

Let's protect our earth



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 MARCH 20, 1990
APRIL 10, 1990, MAY 17, 1990 AND
MAY 30, 1990 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 approved, with modifications, the Atlantic 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 Atlantic County Board of Chosen Freeholders completed such a review and on March 20, 1990, April 10, 1990, May 17, 1990 and May 30, 1990 adopted amendments to its approved district solid waste management plan. The March 20, 1990 amendment includes a tire slicing facility in Egg Harbor Township. The April 10, 1990 amendment includes waste haulage vehicle routes from municipal collection districts to the Atlantic County Environmental Park in Egg Harbor Township. The May 17, 1990 and May 30, 1990 amendments were submitted concurrently and they include the J.C. Miller Excavating Company in Pleasantville, supplemental parcels to the A.E. Stone, Inc. recycling facility in Pleasantville, the Hamilton Township leaf composting facility and access parcels to the Atlantic County Environmental Park.

The March 20, 1990 amendment was received by the Department of Environmental Protection on April 23, 1990, the April 10, 1990 amendment was received by the Department on May 25, 1990, and the May 17, 1990 and May 30, 1990 amendments were received by the Department on June 29, 1990. Copies of all amendments 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 Atlantic County District Solid Waste Management Plan, and has determined that the amendments adopted by the Atlantic County Board of Chosen Freeholders on March 20, 1990, April 10, 1990, May 17, 1990 and May 30, 1990 are approved with modifications, as provided in N.J.S.A. 13:1E-24. With regard to the district plan, while the requirements of the Act at N.J.S.A. 13:1E-21a concerning the report have been met, the district's plan remains deficient in some important ways.

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, Judith A. Yaskin, Commissioner of the Department of Environmental Protection have studied and reviewed the March 20, 1990, April 10, 1990, May 17, 1990 and May 30, 1990 amendments to the Atlantic 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 these plan amendments are consistent, as modified, with the Statewide Solid Waste Management Plan.

1. March 20, 1990 Amendment

The Division of Solid Waste Management circulated the March 20, 1990 plan amendment to sixteen review agencies and solicited their review and recommendations. Pursuant to N.J.S.A. 13:1E-24a(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. Also among these agencies were 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. Of these agencies, the following did not object to the proposed plan amendment: the N.J.D.E.P. Division of Fish,

Game and Wildlife, the State Departments of Agriculture, and Transportation and the Pinelands Commission. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Divisions of Parks and Forestry and the Green Acres Program; the State Departments of Health, Community Affairs, and the Public Advocate; the Board of Public Utilities, the New Jersey Turnpike Authority, the New Jersey Advisory Council on Solid Waste Management and the U.S. Environmental Protection Agency. The N.J.D.E.P. Divisions of Environmental Quality, Water Resources, Coastal Resources and Solid Waste Management submitted substantive comments which are further addressed below.

The Division of Environmental Quality commented that the use of tire slicers will necessitate the control of particulate emissions to the air. Pursuant to N.J.A.C. 7:27(a)7, 11, 15, and 16, air pollution control permits to construct, install or alter control apparatus or equipment are required. Tire slicers must also comply with the noise control code at N.J.A.C. 7:29.1. Furthermore, recycling centers are subject to the provisions of N.J.A.C. 7:27-5. This regulation prohibits odors and other air contaminants which interfere with the enjoyment of life and property. Further, recycling centers are 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, the combustion of used oil, and mixtures of used oil and other oil, are subject to the provisions of N.J.A.C. 7:27-8.2(a)13 which requires that the combustion of such oil only be done in controlled devices with air pollution control permits specific to the combustion of used waste oil. In response, by copy of this certification, the county is notified of these requirements of the Division of Environmental Quality.

The Division of Water Resources commented that the tire slicing facility is located within a proposed sewer service area. In response, the county is hereby notified of this situation.

The Division of Coastal Resources commented that CAFRA and Coastal Wetlands Permits may be required for this facility. In response, by copy of this certification, the county is notified of these requirements.

The Division of Solid Waste Management commented that no landfilling or long term storage of material should take place at this site. Also, this facility is currently under review by the Bureau of Small Facility Review and the Office of Recycling. The facility may not operate until it has received final approval from the Department. In the event of approval of this operation, which is at the same location as Canale Compost, Inc., the facility permit will be modified to accurately reflect the tire slicing operation. In response, by copy of this certification, the county is notified of this facility's status at the Division.

2. April 10, 1990 Amendment

The Division of Solid Waste Management circulated the April 10, 1990 plan amendment to sixteen review agencies and solicited their review and recommendations. Pursuant to N.J.S.A. 13:1E-24a(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. Also among these agencies were 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. Of these agencies, the following did not object to the proposed plan amendment: the N.J.D.E.P. Divisions of Water Resources, Fish, Game and Wildlife, and Parks and Forestry; the State Departments of Agriculture and Community Affairs, and the Board of Public Utilities. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Divisions of Coastal Resources and the Green Acres Program; the State Departments of Health, Transportation and the Public Advocate; the New Jersey Advisory Council on Solid Waste Management, the U.S. Environmental Protection Agency, the New Jersey Turnpike Authority and the Pinelands Commission. The N.J.D.E.P. Divisions of Environmental Quality and Solid Waste Management provided substantive comments which are further addressed below.

The Division of Environmental Quality commented that of the proposed vehicle routes specified to the Atlantic County Environmental Park, the following intersections are identified as carbon monoxide (CO) hot spots in the 1982 State Implementation Plan (SIP):

Atlantic City - Route 40 at Atlantic, Route 40 at Winchester,
Route 40 at Westend, Route 30 at Huron/Illinois

Pleasantville - Route 40 at Route 9

Therefore, since the above mentioned intersections are mentioned in the 1982 SIP as CO hot spots, these intersections should be avoided if feasible. In response, by copy of this certification, the county is notified of these concerns of the Division of Environmental Quality.

The Division of Solid Waste Management commented that four of the approach routes listed in the preferred waste haulage vehicle route designate incorrect directions. Also, the specified routes should be required of all transporters, not just preferred. In response, the Department concurs with the comments of the Division and in Section C. of this certification approves with modifications the April 10, 1990 amendment. The modifications pertain to requiring the haulage routes to be mandatory and correcting the directions from four municipalities to the environmental park.

3. The May 17, 1990 and May 30, 1990 Amendments

The Division of Solid Waste Management circulated the May 17, 1990 and May 30, 1990 plan amendments to sixteen review agencies and solicited their review and recommendations. Pursuant to N.J.S.A. 13:1E-24a(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. Also among these agencies were 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. Of these agencies, the following did not object to the proposed plan amendments: the State

Departments of Agriculture and Community Affairs; the Green Acres Program and the Board of Public Utilities. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Division of Environmental Quality, the State Departments of Health and the Public Advocate; the New Jersey Advisory Council on Solid Waste Management, the U.S. Environmental Protection Agency, the Pinelands Commission and the New Jersey Turnpike Authority. The Divisions of Parks and Forestry, Fish, Game and Wildlife, Water Resources, Coastal Resources and Solid Waste Management, as well as the Department of Transportation, submitted substantive comments which are further addressed below.

The Division of Parks and Forestry commented that it would like an opportunity to comment on the proposed Hamilton Township leaf compost facility during the permitting review process with respect to potential impacts to cultural resources. In response, the county is notified that it is hereby required to inform the applicant to submit the application directly to the Division of Parks and Forestry as well as the Division of Solid Waste Management for concurrent review.

The Division of Fish, Game and Wildlife commented with respect to the J.C. Miller Excavating Company recycling facility that there is a need for a habitat evaluation of the site suitability for the Pine snake (threatened species) and Barred owl (endangered species) based upon vegetative cover on-site and in the surrounding area, including surveys for the species themselves. There is also need for an evaluation of the impact of the proposals on the ecological value of the surrounding open space areas. In response, by copy of this certification, the county is notified of these comments.

The Division of Water Resources commented that information regarding the method of wastewater treatment, the location of the treatment as well as flow calculations for all facilities in these amendments is required. In response, since the only facility requiring permitting is the Hamilton Township leaf composting facility, these issues must be addressed at the permitting phase of this project. With respect to the environmental park access, since this is only a road realignment, wastewater is not an issue. With respect to J.C. Miller Excavating Company and A.E. Stone, Inc. Recycling, the county should notify the applicants to correspond directly with the Division of Water Resources to address these concerns.

Additionally, the Division of Water Resources commented that NJPDES permits may be required for all facilities specified in the May 17, 1990 and May 30, 1990 plan amendments. In response, the county is notified of this requirement.

The Division of Coastal Resources commented that Freshwater Wetlands Permits, Stream Encroachment Permits, Water Quality Certificates, Coastal Wetlands Permits and/or CAFRA permits may be required for all facilities specified in the May 17, 1990 and May 30, 1990 plan amendments. In response, by copy of this certification, the county is notified of these requirements.

The Department of Transportation commented that an N.J.D.O.T. access permit will be required for the access to the J.C. Miller Excavating Company. In response, by copy of this certification, the county is notified of this requirement.

The Division of Solid Waste Management commented that the access parcels for the Atlantic County Environmental Park were previously presented to the Department in the Preliminary Environmental and Health Impact Statement (PEHIS) for the proposed resource recovery facility. Therefore, the Division finds this amendment to be consistent with the previous PEHIS. However, the data base to fully support the action of realigning the intersection has not been presented. When the Final Environmental and Health Impact Statement is submitted, the Division will fully evaluate the traffic issues associated with this development. In response, by copy of this certification, the county is notified of the comments of the Division of Solid Waste Management.

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

I, Judith A. Yaskin, 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 March 20, 1990, April 10, 1990, May 17, 1990 and May 30, 1990 amendments to the approved Atlantic County District Solid Waste Management Plan and certify to the Atlantic County Board of Chosen Freeholders that these amendments are approved as further specified below. Please note that the construction and operation of such facilities shall be preceded by the acquisition of all necessary permits and approvals as per N.J.S.A. 13:1E-1 et seq., N.J.S.A. 13:1E-99.34, and all other applicable laws. 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 N.J.S.A. 13:1E-126 et seq.

1. March 20, 1990 Amendment

The district plan inclusion of the Atlantic County Tire Slicing Facility on a portion of Block 53E, Lot 4 in Egg Harbor Township, as a recycling facility is approved.

2. April 10, 1990 Amendment

The district plan inclusion of waste haulage vehicle routes from municipal collection districts to the Atlantic County Environmental Park in Egg Harbor Township is approved with modifications as specified below. These modifications are final and subsequent action by the freeholders is not required.

- a. The title, "Preferred Waste Haulage Vehicles Routes" is modified to "Mandatory Waste Haulage Vehicle Routes." The routes specified are to be strictly followed by transporters and are enforceable by the Atlantic County Health Department, as well as the Department of Environmental Protection, Division of Solid Waste Management.
- b. The collection districts and approach routes to be used are as follows: Please note that the designated routes for Corbin City and Pleasantville City are modified to provide correct directions.

Absecon City	SB US 9 to WB CR 646 to site.
Atlantic City	WB US 30 to WB CR 646 to site. WB US 322/40 to NB Doughty Road to site.
Brigantine City	SB CR 638 to SB NJ 87 to WB US 30 to WB CR 646 to site.
Buena Borough/Township	EB US 40 to EB US 322/40 to EB CR 646 to site.
Corbin City/Estell Manor/ Weymouth Township	WB or EB CR 557 (<u>modified from EB CR 557</u>) to EB CR 637 to NB NJ 50 to EB US 40 to EB US 322/40 to EB CR 646 to site.
Egg Harbor City	SB CR 563 to EB US 30 to SB CR 563 to EB CR 646 to site.
Egg Harbor Township	EB CR 615 to NB CR 651 to NB Doughty Road to site. NB CR 575 to EB CR 646 to site.
Folsom Borough	EB US 322 to EB US 322/40 to EB CR 646 to site.
Galloway Township	SB CR 575 to SB CR 563 to EB CR 646 to site.
Hamilton Township	EB US 40 to EB US 322/40 to EB CR 646 to site.
Town of Hammonton	EB US 30 to SB CR 563 to EB CR 646 to site.
Linwood City	NB US 9 to NB CR 563 to NB CR 651 to NB Doughty Road to site.
Longport Borough/Margate City/Ventnor City	NB CR 629 to WB US 322/40 to NB Doughty Road to site.
Mullica Township	SB CR 623 to EB US 30 to SB CR 563 to EB CR 646 to site.
Northfield City	NB CR 563 to NB CR 651 to NB Doughty Road to site.
Pleasantville City	NB US 9 to WB CR 646 (<u>modified from EB CR 646</u>) to site. EB US 322/40 to NB Doughty Road to site.

Port Republic City

SB CR 575 to SB 563 to EB CR 646
to site.

Somers Point City

NB US 9 to NB CR 563 to NB CR
651 to NB Doughty Road to site.

3. May 17, 1990 and May 30, 1990 Amendments

a. The district plan inclusion of J.C. Miller Excavating Company at Block 56, Lots 9 and 10 in Estell Manor, is approved. This facility shall operate as a recycling facility for vegetative wastes.

b. The district plan inclusion of supplementary parcels to the A.E. Stone, Inc. recycling facility in Pleasantville and Egg Harbor Townships, is approved as specified below.

Block 243A, Lots 3-20; Block 244A, Lots 3-13; and Block 264A, Lot 1 in Egg Harbor Township.

Block 136, Lot 55 and Block 109, Lots 1 and 19 in the City of Pleasantville.

c. The district plan inclusion of a municipal leaf composting facility in the Township of Hamilton on a portion of Block 994, Lot 57, is approved.

d. The district plan inclusion of the access parcels to serve the county transfer station located within the Atlantic County Environmental Park in Egg Harbor Township are approved as specified below.

Block 402A, Lots 1 and 2; Block 218A, Lots 14, 15 and 17; Block 401A, Lots 2, 3, 4, and 5; Block 400A, Lots 1 and 8; Block 399A, Lots 3, 4, 5, 10, and 11; Block 398A, Lot 2; and Block 397A, Lots 2 and 3.

4. Finally, the Department has reviewed the entire Atlantic County District Solid Waste Management Plan, including these amendments, 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:

a. N.J.S.A. 13:1E-21b(3) requires that each district solid waste management plan contain 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.

Atlantic County has not amended their plan to include a suitable landfill site for the acceptance of putrescible solid waste. Therefore, I find that Atlantic County has not complied with N.J.S.A. 13:1E-21b(3) and that this section of the Atlantic County District Solid Waste Management Plan is deficient.

- b. N.J.S.A. 13:1E-21b(6) requires that each district solid waste management plan contain a method or methods of financing solid waste management in the Solid Waste Management District pursuant to the Solid Waste Management Plan.

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

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 Atlantic County District Solid Waste Management 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 of Environmental Protection and operating pursuant to a contract as herein described, shall be deemed to be in violation of these amendments and of the Atlantic County District Solid Waste Management 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 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 Atlantic County and affected by these amendments contained herein shall operate in compliance with these amendments and all other approved provisions of the Atlantic 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 and 12 and all other applicable laws.

3. Types of Solid Wastes Covered by the District Solid Waste Management Plan

The provisions of the Atlantic 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).

4. Certification to Proceed with the Implementation of Plan Amendments

This document shall serve as the certification of the Commissioner of the Department of Environmental Protection to the Atlantic County Board of Chosen 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, contained 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 N.J.A.C. 7:26-1.4 and -2.13.

6. Effective Date of Amendments

The amendments, as modified, to the Atlantic County District Solid Waste Management Plan contained herein shall take effect immediately.

7. Reservation of Authority

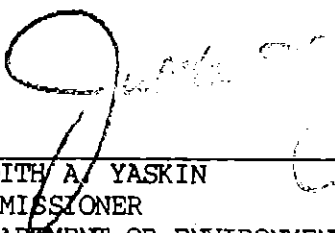
Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Atlantic County District Solid Waste Management Plan, including any amendment made thereto, shall conform with the Statewide 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 With Modifications of the Amendments 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 with modifications 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 March 20, 1990, April 10, 1990, May 17, 1990 and May 30, 1990. I hereby further direct the Atlantic County freeholders to expeditiously resolve those deficiencies identified in Section C. of this certification.

SEP 14 1990

DATE



JUDITH A. YASKIN
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION