



## State of New Jersey

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Department of Environmental Protection

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

CERTIFICATION  
OF THE APRIL 21, 1998  
AMENDMENT TO THE ATLANTIC 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 develop comprehensive plans for waste management in their respective districts. On June 24, 1982, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Atlantic 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 Atlantic County Board of Chosen Freeholders (County

Freeholders) completed such a review and on April 21, 1998, adopted an amendment to its approved County Plan.

The amendment proposes County Plan inclusion of the Penn Jersey Building Materials Company, Inc. recycling center for Class B materials to be located in Egg Harbor Township, Atlantic County.

Although the amendment was adopted on April 21, 1998, it was not considered administratively complete for review by the Department until October 2, 1998. Copies of the amendment 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 April 21, 1998 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the April 21, 1998 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 this plan amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders and the applicant are notified of the issues of concern relative to the April 21, 1998 which are included in Section B.2. 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 Management, DEP  
Division of Parks and Forestry, DEP  
Division of Fish, Game 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  
Pinelands Commission  
Department of Agriculture  
Department of Health  
Department of Transportation  
Department of Community Affairs  
U.S. Environmental Protection Agency

1. Agency Participation in the Review of the April 21, 1998 Amendment

The following agencies did not object to the proposed amendment:

Division of Fish, Game and Wildlife, DEP  
Division of Parks and Forestry, DEP  
Division of Water Quality, DEP  
Division of Compliance and Enforcement, DEP  
Department of Agriculture  
Department of Transportation  
New Jersey Advisory Council on Solid Waste Management

The following agencies did not respond to our requests for comment:

Office of Air Quality Management, DEP  
Green Acres Program, DEP  
Land Use Regulation Element, DEP  
New Jersey Turnpike Authority  
Department of Community Affairs  
Department of Health  
U.S. Environmental Protection Agency  
Pinelands Commission

The following agency provided substantive comments as shown in Section B. of the certification document:

Division of Solid and Hazardous Waste, DEP

2. Issues of Concern Regarding the April 21, 1998 Amendment

**Issue: Regulatory Requirements**

If any operation of a recycling center 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.

Recycling centers 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.

**Issue: Capacity Limitations**

The April 21, 1998 amendment imposes annual capacity limitations upon the operations of the Penn Jersey Class B recycling center. Specifically, the amendment stipulates that the facility shall process approximately 90,000 tons per year of concrete; 35,000 tons per year of asphalt; and 5,000 tons per year of brick. The estimated maximum amount of materials delivered to the facility on

any single day will not exceed 90 trucks (about 2,000 tons). The Department issues a general approval to operate a recycling center for Class B materials pursuant to recycling regulations found at N.J.A.C. 7:26A-1 et seq. The application procedure found at N.J.A.C. 7:26A-3.2(a)5. requires the applicant specify "The maximum amount of each material, including contaminants, to be received, stored, processed or transferred at the recycling center per day, expressed in tons, cubic yards, cubic feet or gallons per day." As such, including a facility within a county plan subject to annual capacities is inconsistent with DEP's recycling regulations. The Atlantic County Solid Waste Coordinator was notified of this inconsistency. The County, after consultation with the applicant, notified the DEP of a resolution to the issue. Specifically, the combined 130,000 ton annual capacity for concrete, asphalt, and brick will remain. However, based upon a projected 5.5 days per week operating schedule, the maximum daily capacity will be 455 tons (130,000 tons divided by 286 days) comprising any mix of the three designated materials. Therefore, within Section C. of this certification, the Penn Jersey Building Materials Company, Inc. recycling center for Class B materials is included within the County Plan to accept a maximum of 455 tons per day of any combination of concrete, asphalt, and brick.

**C. Certification of the Atlantic 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 district solid waste management plans, I have reviewed the April 21, 1998 amendment to the approved County Plan and certify to the County Freeholders that the April 21, 1998 amendment is approved as further specified below.

The County Plan inclusion of the Penn Jersey Building Materials Company, Inc. recycling center for Class B materials to be located at Block 2101, Lot 11 in Egg Harbor Township, Atlantic County is approved. As noted within Section B., this facility may accept a maximum of 455 tons per day comprising any combination of concrete, asphalt, and brick.

This certification shall not be construed as an expression of the Department's intent to issue a recycling center approval to any recycling center for Class B recyclable materials. A recycling center approval shall only be issued where the applicant has submitted an administratively complete application, as per N.J.A.C. 7:26A-3.5, where all the substantive criteria for approval set forth in N.J.A.C. 7:26A-3.2, 3.3, and 3.4 are satisfied, where a fee has been paid in accordance with N.J.A.C. 7:26A-2, and where none of the criteria for denial of a recycling center approval are met, as per N.J.A.C. 7:26A-11 and 12.

Pursuant to N.J.A.C. 7:26A-4.1(a)1.iii., Class B recyclable

materials may be commingled only with other Class B recyclable materials and only to the extent authorized in the Department's general approval.

Any residue generated as a result of the operation of this recycling center shall be disposed of pursuant to the County Plan.

**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 District Solid Waste Management Plan**

The provisions of the District 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 waste. All nonhazardous materials separated at the point of generation for sale or reuse are subject to regulation pursuant to N.J.A.C. 7:26A-1 et seq.

4. Certification to Proceed with the Implementation of the Plan 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 shall proceed with the implementation of the approved 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 the Amendment

The amendment to the County Plan contained herein shall take effect immediately.

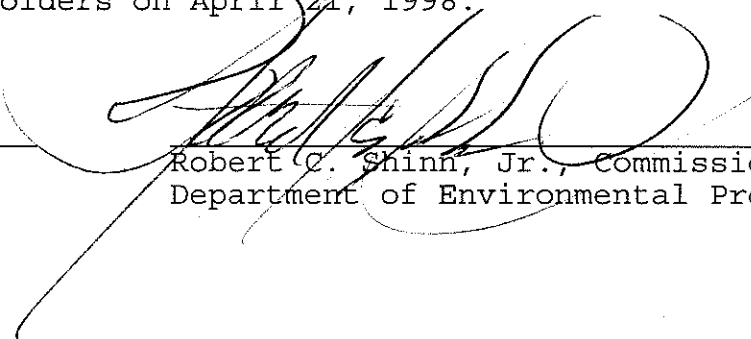
7. Reservation of Authority

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 Atlantic County District Solid Waste Management Plan which was adopted by the Atlantic County Board of Chosen Freeholders on April 21, 1998.

1/4/99  
Date

  
Robert C. Shinn, Jr., Commissioner  
Department of Environmental Protection