

**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 MARCH 23, 2005  
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 (now known as the New Jersey Meadowlands Commission) 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 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 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 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 March 23, 2005 adopted an amendment to its approved County Plan. The March 23, 2005 amendment proposes County Plan inclusion of a long-term disposal strategy for solid waste generated within Warren County upon closure of the Warren County District Landfill (WCDL) in 2007.

The amendment was considered administratively complete for review by the Department on April 25, 2005 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 March 23, 2005 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 March 23, 2005 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 relative to the March 23, 2005 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 Solid and Hazardous Waste, DEP  
Office of Local Environmental Management, DEP  
Office of Air Quality Management, DEP  
Green Acres Program, DEP  
Land Use Regulation Program, DEP  
Bureau of Solid Waste Compliance and Enforcement, DEP  
New Jersey Turnpike Authority  
New Jersey Advisory Council on Solid Waste Management  
Department of Agriculture  
Department of Health and Senior Services  
Department of Transportation  
Department of Community Affairs  
U.S. Environmental Protection Agency  
New Jersey Meadowlands Commission

**Elements of the March 23, 2005 Amendment**

**Element: Long-Term Disposal of Solid Waste**

On November 12, 2003, the Warren County Planning Department adopted an amendment to its

County Plan, which 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 March 31, 2004 certification approved the November 12, 2003 amendment to the County Plan; however, the certification required the County to submit a plan amendment regarding long-term disposal of solid waste currently being landfilled at the WCDL, no later than one year from the certification date.

The March 23, 2005 amendment to the County Plan proposes County Plan inclusion of a long-term disposal strategy for solid waste generated within Warren County upon closure of the WCDL in 2007. Specifically, the March 23, 2005 plan amendment proposes the following:

- County support of an aggressive recycling campaign to minimize recyclable material in the municipal solid waste stream as well as to encourage recycling of Class B recyclables that would routinely be disposed of in the WCDL.
- The Warren County Resource Recovery Facility (WCRRF) may continue to function as a disposal site for solid waste types 10, 23, and 27 generated within Warren County. In addition, the WCRRF may continue to compete in the marketplace for acceptable solid waste types.
- All solid waste not under contract with Covanta Energy for delivery to the WCRRF may be disposed of at any duly permitted and licensed solid waste facility regardless of the location of the facility.

The amendment specifically notes the Hunterdon County Transfer Station (HCTS), located in the Township of Clinton, as a facility to which solid waste generated within Warren County not under contract with Covanta Energy may be delivered for disposal. Although upon closure of the WCDL in 2007, the HCTS will be the closest available in-State disposal option for Warren County's solid waste not under contract with Covanta Energy and this facility currently has available disposal capacity, the Department is concerned that due to the absence of an interdistrict agreement with Hunterdon County and the distance of the HCTS from parts of the County, the use of the HCTS may not prove to be a practical disposal option for the County.

**Element: Operating Agreement between the Warren County Pollution Control Financing Authority (PCFA) and Covanta Energy**

The Division of Solid and Hazardous Waste's Bureau of Resource Recovery and Technical Programs (BRRTP) submitted comments regarding the proposed long-term disposal strategy for solid waste generated within Warren County upon closure of the WCDL in 2007. Specifically, the BRRTP noted that the issuance of a renewed solid waste facility permit has been on hold since 1997 pending finalization of negotiations between the PCFA and Covanta Energy regarding operations of the WCRRF.

The continued lack of a valid operating permit and new solid waste facility permit prevents the Department from bringing the facility into full compliance with current solid waste regulations.

**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 March 23, 2005 amendment to the approved County Plan and certify to the County Freeholders that the March 23, 2005 amendment is approved as further specified below.

The March 23, 2005 amendment proposing County Plan inclusion of a long-term disposal strategy for solid waste generated within Warren County upon closure of the WCDL in 2007 is approved; however, the County must submit to the Department within 120 days from the date of this certification a contingency plan to address the disposal of solid waste not under contract with Covanta Energy in the case that the County or the Department determines that the proposed plan does not adequately satisfy the County's planning responsibilities, as outlined at N.J.S.A. 13:1E-20.

In addition, Warren County shall submit to the Department the following information within the time periods set out below:

- 1) within 30 days from the date of this certification a schedule that will bring the negotiations between the PCFA and Covanta Energy to a close no later than December 31, 2005 and
- 2) within 180 days of the date of this certification a comprehensive plan outlining the County's strategy to achieve the State recycling goals specified at N.J.S.A. 13:1E-99.11 et seq. If the recently proposed Statewide Solid Waste Management Plan (Plan) is adopted prior to 180 days from the date of this certification, the County shall be given the same time period allotted within the Plan for updating the County Plan to meet the above noted recycling goals.

**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 March 23, 2005.

September 12, 2005

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Date

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Bradley M. Campbell, Commissioner  
Department of Environmental Protection