



State of New Jersey

Department of Environmental Protection
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Richard J. Codey
Acting Governor

Bradley M. Campbell
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MAY 13 2005

Honorable Jack J. Schrier, Director
Morris County Board of Chosen Freeholders
County Administration and Records Building - 5th floor
Court Street
Morristown, NJ 07960

Dear Freeholder Director Schrier:

Enclosed is the certification of the solid waste management plan amendment, which the Morris County Board of Chosen Freeholders adopted on December 21, 2004. The amendment proposed Morris County District Solid Waste Management Plan (County Plan) inclusion of capacity expansions at the two Morris County Municipal Utilities Authority (MCMUA) Transfer Station/Material Recovery Facilities, located in the Townships of Parsippany-Troy Hills and Mount Olive.

We appreciate the efforts of the Freeholder Board, the MCMUA, and elected officials and citizens instrumental in the formulation of the district's solid waste management plan amendment.

Sincerely,

A handwritten signature in black ink, appearing to read "B. M. Campbell".

Bradley M. Campbell
Commissioner

Enclosure



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

**CERTIFICATION
OF THE DECEMBER 21, 2004
AMENDMENT TO THE MORRIS 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 January 29, 1981, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Morris 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 Morris County Board of Chosen Freeholders (County Freeholders) completed such a review and on December 21, 2004 adopted an amendment to its approved County Plan. The December 21, 2004 amendment proposes County Plan inclusion of capacity expansions at the two Morris County Municipal Utilities Authority (MCMUA) Transfer Station/Material Recovery Facilities (TS/MRFs), located in the Townships of Parsippany-Troy Hills and Mount Olive. Specifically, the December 21, 2004

amendment to the County Plan proposes to increase the capacity of the Parsippany-Troy Hills TS/MRF to 2,050 tpd and the capacity of the Mount Olive TS/MRF to 1,500 tons per day (tpd).

The amendment was considered administratively complete for review by the Department on January 10, 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 December 21, 2004 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the December 21, 2004 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 December 21, 2004 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 December 21, 2004 Amendment

Element: Facilities Operations & Histories

On April 1, 1987, the Department proposed an amendment to the County Plan to include within it two Morris County Transfer Station, Inc. (MCTS) transfer stations. One was to be located on a portion of Block 769, Lot 1, at the corner of Sharkey and Edwards Roads in the Township of Parsippany-Troy Hills. The Parsippany-Troy Hills transfer station was included in the County Plan with a design capacity of 1,000 tpd of solid waste types 10, 13, 23, 25, and 27. The July 28, 1987 certification of this County Plan amendment directed the Morris County Board of Chosen Freeholders to adopt a plan amendment for County Plan inclusion of Block 768, Lots 2, 3, and 5 for increased site flexibility. The second MCTS, Inc. Transfer Station was to be located at the intersection of Goldmine Road and Flanders-Netcong Road on Block 14, Lot 1 in the Township of Mount Olive. The Mount Olive transfer station was included in the County Plan with a design capacity of 510 tpd.

On September 15, 1987, the Morris County Board of Chosen Freeholders approved an amendment to the County Plan which proposed inclusion of Block 768, Lots 2 and 3 in the Township of Parsippany-Troy Hills as additional property available for use as a part of the MCTS Transfer Station. This amendment was certified as approved by the Department on September 28, 1987.

A County Plan amendment adopted by the Morris County Board of Chosen Freeholders on December 22, 1993, included the proposed purchase of the MCTS transfer stations in the Townships of Parsippany-Troy Hills and Mount Olive by the MCMUA. This amendment was certified as approved by the Department on December 29, 1993.

On June 8, 1994, the Morris County Freeholder Board approved an amendment to the County Plan which proposed inclusion of clarification of the operating capacities of the two MCMUA TS/MRFs. Specifically, the amendment to the County Plan included the approved maximum operating capacity as 650 tpd for the Mount Olive TS/MRF and 1,150 tpd for the Parsippany-Troy Hills TS/MRF. This amendment was certified as approved by the Department on October 17, 1994.

An administrative action dated September 7, 1999 and approved by the Department on September 20, 1999 included Block 768, Lot 2.01, and Block 770, Lots 17, 18, and 19 as part of the MCMUA's Parsippany-Troy Hills TS/MRF.

An administrative action dated January 3, 2001 and approved by the Department on January 11, 2001 included utilization of weekly averaging at both of the MCMUA transfer stations in the County Plan. The Parsippany-Troy Hills TS/MRF was included in the plan to receive a maximum daily capacity of 1,380 tons with a weekly capacity not to exceed 6,900 tons of solid waste. The Mount Olive TS/MRF was included in the plan to receive a maximum daily capacity of 975 tons with a weekly capacity not to exceed 3,900 tons of solid waste.

An administrative action received on August 11, 2004 and approved by the Department on August 19, 2004 approved County Plan inclusion of an additional 100 tpd at both of the MCMUA transfer stations bringing the total weekly capacities of the Parsippany-Troy Hills and Mount Olive TS/MRFs to a quantity not to exceed 7,500 tons and 4,500, respectively.

Lastly, on March 4, 2005, the Department received a letter from the MCMUA clarifying that the previous lot and block designation of the Mount Olive TS/MRF, Block 14, Lot 1 currently corresponds to Block 4500, Lot 5.

Element: Regulatory Requirements

The Mount Olive TS/MRF and the Parsippany Troy-Hills TS/MRF are located in the Highlands Preservation Area and Planning Area, respectively, pursuant to the Highlands Water Protection and Planning Act (N.J.S.A. 13:20 et seq.). If a facility expansion leads to a disturbance, as defined in Section 3 of that Act, that project is deemed a Major Highlands Development and, thus, unless found to be exempt, would require a Highlands determination and additional permits and/or approvals from the Land Use Regulation Program within the Department.

Transfer stations/material recovery facilities are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits the release of odors and other air contaminants which interfere with the enjoyment of life and property. Further, transfer stations/material recovery facilities 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. Finally, if the proposed operation will discharge pollutants as defined in N.J.A.C. 7:14-1.9, said operation must secure a New Jersey Pollutant Discharge Elimination System Permit and/or a Treatment Works Approval for pollutant discharges prior to operation.

C. Certification of the Morris 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 December 21, 2004 amendment to the approved County Plan and certify to the County Freeholders that the December 21, 2004 amendment is approved as further specified below.

The December 21, 2004 amendment proposing County inclusion of capacity expansions at the two Morris County Municipal Utilities Authority TS/MRFs, located on Block 768, Lots 2.01 and 3, Block 769, Lot 1, and Block 770, Lots 17-19 in the Township of Parsippany-Troy Hills and on Block 4500, Lot 5 in the Township of Mount Olive is approved. Specifically, the December 21, 2004 amendment to the County Plan proposes to increase the capacity of the Parsippany-Troy Hills TS/MRF to 2,050 tpd and the capacity of the Mount Olive TS/MRF to 1,500 tpd.

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 Morris County District Solid Waste Management Plan which was adopted by the Morris County Board of Chosen Freeholders on December 21, 2004.

May 13, 2005
Date



Bradley M. Campbell, Commissioner
Department of Environmental Protection