



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
GEORGE J. TYLER, ASSISTANT COMMISSIONER
CN 402
TRENTON, N.J. 08625
609 - 292 - 8068

August 19, 1985

Mr. Patric J. Hyland, Director
Morris County Board of Chosen Freeholders
Administration Building
Morristown, New Jersey 07960

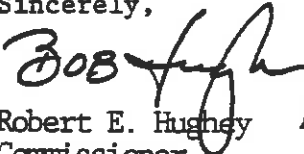
Dear Freeholder Director Hyland:

Enclosed is a certification of a recent amendment to the Morris County District Solid Waste Management Plan adopted by the freeholders on July 10, 1985. The certification approves the designation of Site 6-1B in Rockaway Township for the development of a sanitary landfill. The certification also approves the minor modifications and the plan update adopted by the freeholders.

Additionally, the Administrative Consent Order entered between the Department and the county calls for the Department to rescind its directives of August 30, 1984 and September 18, 1984 upon the adoption by Morris County of a plan amendment designating Site 6-1B or any other suitable site as a landfill site. Because Site 6-1B is now approved as a part of the Morris County solid waste management plan as a suitable location for a landfill facility, I hereby rescind the directives of August 30, 1984 and September 18, 1984.

I would like to thank you and the rest of the freeholder board for your efforts in addressing the solid waste disposal problems affecting Morris County and the state.

Sincerely,


Robert E. Hughey
Commissioner

Enclosure

RECEIVED

SEP 13 1985

MORRIS CTY. PLANNING BD.



STATE OF NEW JERSEY
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 ROBERT E. HUGHEY, COMMISSIONER
 CN 402
 TRENTON, N.J. 08625
 609 - 292 - 2885

(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 JULY 10, 1985 AMENDMENT
 TO THE MORRIS COUNTY DISTRICT
 SOLID WASTE MANAGEMENT PLAN

RECEIVED

SEP 13 1985

BY ORDER OF THE COMMISSIONER:

A. Introduction

MORRIS CTY. PLANNING DD.

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 January 29, 1981, the Department approved, with modifications, the Morris 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 management needs of the district for the 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 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 Morris County Board of Chosen Freeholders completed such a review and on July 10, 1985, adopted an amendment to its approved district solid waste management plan. The amendment was received by the Department of Environmental Protection on

July 19, 1985 and copies were distributed to various state level agencies for review and comment, as required by law.

The Department has reviewed this amendment, as well as the entire Morris County District Solid Waste Management Plan, and has determined that the amendment adopted by the Morris County Board of Chosen Freeholders on July 10, 1985 is approved as provided in N.J.S.A. 13:1E-24. With regard to the district's plan, while the requirements of the act concerning the report have been met, the district's plan remains deficient in some important ways.

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

On January 9, 1985 the Morris County Board of Chosen Freeholders and the Department of Environmental Protection entered into an Administrative Consent Order (A.C.O.). Provisions of the A.C.O. required Morris County to amend its district solid waste management plan to designate Site 6-1B in Rockaway Township or an alternative site for the development of a sanitary landfill, following the performance of an environmental analysis by the Department of Environmental Protection of the 6-1B site. The Department retained Woodward-Clyde Consultants to conduct the site analysis and their study results enabled the Department to conclude that Site 6-1B in Rockaway Township, if developed in accordance with applicable environmental standards, is a suitable site for the construction of a sanitary landfill.

On July 10, 1985, the Morris County Board of Chosen Freeholders amended their district solid waste management plan to include the Rockaway Township site. The plan amendment also contained other revisions to update the plan which are addressed in more detail in Section C. of this certification.

Pursuant to N.J.S.A. 13:1E-24a(1), I Robert E. Hughey, Commissioner of the Department of Environmental Protection have studied and reviewed the July 10, 1985 amendment to the Morris County District Solid Waste Management Plan according to the objectives, criteria and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that this plan amendment is fully consistent with the Statewide Solid Waste Management Plan.

In addition, the Division of Waste Management circulated the plan amendment to sixteen review agencies and solicited their review and recommendations. Pursuant to N.J.S.A. 13:1E-24(2) and (3), these agencies included various agencies, bureaus and divisions within the Department of Environmental Protection as well as the Board of Public Utilities. In addition, the plan amendment was also submitted to the Department of Community Affairs, the Department of the Public Advocate, the Department of Health, the Department of Agriculture, the Department of Transportation and the New Jersey Turnpike Authority. Three of these agencies, the Division of Fish, Game and Wildlife, the Green Acres Program and the Department of the Public

Advocate submitted comments adverse to the plan amendment. Prior to my decision on this plan amendment, Dr. Marwan M. Sadat, Director of the Division of Waste Management, and his staff were directed to prepare a memorandum analyzing the concerns raised by these state agencies. Dr. Sadat prepared a memorandum to Assistant Commissioner George Tyler. While I accept the findings and conclusions in this memorandum and attach a copy hereto, I also add the following: Essentially the adverse comments focus on two issues; possible degradation of the surrounding environment due to the development of the landfill and concern over competing land uses for the proposed landfill site. Pursuant to the Solid Waste Management Act, no solid waste facility may be constructed or operated until a detailed application for formal authorization is submitted to and reviewed by the Department. This application must include a specific engineering design sufficient to demonstrate that the facility will meet the standards and criteria set forth in the Solid Waste Management Act and its implementing regulations. Therefore, this permitting procedure will assure that construction and operation of any landfill facility at this site will not degrade the surrounding environment.

I also wish to comment with regard to the issue concerning the potential competing use of Site 6-1B for affordable housing. Although my obligation to consider low-income housing needs in reviewing this plan amendment is by no means clear, I have considered this competing concern. The consideration of this issue does not alter my decision to approve Site 6-1B for inclusion in the Morris County Solid Waste Management Plan. I have examined this issue and considered the aforementioned memorandum prepared by Dr. Sadat, and for the reasons expressed in the that memorandum, I conclude that the preferred use for this property is for a solid waste disposal facility, rather than for a housing development that includes a percentage of affordable housing units.

C. Certification of Morris County District Solid Waste Management Plan Amendment

I, Robert E. Hughey, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq. and N.J.S.A. 13:1E-21, which established specific requirements regarding the contents of the district solid waste management plans, have reviewed the July 10, 1985 amendment to the approved Morris County District Solid Waste Management Plan and certify to the Morris County Board of Chosen Freeholders that the July 10, 1985 amendment is approved as further specified below.

The inclusion in the plan of Site 6-1B in Rockaway Township as the designated site for the development of a sanitary landfill is approved. The removal of the borough of Butler, the borough of Kinnelon and the township of Pequannock from waste flows associated with the Lakeland Regional Solid Waste Authority is approved. The blanket compost facility siting policy which states that all compost facilities are consistent with the Morris County Plan, provided they meet existing environmental, design and operation standards of the N.J.D.E.P. is approved. The establishment of county-wide mandatory recycling for each municipality is approved. The incorporation of the January 9, 1985 Administrative Consent Order (A.C.O.) into the district plan is approved.

The construction or operation of any solid waste facility shall be preceded by the obtainment of all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq. and all other applicable laws. The issuance of construction and/or operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department to be fit and competent to manage such facilities.

The Department has reviewed the entire Morris County District Solid Waste Management Plan, including this amendment, to determine whether the plan fulfills the requirements set forth in N.J.S.A. 13:1E-21. The result of that review is as follows:

1. N.J.S.A. 13:1E-21b(1) requires the designation of a department, unit, or committee of county government . . . to supervise the implementation of the county's solid waste management plan.

Morris County has complied with the requirements of N.J.S.A. 13:1E-21b(1) by designating the Morris County Planning Board to supervise the implementation of the district solid waste management plan.

2. N.J.S.A. 13:1E-21b(2) requires a statement of the solid waste disposal strategy to be applied . . . which strategy shall include the maximum practicable use of resource recovery procedures and a plan for using terminated landfill disposal sites . . . in the Solid Waste Management District.

The Department considers Morris County's proposed terminated landfill policy an appropriate first step. The county plan still does not comply with the Act which requires a specific plan for using each terminated landfill in the county. Therefore, the Morris County Plan remains deficient with respect to 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 July 10 1985 Amendment incorporates the January 9, 1985 Administrative Consent Order which provides schedules for the development of an in-county landfill at site 6-1B in Rockaway Township or another suitable site and a resource recovery facility at a site to be designated by September 1, 1985. The incorporation of the January 9, 1985 Administrative Consent Order enables the Morris County plan to meet the requirements of N.J.S.A. 14:1E-21b(3).

4. N.J.S.A. 13:1E-21b(4) requires a survey of proposed collection districts and transportation routes with projected transportation costs from collection districts to existing or available sites for solid waste disposal facilities.

With the designation of Site 6-1B in Rockaway Township for the development of a sanitary landfill, the Morris County plan is deficient in regard to the requirements of N.J.S.A. 13:1E-21b(4) due to the fact that a survey of transportation routes and projected costs has not been completed.

5. N.J.S.A. 13:1E-21b(5) requires procedures for coordinating all activities related to the collection and disposal . . . within the Solid Waste Management District, which procedures shall include the agreements entered into as provided herein between the Board of Chosen Freeholders . . . and every such person, and the procedures for furnishing the solid waste facilities contained in the Solid Waste Management Plan.

The solid waste management act requires districts which import or export waste to reach formal interdistrict agreements. No such agreements exist between Morris County and the districts to which Morris County exports its solid waste. Therefore, the Morris County Solid Waste Management Plan is deficient in meeting the requirements of N.J.S.A. 13:1E-21b(5).

6. N.J.S.A. 13:1E-21b(6) requires a method or methods of financing solid waste management in the solid waste management district pursuant to the solid waste management plan.

Morris County has not submitted to the DEP a specific plan for financing solid waste management within the district. Therefore, Morris County has not complied with N.J.S.A. 13:1E-21b(6) and this section of the Morris County District Solid Waste Management Plan is deficient.

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 the within amendment to the Morris County District Solid Waste Management 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 of Environmental Protection and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the Morris County District Solid Waste Management 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 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 Morris County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Morris 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 Morris County District Solid Waste Management 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 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) which are part of the Morris County District Solid Waste Management Plan.

4. Certification to Proceed with the Implementation of Plan Amendment

This document shall serve as the certification of the Commissioner of the Department of Environmental Protection to the Morris County Board of Chosen Freeholders, as provided for by N.J.S.A. 13:1E-24f., to proceed with the implementation of the approved amendment contained 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 N.J.A.C. 7:26-1.4 and -2.13.

6. Effective Date of Amendment

The approved amendment to the Morris County District Solid Waste Management Plan contained herein shall take effect immediately.

Final disposition of such proposed changes in the state waste flow rules will be determined pursuant to formal rulemaking by the Department and the Board of Public Utilities in accordance with N.J.A.C. 7:26-6.6.

7. Reservation of Authority

Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Morris County District Solid Waste Management Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan. The Department has published a Statewide Solid Waste Management Plan with appendices which includes the Department's planning guidelines and rules, regulations, and orders of the Department, including the interdistrict and intradistrict waste flow rules, and also includes the compilation of individual district plans and amendments as they are approved.

E. Certification of Approval of the Amendment and Notification of Deficiencies 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 B of this certification, to the Morris County District Solid Waste Management Plan which was adopted by the Morris County Board of Chosen freeholders on July 10, 1985, and further direct the Morris County freeholders to remedy those deficiencies outlined in Section C of this certification within 90 days of the date of this certification.

8/19/85
DATE



ROBERT E. HUGHEY
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF WASTE MANAGEMENT
32 E. Hanover St., CN 028, Trenton, N.J. 08625

DR. MARWAN M. SADAT, P.E.
DIRECTOR

August 9, 1985

LINO F. PEREIRA, P.E.
DEPUTY DIRECTOR

MEMORANDUM

TO: George J. Tyler, Assistant Commissioner
for Environmental Management and Control

FROM: Dr. Marwan M. Sadat, Director
Division of Waste Management

SUBJECT: Briefing on an Adopted Amendment to the Morris County District Solid
Waste Management Plan

I. Background

On July 10, 1985, the Morris County Board of Chosen Freeholders adopted an amendment to the Morris County District Solid Waste Management Plan to designate a site for the development of a sanitary landfill and to update and modify the district plan. The plan amendment was received by the Department on July 19, 1985 and was hand carried to state level review agencies with a request for responses by July 26, 1985. A second request for comments from those agencies that had not responded was sent on July 30, 1985.

II. Purpose of the Amendment

The Morris County Plan has been amended to: 1) designate a site for the development of a sanitary landfill located at Site 6-1B in Rockaway Township; 2) remove the borough of Butler, the borough of Kinnelon and the township of Pequannock from the Lakeland Regional Solid Waste Management Authority; 3) incorporate a blanket compost facility siting policy; 4) establish mandatory county-wide recycling; 5) incorporate the January 9, 1985 Morris County/DEP Administrative Consent Order which contains schedules for the development of the landfill and a yet to be sited resource recovery facility; and 6) update the district plan.

III. Proposed Action by the Department

The proposed certification approves the designation of Site 6-1B in Rockaway Township for the development of a landfill; approves the removal of Butler, Kinnelon and Pequannock from waste flows associated with the Lakeland Regional Solid Waste Management Authority; approves the blanket

compost facility siting policy; approves the establishment of mandatory county-wide recycling; approves plan incorporation of the January 9, 1985 Administrative Consent Order; and identifies remaining deficiencies evident in the plan.

IV. State Level Comments

- A. The following state level review agencies had no objections to the amendment:

New Jersey Turnpike Authority
Department of Community Affairs
Division of Water Resources
Department of Agriculture
Division of Parks and Forestry
New Jersey Advisory Council on Solid Waste Management
Board of Public Utilities
Office of Recycling
Division of Environmental Quality

- B. The following state level review agencies provided specific comments on the July 10, 1985 amendment as shown:

NJDOT - Bureau of Environmental Analyses - ". . . Route I-80 will be used by trucks from several municipalities to travel to and from the landfill/recovery facility. This roadway is now approaching its capacity in this area, and NJDOT is planning to widen it by one-travel lane in each direction through Rockaway Township in the late 1980's. Increased travel traffic generated by the landfill/recovery facility may add to expected travel delays caused by the planned roadway improvement." and, how does "the proposed landfill project relate to a pumped storage hydro electric project proposed for the Mount Hope Lake area by the Halecrest Company... (which)" will also generate increased truck traffic during its construction phase, from 1990 to 1997, in the same areas as the landfill." (DWM response: Truck routing to minimize traffic impacts will be addressed by Morris County as part of an expanded environmental impact statement. In addition, the potential joint impacts of the proposed pump storage and landfill projects will have to be assessed in the EIS process.)

Green Acres - "Green Acres has invested over \$600,000 in the form of state matching grants, to assist Rockaway Township in the acquisition and development of Lake Ames Park . . . adjacent to the northern boundary of the subject site. . . Degradation of the water quality of the lake to a level preventing swimming use would seriously detract from the state and local investment value of the park."

"Approximately two thirds of the site (900 acres) has been proposed for state open space acquisition by the Rockaway Township Environmental Commission ... (and) would be a desirable addition to the state's dedicated open space system."

"Green Acres is in general becoming increasingly concerned with the long range protection of the state's key natural resources, particularly inland fresh water wetlands and water supply resources."

(DWM response: It is the position of the Division that the location of the proposed site and enforcement of the extensive environmental standards that would be applied for construction and operation of the landfill would prevent degradation of surrounding water resources. With regard to the open space acquisition issue, Morris County is currently in critical need of solid waste disposal capacity. This fundamental need is basic to the preservation of the health, safety and welfare of the residents of Morris County and must, therefore, be considered as a primary interest between competing land use proposals. In addition substantial portions of the site may be dedicated to open space. The final concern regarding wetlands will be addressed in detail with the expanded EIS.)

Division of Fish, Game and Wildlife: . . . "is opposed to locating a landfill at Site 6-1B, since the site: 1) includes the fresh waters of a trout production stream; 2) is upstream of a Green Acres property, Lake Ames; 3) is in the drainage basin of Hibernia Brook, a trout maintenance and stocked waterway; 4) has bog turtles (endangered) and wood turtles (threatened); 5) appears to support potential habitat for the Cooper's hawk (endangered), red-shouldered hawk (threatened), barred owl and great blue heron; 6) will have significant adverse impacts on wild turkey, bobcat, river otter, black bear, white-tail deer and migrating waterfowl; 7) would cause the loss of valuable wetlands." (DWM response: The development of this facility or any other construction on this site will have some effect on the surrounding natural environment. However, with the proper construction and operation of the landfill adhering to the rules and regulations of the Department, potential negative impacts will be minimized or eliminated. The specific concerns identified above will have to be addressed in detail within the expanded Environmental Impact Statement for Site 6-1B.)

Department of the Public Advocate - addresses "the issue of the extent to which the amended plan needlessly interferes with the vindication of the constitutional rights of low and moderate income persons to access to affordable housing in Rockaway Township." The Department of the Public Advocate Division believes the plan is "illegal and unsound on four grounds: . . . 1) alternative suitable landfill sites are available; 2) the county should "exercise its power to select a landfill site in a manner which minimizes interference with the vindication of the constitutional right of lower income persons to secure realistic housing opportunities in Rockaway Township"; 3) the DEP is also constitutionally bound "to secure realistic housing opportunities"; 4) the Morris County Board of Freeholders adopted the amended plan without determination of the impact "the amended plan would have on the provision of low and moderate income housing in Rockaway Township". . . (DWM response: Following identification by Morris County of Sites 6-1A and 6-1B in Rockaway Township and two other sites in Morris County as top candidate landfill sites in 1982, the township of Rockaway proposed to zone Sites 6-1A and 6-1B for low-and-moderate income housing in order to settle the Mt. Laurel suit brought by the Public Advocate against the township. This proposal led to a settlement of the Mt. Laurel litigation, which settlement was eventually approved by Judge Skillman as being fair to low-and-moderate-income persons.

Initially, despite the Public Advocate's comments, the obligation of the Department or counties to consider current municipal zoning designations when fulfilling their responsibilities under the Solid Waste Management Act is not clear. In fact, it is well established that siting decisions made under the procedures set forth in the Solid Waste Management Act preempt municipal zoning. It is by no means clear that the fact that Rockaway has chosen to use Site 6-1B to meet its Mt. Laurel obligation alters the preemptive effect granted to solid waste zoning decisions by the Legislature.

Nevertheless, because of the dispute over the nature of the Department's obligation, an analysis has been made of the competing land uses proposed for Site 6-1B. Although development of low-and moderate-income housing and solid waste disposal facilities are both important public concerns, the Division believes that dedication of Site 6-1B for landfill development is the more compelling land use for each of the following three reasons.

First, the Division's analysis of the environmental assessment of Site 6-1B indicates that the parcel is a suitable location for a landfill facility and that potentially adverse environmental impacts from landfill development can be mitigated through development of an engineering design for the facility containing appropriate design elements. By contrast, it is not clear that Site 6-1B is environmentally suitable for a large-scale housing development of the density envisioned by the Public Advocate. The Public Advocate has indicated that the concentration of housing development on Site 6-1B would occur in the northern section of the site encompassing approximately 500 acres at a density of 8 units per acre. Since the settlement of the Mt. Laurel case entered, the Department through a consultant has undertaken an analysis of the environmental constraints present at Site 6-1B. Based on the information provided by this study, the Division has concluded that the intensive development proposed by the Mt. Laurel settlement may cause an unavoidable degradation of the trout production streams on the northern portion of the site by reducing stream flow, altering stream temperature and increasing the sedimentation in the streams. Landfill development is not anticipated to create an unavoidable problem of this nature because of the distance of the proposed landfill from the streams, the smaller acreage required for active landfilling activities, and the greater level of engineering controls available for landfill development and use. Similarly, the concerns expressed by the Division of Fish, Game and Wildlife regarding the presence of endangered and threatened species and their potential habitat may be difficult to mitigate in the high-density housing development proposed for Site 6-1B. Thus, although the Division has concluded that Site 6-1B is a suitable landfill site, the site's potential for its environmentally-sound development as a high density housing project is doubtful.

Second, the development of Site 6-1B as a landfill will have a much more substantial effect on the state's solid waste disposal crisis than development of the site for housing will have on the state's low-income housing needs. If developed as a landfill, Site 6-1B will

initially serve residents of Morris County and at least one other county under the terms of the Administrative Consent Order entered by the Department and Morris County. The development of this facility will accordingly be a major step toward solving the current disposal crisis in northern New Jersey. By contrast, a development containing some 250-300 low-income housing units and a similar number of moderate-income units would constitute only a small step toward solving the state's and region's need for additional affordable housing. And, furthermore, unlike landfill development which is scheduled for completion by March 1986, development of the site for affordable housing is contingent on the installation of major infrastructure improvements, such as public sewers and water, that will delay significantly the provision of new affordable housing opportunities.

Third, the legislature has recently passed new legislation addressing the need for affordable housing. This legislation commits the state a broader, more affirmative role in addressing the Mt. Laurel housing issues. Because of the positive effect this legislation should have on the provision of affordable housing in the state as a whole as well as the region that encompasses Rockaway Township and Morris County, the inability to use Site 6-1B for the Mt. Laurel housing is unlikely to have a substantial effect on the provision of Mt. Laurel housing in the Morris County region. In addition, upon the dedication of Site 6-1B for solid waste disposal purposes, Rockaway Township will continue to possess the constitutional obligation to provide for affordable housing and will be required to take all affirmative steps necessary to satisfy this obligation. In fact, in the Mt. Laurel settlement, the township recognizes its obligation to make such alternative provisions in the event site 6-1B is unavailable because of development for other purposes, condemnation or governmental restrictions on development, but not in the event that the property is utilized for solid waste disposal purposes.)

- C. The following state level review agencies failed to respond to our request for comment:

Division of Coastal Resources
U.S. E.P.A.
Department of Health

V. Schedule for Certification

According to the provisions of the Administrative Consent Order, the Commissioner must approve, modify, or reject the amendment within thirty (30) days of receipt of the plan amendment on July 19, 1985 or August 19, 1985.

