



STATE OF NEW JERSEY
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 FEBRUARY 26, 1991
AMENDMENTS 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 a 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, 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 Atlantic County Board of Chosen Freeholders (County Freeholders) completed such a review and on February 26, 1991, adopted four amendments to its approved County Plan. The amendments proposed inclusion of the Robert T. Winzinger, Inc. recycling facility in Egg Harbor Township, the expansion of the Chambers/Cardiff transfer station in Egg Harbor Township, a vegetative waste composting/recycling facility at the Fritz Haneman Environmental Park (Park) in Egg Harbor Township, and the A.E. Stone recycling facility in Egg Harbor Township.

The amendments were received by the Department on March 20, 1991 and copies were distributed to various state level agencies for review and comment, as required by law. The Department has reviewed these amendments, as well as the entire County Plan, and has determined that the amendments adopted by the County Freeholders on February 26, 1991 are approved, rejected in part, and modified in part 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 Amendments

Pursuant to N.J.S.A. 13:1E-24a(1), I, Scott A. Weiner, Commissioner of the Department, have studied and reviewed the February 26, 1991 amendments 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 these plan amendments, as modified, are consistent with the Statewide Solid Waste Management Plan.

In conjunction with the review of the amendments, the Department circulated copies to nineteen 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 as well as the Board of Public Utilities. These agencies were the following:

Division of Environmental Quality, DEP
Division of Water Resources, DEP
Division of Coastal Resources, DEP
Division of Parks and Forestry, DEP
Division of Fish, Game and Wildlife, DEP
Division of Solid Waste Management, DEP
Green Acres Program, DEP
Board of Public Utilities
Pinelands Commission
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Health
Department of Transportation

Department of Community Affairs
Department of the Public Advocate
U.S. Environmental Protection Agency
U.S. Department of Transportation, Federal Aviation Administration
U.S. Department of Agriculture, Animal Damage Control Program

1. Agency Participation in the Review of the February 26, 1991 Amendments

The following agencies did not object to the proposed plan amendments:

Division of Parks and Forestry, DEP
Department of Agriculture
Department of Transportation
Department of Community Affairs

The following agencies did not respond to the Department's requests for comments:

Division of Coastal Resources, DEP
Green Acres Program, DEP
Department of Health
Department of the Public Advocate
Board of Public Utilities
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
U.S. Environmental Protection Agency

The following agencies submitted substantive comments which are further addressed below:

Division of Environmental Quality, DEP
Division of Water Resources, DEP
Division of Fish, Game, and Wildlife, DEP
Division of Solid Waste Management, DEP
Pinelands Commission
U.S. Department of Transportation, Federal Aviation Administration
U.S. Department of Agriculture, Animal Damage Control Program

2. Comments Received for the February 26, 1991 Amendments

Comment: The DEP's Division of Solid Waste Management (DSWM) commented that it has received an application for a recycling facility approval from Robert T. Winzinger, Inc. for the above referenced facility, and has requested clarification regarding the types of vegetative wastes that will be accepted at the facility. With regard to the Chambers/Cardiff transfer station, the DSWM stresses the importance of compliance with the provisions of the New Jersey Statewide Mandatory Source Separation and Recycling Act. As indicated in the Temporary Certificate of Authority to Operate, issued to Chambers Waste Systems of New Jersey on December 14, 1989, "Recyclable materials designated in the Atlantic County District Recycling Plan to be source separated in each municipality pursuant to N.J.S.A. 13:1E-99.11 et seq., shall not be accepted for disposal at this facility."

Also, the DSWM commented that with regard to the A.E. Stone recycling facility, the proposed recycling facility regulations, N.J.A.C. 7:26A, as modified, provide for recycling facility approval for asphalt plants that accept waste type ID 27, petroleum contaminated soil, for incorporation into the asphalt mix. It is important to note that the intent of the proposed regulations is to allow that subset of waste type ID 27 soils that is contaminated with petroleum to be accepted at asphalt plants. This plan amendment does not refer specifically to petroleum contaminated soils, but only to nonhazardous, ID 27 soils. In addition, correspondence dated January 29, 1991 from the Department's Division of Environmental Quality (DEQ) regarding A.E. Stone's air pollution control permit application #1-90-4958, indicates that an in-depth description of the types of contaminated soil that will be processed will be required. The A.E. Stone recycling facility will be required to submit an application for recycling facility approval to the DSWM, and will be required to obtain the appropriate air permits, in order to accept ID 27 petroleum contaminated soils for recycling into hot mix asphalt. Representatives of A.E. Stone had previously discussed a cold mix asphalt process with representatives of the DSWM's Office of Recycling and the DEQ, and not a hot mix process. A.E. Stone's air pollution control permit application indicates that contaminated soil will be incorporated into a cold mix asphalt process. This discrepancy between the air permit application and the plan amendment must be resolved prior to receipt of any Departmental permits. A.E. Stone will be required to provide the DSWM's Office of Recycling with information on storage plans for the glass and tires which will be incorporated into the asphalt mix, so that it can be determined how the storage requirements for those materials will affect the rest of the operations at the facility.

The DSWM further commented that a landfill disruption permit for the proposed Robert T. Winzinger, Inc. recycling facility may be required should the proposed recycling activities be operated on the former landfill or buffer zone. Also, the vegetative waste composting/recycling facility at the Park is proposed on lots and blocks currently designated as cells for the proposed ACUA landfill currently under review by the DSWM. This siting discrepancy must be resolved prior to the issuance of permits for either facility should solid waste facility permits be approved. However, it should be noted that the DSWM has received a July 9, 1991 amendment that, among other things, correctly identifies the site of the vegetative waste composting/recycling facility.

The DSWM also commented relative to the need for the inclusion of bird control measures within solid waste applications and permits for facilities such as Robert T. Winzinger, Inc., Chambers/Cardiff and the vegetative waste composting/recycling facility at the Park. Concerns have been raised by the United States Department of Agriculture (USDA) and the Federal Aviation Administration (FAA) on these and other proposed solid waste facilities in close proximity to airports due to the potential for bird strikes affecting both passenger and military aircraft. While the DSWM does not have specific expertise in the area of bird strike mitigation, experience has been gained in the past two years within the

vicinity of the Atlantic City Airport with the design, construction and operations of the Atlantic County Transfer Station, particularly in terms of engineering design criteria which can be effectively applied to reduce bird attraction hazards. From this experience, the DSWM has developed specific application requirements, permit requirements and monitoring procedures which the Division believes should be followed to address air traffic safety concerns. These provisions include:

1. The development of site specific bird deterrent plans which must be submitted to the DSWM as part of a facility permit or expansion application;
2. Minimum requirements of providing wire grids on top of permanent structures to deter roosting, proper grading to reduce the ponding of water which can attract birds, and the installation of doors (where possible) to contain solid waste materials at all times within an enclosure;
3. The development of monitoring plans which specify observation, recording and reporting criteria for the presence of birds at facilities;
4. The establishment of procedures for suspending operations and associated contingency plans for solid waste handling in the event of the presence of a significant population of birds.

With these measures, and through subsequent implementation during the construction and operation phases of solid waste transfer stations and composting facilities, the threat of bird strikes is considered and addressed in a comprehensive manner. The DSWM takes the position that the three facilities under consideration are appropriate for plan inclusion since associated aircraft safety concerns will be addressed within the technical phase of the permitting process.

It was also noted by the DSWM that since the plan amendments under consideration herein were received for review, the DSWM received a July 1, 1991 letter from Chambers Waste Systems of New Jersey (owners of the Chambers/Cardiff transfer station). This letter indicated that the company no longer plans to pursue the expansion of the Chambers/Cardiff transfer station from a 200 ton per day (TPD) to a 475 TPD facility. Instead, the facility will remain at the current 200 TPD capacity which more accurately reflects the current and anticipated transfer station needs. Therefore, the DSWM recommended that the expansion of the Chambers/Cardiff transfer station be rejected since this is now a moot issue. This rejection, however, does not prejudice any future action by the County or Chambers Waste Systems of New Jersey to expand the Chambers/Cardiff transfer station.

Response: Based upon the DSWM's identified and historically applied approach for addressing the air safety issue within the technical phase of the permit process, the Robert T. Winzinger and the vegetative waste composting/recycling facility at the Park have been approved for plan inclusion within Section C. of this certification. As part of this approval, appropriate bird deterrent measures, monitoring procedures and

contingency plans are specifically required to be submitted to and approved by the Department prior to facility operations as further specified within Section C. In addition to the air safety issue, within Section C. of this certification, the A.E. Stone, Inc. recycling facility is approved for plan inclusion as a hot asphalt mix process; the vegetative waste composting/recycling facility at the Park is approved with modification to correctly identify a lot designation for the site; and the Chambers/Cardiff transfer station expansion is rejected since this is now a moot issue. By copy of this certification, the County Freeholders and the affected applicants are notified of these comments and the DSWM is notified of this response.

Comment: The DEQ commented that recycling centers, composting facilities, and transfer stations are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits odors and other air contaminants which interfere with the enjoyment of life or property. These operations are also considered solid waste facilities, which are 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. Also, stationary conveying equipment which cause fugitive emissions of air contaminants require air pollution control permits pursuant to the provisions of N.J.A.C. 7:27-8.2(a)11.

The DEQ also commented that the recycling of asphalt may release organic substances into the air. The recycling equipment and any bituminous concrete plant which uses the recycled asphalt may need an air pollution control apparatus to control organic substance emissions. Air pollution control permits for existing bituminous concrete plants would have to be revised to include recycled asphalt. Further, the use of shredders and crushers will necessitate the control of particulate emissions released into the air. Pursuant to N.J.A.C. 7:27-8.2(a) 7, 11, 15 and 16, air pollution control permits to construct, install or alter control apparatus or equipment are required. Facilities to crush asphalt, concrete, brick, etc., must comply with the noise control code, N.J.A.C. 7:29.1. The use of specific materials in hot asphalt must be reflected in an approved air pollution control permit. Type 27 waste is too general a classification to determine acceptability. Some type 27 waste may be an acceptable component of hot asphalt mix. Other type 27 waste, if added to hot asphalt mix, would generate unacceptable levels of air contaminant emissions.

Response: The issue of which relevant permits are required for each solid waste facility is more appropriately addressed during the Department's technical phase of the permit review process. Specifically, by copy of this certification, the Engineering Element and the Office of Recycling of the Department's DSWM will be apprised of these comments. At such time as these agencies review applications for the various projects, they will circulate applications to the DEQ for more detailed review and comment. Also, by copy of this certification, the County Freeholders and the affected applicants are notified of these comments and the DEQ is notified of this response.

Comment: The Division of Water Resources (DWR) commented regarding the Chambers/Cardiff transfer station stating it is consistent with the Atlantic County Water Quality Management Plan as long as any future leachate/wastewater collection system ties into the ACUA-City Island Sewage Treatment Plant. This finding is contingent on the proposed expansion resulting in no increase in permitted flow and no new wastewater discharge.

Response: Since the Chambers/Cardiff transfer station expansion will not be pursued, this comment is a moot issue. By copy of this certification, the County Freeholders and Chambers Waste Systems of New Jersey are notified of these comments and the DWR is notified of this response.

Comment: The Division of Fish, Game and Wildlife (DFG&W) commented with regard to the Robert T. Winzinger, Inc. recycling facility. The DFG&W noted that scrub/emergent wetlands are present on site. The DFG&W also noted that the applicant indicated the facility's location on the wrong quadrangles. Although this is a disturbed site, the DFG&W recommended an environmental assessment and adequate avoidance/buffering of the wetland areas.

With regard to the vegetative composting/recycling facility at the Park, the DFG&W has unresolved concerns about activities at the Park. Proper/adequate endangered species surveys have yet to be done at the Park. Similarly, auxiliary development at the Park (i.e. the vegetative waste composting/recycling facility) should not be located on areas that should be set aside for preservation or open space for displaced wildlife as indicated in early development proposals (resource recovery/landfill) at the Park area. These issues must be resolved before the DFG&W can consider future proposals. A complete plan (map) of the park is needed to distinguish: existing development; proposed developmental areas; areas protected by regulation (i.e. wetlands/buffers); and valuable habitat areas that should be protected for preservation or displaced wildlife.

Response: The issue of the presence of wetlands at the Robert T. Winzinger, Inc. recycling facility and the presence of wildlife/endangered species at the Park is more appropriately addressed during the Department's technical phase of the permit review process. Specifically, by copy of this certification, either the Office of Recycling or the Engineering Element of the Department's DSWM will be apprised of these comments. At such time as these agencies review applications for permits or approvals for the above mentioned facilities, they will circulate applications to the DFG&W for a more detailed review and comment. By copy of this certification, the County Freeholders and the affected applicants are also notified of these comments and the DFG&W is notified of this response.

Comment: The Pinelands Commission (Commission) commented that the proposed Robert T. Winzinger, Inc. recycling facility in Egg Harbor Township is located in a Pinelands Rural Development Management Area. An application for the proposed facility has not been submitted to the Commission. An application must be approved by the Commission prior to the development of such a facility. Such a proposed use would only be permitted pursuant to the waste management standards of the Pinelands

Comprehensive Management Plan (N.J.A.C. 7:50-6.71 et seq.). It also must be demonstrated that the proposed use would not be defined as a heavy industrial use. The development of such a facility without the approval of an application by the Commission would be a violation of the requirements of the Pinelands Comprehensive Management Plan.

The Commission further commented that the Chambers/Cardiff transfer station located in Egg Harbor Township is located in a Pinelands Regional Growth Management Area. Solid waste transfer stations are a permitted use in Pinelands Regional Growth Management Areas. An application for upgrades to the existing waste transfer facility has been submitted to the Commission. However, the requisite Certificate of Compliance has not yet been issued. It is the understanding of the Commission that the proposed upgrade must be completed in order for the transfer station to be utilized as proposed in the plan amendment. The proposed upgrade may not be developed until the Certificate of Compliance is issued. Approval of this facility is subject to all requirements of N.J.A.C. 7:50-6.76. These include the requirement that solid waste transfer facilities are permitted to accept waste materials from only Pinelands municipalities or from counties with at least 50% of their land within the Pinelands. Pending review of detailed plans, the proposed plan amendment is not inconsistent with the Pinelands Comprehensive Management Plan.

Response: Section C. of this certification requires that all Commission approvals must be obtained for the Robert T. Winzinger recycling facility prior to operation and rejects the expansion of the Chambers/Cardiff transfer station. By copy of this certification, I notify the County Freeholders and the affected applicants of these comments and the Commission of this response.

Comment: The United States Department of Agriculture's (USDA) Animal Damage Control Program and the United States Department of Transportation's Federal Aviation Administration (FAA) submitted similar comments relative to the bird attraction potential of the Robert T. Winzinger, Inc. recycling facility, the expansion of the Chambers/Cardiff transfer station, and the vegetative waste composting/recycling facility at the Park. Both agencies are concerned that the proposed facilities will attract birds into the airspace surrounding the Atlantic City International Airport (referred to under aviation nomenclature as ACY) creating a grave aircraft safety hazard.

Specifically, the USDA commented that any trash handling facility at the site of the former Winzinger landfill will compromise the aviation safety of the ACY. The site is approximately 6,000 feet from ACY runways, and in an area especially attractive to birds because of its proximity to the coast, Atlantic City's reservoirs, shopping malls and other trash handling facilities. The former landfill still attracts a modest number of birds even though it is no longer operational and the proposed facility will attract additional birds because they recognize trash handling facilities as a potential food source. Insects which feed on wood waste and its mulch will provide the potential food source; crows are commonly seen foraging at facilities that handle waste wood.

Also, the USDA commented that the Chambers/Cardiff transfer station is a serious threat to aircraft using the ACY. The site attracts large numbers of gulls and it is in direct line with ACY runway 4, only 7,000 feet from the runway's end. Since the USDA began recording observations on January 17, 1991, the site attracts numerous gulls daily with a maximum of 300 seen at one time. Gulls perch on rooftops and garbage containers waiting to feed on trash spilled on the ground, or exposed on containers, trucks and other equipment. When gulls are disturbed by activities at the facility, they can be seen soaring high above the site in the path of aircraft using ACY runway 4. The proposed expansion will attract additional gulls and increase bird activity in the airspace above the site. Adding parking areas will provide gulls with fresh drinking and bathing water. Increasing the facilities handling capacity will also increase the amount of potential food available to gulls.

Further, the USDA noted that the Park is located in a very sensitive area with respect to the ACY. It is only 10,300 feet from the end of runway 31, and along a natural travel corridor used by gulls moving from coastal nesting areas inland to forage. The open gravel pit and its impounded water attracted birds before the park was established and the construction of a trash transfer station has attracted additional birds. A composting facility will provide an abundance of insects (flies and beetles) and earthworms which attract birds. The monthly turning of windrows will expose the insects creating a situation with potential to attract large concentrations of birds. A composting operation at the Park will only increase the hazard it poses to aircraft safety.

Finally, the USDA concluded by stating that when considering what effects additional trash handling operations will have on aviation safety at the ACY, it is essential to weigh the cumulative effects. The airport safety environment extends well beyond its physical boundaries. The ACY is situated in an area that is naturally attractive to birds. Gulls travel from coastal wetlands up Absecon Creek to Atlantic City's reservoir and inland to forage. They detour along the way to investigate any potential food source. If they find food they develop a fidelity to the site and attract additional gulls. Land use around the ACY abounds with sites attractive to gulls (ie. wetlands, facilities). No additional sites with the potential to attract birds into the ACY safety environment should be permitted. Bird strikes at the airport are increasing; it is only a matter of time before the hazard birds pose to aviation safety is realized.

The FAA commented that with the existing bird attraction problems already present at the three noted sites, the FAA technical position is that any increase in the percentage of birds is unacceptable. ACY bird strike data from July 1989 to the present documents an increasing trend in the number of bird strikes, which suggests erosion of ACY aviation safety. Based on compatibility criteria for waste disposal sites and airports as contained in FAA Order 5200.5A, the Robert T. Winzinger, Inc. recycling facility and the Chambers/Cardiff transfer station are incompatible with the ACY because they are each located within 10,000 feet of an ACY runway end (i.e., 6,000 feet and 7,000 feet, respectively). The vegetative waste composting/recycling facility at the Park, as well as the Robert T. Winzinger, Inc. recycling facility and the Chambers/Cardiff transfer

station are incompatible with the ACY because the site currently sustains hazardous bird movements into and across ACY runways and/or approach and departure patterns of aircraft, which will be exacerbated by additional facility construction and operations. Cumulative adverse impacts to ACY aviation safety of these three proposals as well as the existing facilities and sites acting together are greater than their individual impacts.

Therefore, the FAA recommends the Department deny approval of the Atlantic County amendments proposing the Robert T. Winzinger, Inc. recycling facility, the expansion of the Chambers/Cardiff transfer station, and the vegetative waste composting/recycling facility at the Park. The Department should also clearly assess the effects of approvals of these above mentioned amendments on the proposed ACY airport expansion plans and State of New Jersey involvement.

Response: Similar comments from the USDA and the FAA were received in response to the July 17, 1989 plan amendment which sited the Atlantic County transfer station at the Park site. The Department responded to these comments by stating that the bird attraction problem could be mitigated through the proper design of the transfer station and operating conditions which were required in the transfer station's solid waste facility permit. The result of these stringent requirements at the transfer station has been that the Department has detected no significant bird attraction problems. Therefore, appropriate conditions and/or restrictions may be able to mitigate the possibility of the bird attraction problem of the new facilities proposed within the amendment. By following the requirements of the DSWM, an adequate demonstration can be made by the applicant prior to operation that appropriate safeguards have been incorporated within the engineering design and monitoring plans. Moreover, should problems arise during the construction and operation phases of the project, the facility may be closed and identified contingency plans implemented. In addition, the vegetative waste composting/recycling facility at the Park is an important element of Atlantic County's solid waste strategy and will help to achieve the 50% municipal waste stream and 60% total waste stream recycling rates. Further, plan inclusion of both the Robert T. Winzinger, Inc. and vegetative waste composting/recycling facility is appropriate from a policy perspective in the planning phase of project development and rejection would be premature pending more detailed review within the technical phase of the permitting process. However, the concerns of the FAA and the USDA cannot be taken lightly. Therefore, as noted within Section C.1. of this certification, specific bird deterrent measures, monitoring procedures and contingency plans are required of applicants for submission and approval by the Department prior to operations at the Robert T. Winzinger, Inc. recycling facility and the vegetative waste composting/recycling facility at the Fritz Haneman Environmental Park. Further, the Chambers/Cardiff transfer station expansion has been rejected within Section C. since Chambers Waste Systems of New Jersey has decided not to pursue an expansion. By copy of this certification, the County Freeholders and the affected applicants are notified of these comments and the USDA, the FAA, and the DSWM are notified of this response.

C. Certification of the Atlantic County District Solid Waste Management Plan Amendments

I, Scott A. Weiner, Commissioner of the Department, 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, have reviewed the February 26, 1991 amendments to the approved County Plan and certify to the County Freeholders that the February 26, 1991 amendments are approved, rejected in part, and modified in part as further specified below.

1. February 26, 1991 Amendments

- a. The Robert T. Winzinger, Inc. recycling facility located at Lots 1 through 6, 8 and 9, Block 39A, in Egg Harbor Township is approved.

This facility will process approximately 340 tons per day of source separated commingled nonputrescible materials, such as wood scraps, lumber, tree parts and stumps, cinder blocks and bricks, broken asphalt and concrete. This facility shall not store, process, or handle asbestos or hazardous waste. All vehicles seeking to either deliver or receive any recyclable materials or other products shall not travel upon that portion of the Long Avenue Service Road which is located within Hamilton Township, but only that portion located in Egg Harbor Township. All necessary permits and approvals including those from the Pinelands Commission must be obtained prior to the construction and operation of this facility.

- b. The expansion of the Chambers/Cardiff (previously Waszen) transfer station located at Lot 3, Block 97-A, in Egg Harbor Township is rejected. Since Chambers Waste Systems of New Jersey has notified the DEP that the expansion of this facility will not be pursued, inclusion of the expansion of the Chambers/Cardiff transfer station is a moot issue and is hereby rejected.
- c. The vegetative waste composting/recycling facility at the Fritz Haneman Environmental Park, located at Lots 4 and 8, Block 13A; Lots 8, 9, 11, and 12, Block 17A; Lots 1 through 6, Block 18A; Lots 1 and 2, Block 19A; Lots 1 and 2, Block 20A; and Lots 1 through 5, Block 21A, in Egg Harbor Township is approved with modification. The modification is to correctly identify the Lots on Block 18A as Lots 1 through 6 and not Lots 1 through 5 and Lot 8. This modification does not require subsequent County Freeholder action. Authorization to operate on these properties shall cease at such time as they are required for use as the County Limited Use Landfill. This facility will process approximately 32,130 cubic yards of leaves each Autumn, and approximately 1,800 cubic yards of grass clippings each year, along with tree stumps, branches and other vegetative debris generated from within Atlantic County.

- d. The A. E. Stone, Inc. recycling facility located at Lots 3 through 20, Block 243A; Lots 3 through 13, Block 244A; and Lot 1, Block 264A, in Egg Harbor Township; and Lots 1 and 19, Block 109; and Lot 55, Block 136, in Pleasantville City is approved. This facility will recycle glass into crushed aggregate for road paving mix at a rate of approximately 200 tons per month; recycle source separated asphalt shingles into hot asphalt mix at a rate of approximately 50 tons per month; recycle nonhazardous soils (ID type 27) into hot asphalt mix at a rate of approximately 100,000 tons per year; and recycle used tires into hot asphalt mix at a rate of approximately 100 tons per year.

For the facilities identified in a. and c. above, the following are required by applicants in the form of submissions to address the potential for air traffic safety concerns associated with birds:

1. A bird deterrent plan, as part of a permit application package, which outlines mitigating measures to be used as part of facility construction. These shall include the use of systems to keep solid waste within enclosures whenever possible, constructing building structures with wire grids or rooftops to deter roosting and a grading plan to avoid the ponding of rain water to the extent possible.
2. Formulation of a monitoring plan as part of an operations and maintenance manual for the routine observation, recording and reporting of the presence of birds.
3. Development of contingency plans in the event that significant numbers of birds threaten air traffic safety and result in temporary or permanent facility closure.

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 Department and the Attorney General to be deserving of licensing under the provisions on N.J.S.A. 13:1E-126.

2. Atlantic County Response to the Solid Waste Task Force Final Report

The Department has received a July 9, 1991 plan amendment that is in response to the recommendations of the Emergency Solid Waste Assessment Task Force Final Report which was accepted by the Governor on November 16, 1990. Specifically, this amendment seeks to address the Task Force recommendations pertaining to source reduction, recycling, and regionalization. The Department is conducting a review of this amendment to determine if it meets the recommendations of the Task Force Final Report.

D. Other Provisions Affecting the Plan Amendments

1. Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with the within amendments to the County Plan and which was executed prior to the approval of these amendments 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 these amendments and of the County Plan if such renegotiation is not completed within ninety (90) days of the effective date of these amendments, provided, however, that any such registrant may, upon applications 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 amendments contained herein shall operate in compliance with these amendments 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 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 and shall not apply to liquid wastes, sewage sludge, septage, and hazardous wastes. All nonhazardous 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 set forth at N.J.A.C. 7:26-6.

4. Certification to Proceed with the Implementation of the Plan Amendments

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 amendments, as modified, certified herein.

5. Definitions

For the purpose of these amendments 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 and N.J.A.C. 7:26-1.4 and -2.13.

6. Effective Date of the Amendments

The approved amendments, as modified, to the County Plan contained herein shall take effect immediately.

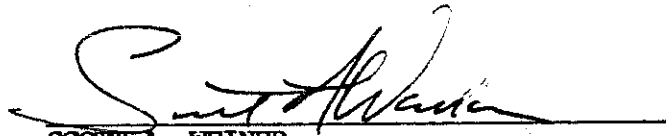
7. Reservation of Authority

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. The Department has published a Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, 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, Rejection, and Modification of the Amendments 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, reject in part, and modify in part the amendments, as outlined in Section C. of this certification, to the Atlantic County District Solid Waste Management Plan which were adopted by the Atlantic County Board of Chosen Freeholders on February 26, 1991.

8/16/91
DATE


SCOTT A. WEINER
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION