



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 JULY 2, 1999
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 July 2, 1999 adopted an amendment to its approved County Plan.

The July 2, 1999 amendment includes within the County Plan a capacity expansion for Feriozzi Concrete Company recycling center for Class B materials located in Egg Harbor Township, Atlantic County.

The amendment was considered administratively complete for review on September 30, 1999, and copies were distributed to various administrative review agencies for review and comment, as required by law. The delay in considering the amendment administratively complete for review was due to a capacity issue further described within this certification document. The Department has reviewed this amendment and has determined that the amendment adopted by the County Freeholders on July 2, 1999 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 July 2, 1999 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 July 2, 1999 amendment 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 Parks and Forestry, DEP
Division of Fish, Game and Wildlife, DEP
Division of Compliance and Enforcement, DEP
Division of Water Quality, 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
Department of Agriculture
Department of Health and Senior Services
Department of Transportation
Department of Community Affairs
U.S. Environmental Protection Agency

Pinelands Commission

1. Agency Participation in the Review of the July 2, 1999 Amendment

The following agencies did not object to the proposed amendment:

Division of Compliance and Enforcement, DEP
Division of Fish, Game and Wildlife, DEP
Green Acres Program, DEP
Department of Agriculture
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Pinelands Commission

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

Land Use Regulation Element, DEP
Division of Parks and Forestry, DEP
Department of Transportation
Department of Community Affairs
Department of Health and Senior Services
Office of Air Quality Management, DEP
U.S. Environmental Protection Agency

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

Division of Solid and Hazardous Waste, DEP
Division of Water Quality, DEP

2. Issues of Concern Regarding the July 2, 1999 Amendment

Issue: Historical Background for Feriozzi

Feriozzi Concrete Company was initially included within the County Plan as a recycling center for Class B materials in an amendment dated July 15, 1994. The Department, in its December 22, 1994 certification, approved the facility to be located on Block 405-A, Lots 14 and 15 and Block 217-A, Lot 21 in Egg Harbor Township for the processing of concrete, asphalt, and wood. The July 2, 1999 amendment proposes annual capacity limitations upon the operation of this Class B recycling center which has not yet submitted to the DEP an application for approval to operate. Specifically, the amendment stipulates that the facility shall process an estimated annual amount not to exceed 35,000 cubic yards of concrete, 16,612 cubic yards of asphalt, and 3,556 cubic yards of wood. However, the Department issues a general approval

to operate a recycling center for Class B materials pursuant to the 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 to 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 applicant's consultant, after conferring with the County, notified the DEP of a resolution of this capacity issue. Specifically, the facility shall accept 168 tons per day of concrete, 80 tons per day of asphalt, and 3 tons per day of wood. Finally, the July 2, 1999 amendment notes that the block/lot designation of the site has been reclassified by Egg Harbor Township to Block 901, Lots 16, 33, and 35 through 41. Therefore, within Section C. of this certification, the Feriozzi Concrete Company recycling center for Class B materials is approved for inclusion within the County Plan to accept the specified materials at the updated acceptance rates and on the reclassified blocks and lots.

Issue: Regulatory Requirements

If any operation of recycling center will discharge pollutants as defined at N.J.A.C. 7:14A-1.9, said operation must obtain a New Jersey Pollutant Discharge Elimination System Permit and/or a Treatment Works Approval for Pollutant Discharge 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.

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 July 2, 1999 amendment to the approved County Plan and certify to the County Freeholders that the July 2, 1999 amendment is approved as further specified below.

The County Plan inclusion of a capacity expansion of the Feriozzi Concrete Company recycling center for Class B materials located on Doughty Road and East Atlantic Avenue, Block 901, Lots 16, 33,

and 35 through 41 in Egg Harbor Township, Atlantic County is approved. As noted within Section B., this facility may accept up to 168 tons per day of concrete, 80 tons per day of asphalt, and 3 tons per day of wood.

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 County Plan shall apply to all solid wastes defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-2.13 including waste types 10, 13, 23, 25, and 27 and all applicable subcategories and shall not apply to liquid and hazardous wastes. All nonhazardous materials separated at the point of generation for sale or reuse are subject to regulation in accordance with N.J.A.C. 7:26A-1 et seq.

4. Certification to Proceed with 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

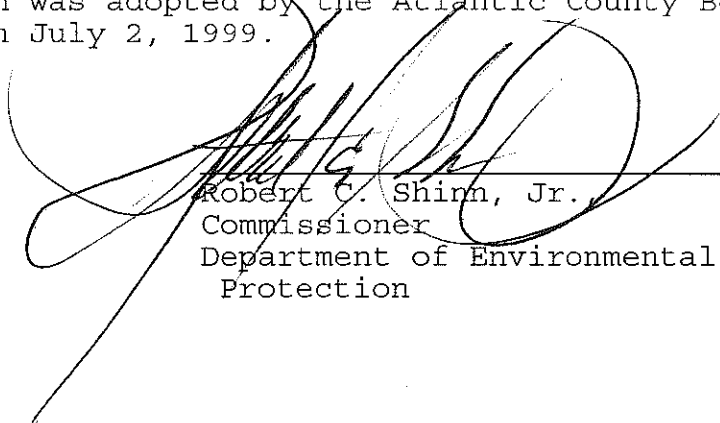
Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any

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 July 2, 1999.

12/2/99
Date



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

