum:

- 1) In accordance with N.J.A.C. 7:26A-12.2 assess the sufficiency and effectiveness of the requirements of the County Recycling Plan that was certified and approved by the Department on February 4, 2008. Specifically, Warren County shall review and analyze the strategies, assumptions, practices, and expenditures contained therein for effectiveness in reaching mandated recycling goals. Special attention shall be directed to ensuring compliance with source separation and recycling requirements within the commercial and institutional sectors, including but not limited to public and private schools, government buildings, large office complexes, recreational facilities and other public locations within the county. This assessment shall, as appropriate, focus on the monitoring of and ensuring compliance with pertinent rules and statutes including but not limited to N.J.A.C. 7:26A-10, N.J.A.C. 7:26A-11 to the extent practicable, and N.J.S.A.13:1E-99.13.

Pursuant to the above, Warren County shall prepare an update to the County Recycling Plan for the Department's review by December 31, 2018 to discuss and implement strategies to accomplish the above goal. Said plan shall recognize that current strategies and practices are not yielding sufficient recycling benefits and shall provide alternative strategies and practices with an emphasis on assessing and gaining compliance with local source separation and recycling/reporting ordinances starting with the largest generators. This may include but not be limited to specific uses of any grant money the County or municipalities receive for the purpose of increasing recycling, as are lawful and appropriate. In any case this shall also include the proposal of a system and metrics, to measure and evaluate the effectiveness/benefit of each action toward increasing the County recycling rate.

The County shall consider a plan which coordinates with and utilizes all appropriate levels of government with authority or responsibility toward increasing the rate of recycling in the County.

The Department is available to assist the County in developing and implementing appropriate recycling compliance and other strategies to achieve mandated recycling goals.

C. Certification of the Warren 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 county solid waste management plans, I have reviewed the September 27, 2017 Amendment to the approved County Plan and certify to the County Freeholders that the September 27, 2017 Amendment is approved as further specified below.

The County Plan inclusion of the vertical expansion of the existing Warren County District Solid Waste Landfill is approved.

This Certification shall not be construed as an expression of the Department's intent to issue a solid waste facility permit or permit modification for any proposed facility or operation.

The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals pursuant to N.J.S.A. 13:1E-1 et seq., and all other applicable laws. The issuance of operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the DEP and the Attorney General of the State of New Jersey to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126.

D. Other Provisions Affecting the Plan Amendment

1. Compliance

All solid waste facility operators and transporters registered with the Department and operating within the District 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.

2. Certification to Proceed with Implementation of 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 Freeholders shall proceed with the implementation of the approved components of the Amendment certified herein.

3. 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.

4. Effective Date of Amendment

The approved components of the Amendment to the County Plan contained herein shall take effect immediately.


5. 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, and also includes the compilation of individual County 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 Warren County District Solid Waste Management Plan which was adopted by the Warren County Board of Chosen Freeholders on September 27, 2017.

3/8/18
Date


Catherine R. McCabe,
Acting Commissioner
Department of Environmental Protection