

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

**CERTIFICATION
OF THE NOVEMBER 12, 2003
AMENDMENT TO THE WARREN COUNTY
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 (now known as the New Jersey Meadowlands Commission or NJMC) develop comprehensive plans for waste management in their respective districts. On October 16, 1981, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Warren 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 that serve the district. The disposal strategy must include the maximum practical 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.

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 November 12, 2003 adopted an amendment to its approved County Plan. The November 12, 2003 amendment proposes 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 Warren County District Landfill in 2007.

The amendment was considered administratively complete for review by the Department on November 26, 2003 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 November 12, 2003 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 November 12, 2003 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 is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the elements of the November 12, 2003 amendment, which are included below.

In conjunction with the review of the amendment, the Department circulated copies to sixteen 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. All agencies contacted are as follows:

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

Elements of the November 12, 2003 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 unprocessed 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.

The November 12, 2003 amendment proposes 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.

As noted above, the current plan amendment proposes that the WCDL will cease receiving solid waste at the end of 2006 with closure and capping of the facility to begin in 2007. Pursuant to N.J.S.A. 13:1E-21, every District's solid waste management plan shall include sufficient available suitable sites to provide solid waste facilities to treat and dispose of the actual and projected amounts of solid waste generated within that District over a 10-year period. As this amendment proposes to cease the acceptance of solid waste at the WCDL within a period less than ten years from the date of this certification, the County will have to begin planning for the disposal of its solid waste not currently treated at the Warren County Resource Recovery Facility, located in White Township, and the ash residue generated at that facility. The planning and implementation of any disposal capacity option can take a considerable amount of time, particularly if involving the siting and/or permitting of a new solid waste facility. Therefore, Warren County shall submit to the Department a plan amendment regarding long-term disposal of the waste currently being landfilled at the WCDL, no later than one year from the date of this certification.

Regulatory Requirements

Pursuant to N.J.A.C. 7:14A-16.4(b), any substantial alteration or addition to the permitted facility or discharge (including one or more changes in the permittee's residual use or disposal practices) which occurred after the issuance of a New Jersey Pollutant Discharge Elimination System (NJPDDES) permit and which justifies the application of permit conditions that are different or absent from those in the existing permit constitutes a cause for the modification of the facility's existing permit. Therefore, the WCDL may require a modification of its NJPDDES permit.

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 November 12, 2003 amendment to the approved County Plan and certify to the County Freeholders that the November 12, 2003 amendment is approved, as further specified

below.

The 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 Warren County District Landfill in 2007 is approved; however, Warren County shall submit to the Department a plan amendment regarding long-term disposal of the waste currently being landfilled at the WCDL, no later than one year from the date of this certification.

This certification shall not be construed as an expression of the DEP'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. 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 County 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 including waste types 10, 13, 23, 25, and 27 and all applicable subcategories and shall not apply to liquid and hazardous wastes. All nonhazardous materials separated at the point of generation for sale or reuse are subject to regulation in accordance with N.J.A.C. 7:26A-1 et seq.

4. 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.

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 Amendment

The approved components of 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, 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 Warren County District Solid Waste Management Plan which was adopted by the Warren County Board of Chosen Freeholders on November 12, 2003.

March 31, 2004

Date

Bradley M. Campbell, Commissioner
Department of Environmental Protection