



State of New Jersey

Christine Todd Whitman
Governor

Department of Environmental Protection

Robert C. Shinn, Jr.
Commissioner

**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 15, 1994
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, 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 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 15, 1994, adopted an amendment to its approved County Plan. The amendment proposed County Plan inclusion of an interdistrict agreement between the Atlantic County Utilities Authority and the County of Hunterdon with associated waste flows and vehicle routing plan, and the Feriozzi Concrete Company located in Egg Harbor Township as a recycling center for Class B materials.

The amendment was received by the Department on August 17, 1994 and copies 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 July 15, 1994 is approved with modification 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 15, 1994 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, as modified, is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the issue of concern relative to the July 15, 1994 amendment which is 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 and without the DEP. These agencies included:

Office of Air Quality Management, DEP
Division of Parks and Forestry, DEP
Division of Fish, Game and Wildlife, DEP
Division of Solid Waste Management, DEP
Division of Water Quality, DEP
Division of Enforcement, 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
Department of Transportation
Department of Community Affairs
Pinelands Commission
U.S. Environmental Protection Agency

1. Agency Participation in the Review of the July 15, 1994 Amendment

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

Division of Parks and Forestry, DEP
Division of Fish, Game and Wildlife, DEP
Land Use Regulation Element, DEP
Division of Water Quality, DEP
New Jersey Turnpike Authority
Department of Agriculture
Department of Transportation
Department of Community Affairs
Pinelands Commission

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

Office of Air Quality Management, DEP
Division of Enforcement, DEP
Green Acres Program, DEP
New Jersey Advisory Council on Solid Waste Management
Department of Health
U.S. Environmental Protection Agency

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

Division of Solid Waste Management, DEP

2. Issue of Concern Regarding the July 15, 1994 Amendment

Issue: Permitting Requirements for Recycling Centers

Recycling centers 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 and property. Also, recycling centers are considered solid waste facilities and 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.

If any operation of the proposed 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 Treatments Works Approval for pollution discharge prior to operation.

The Department's Division of Solid Waste Management (DSWM) recommends that the applicant contact the DSWM for a preapplication

conference. Specifically, the DSWM is concerned with the planned operation of the facility relative to the amount of incoming material, the amount of material to be landfilled, and the acceptance of top soil. The amendment proposes that the facility accept top soil in addition to wood, asphalt, and concrete. However, top soil is not considered a solid waste and, as such, is not regulated by the Department. Therefore, it is not necessary for the County to specify the acceptance of this material at the Feriozzi facility. Accordingly, as noted in Section C. below, the Department approves with modification the County Plan inclusion of the Feriozzi Concrete Company recycling center by restricting the facility to accepting only those materials which are consistent with the operation of a recycling center for Class B materials. The recycling center will be able to handle top soil as a product, consistent with local approvals, but inclusion within the permit of the top soil operation would be inappropriate.

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 July 15, 1994 amendment to the approved County Plan and certify to the County Freeholders that the July 15, 1994 amendment is approved with modification as further specified below.

1. Interdistrict Agreement

The County Plan inclusion of the Atlantic County Utilities Authority/Hunterdon County Interdistrict Agreement and associated waste flows is approved. The agreement, which was signed on September 14, 1993, provides for the disposal of waste types 13 and 27 generated from within Hunterdon County at the Atlantic County Utilities Authority Limited Use Landfill located in Egg Harbor Township, Atlantic County, for a nine year period terminating on December 31, 2002.

The traffic routing component of the plan amendment is also approved. Specifically, transporters originating in Hunterdon County shall proceed as follows: Route 22 west to Route 31, then south on Route 31 to Interstate 95, then Interstate 95 to Interstate 295, then Interstate 295 to US Route 206, then south on US Route 206 to US Route 30, then east on US Route 30 to Tilton Road (County Route 563), then south on Tilton Road to Delilah Road (County Route 646), then east on Delilah Road to the Atlantic County Utilities Authority Environmental Park entrance. Return trips shall follow the reverse of the above described route.

2. Feriozzi Recycling Center

The County Plan inclusion of the Feriozzi Concrete Company located in Egg Harbor Township at Block 405-A, Lots 14 and 15, and Block 217-A, Lot 21 as a recycling center for Class B materials is approved with modification by restricting the facility to accepting only those materials which are consistent with the operation of said type of recycling center. Specifically, the facility is approved to accept wood, asphalt, and concrete but not top soil since this material is not a solid waste and, as such, is not regulated by the Department. Feriozzi will be able to handle top soil as a product, consistent with local approvals, but such an operation will not be specified within any DEP permit. Therefore, the Feriozzi Concrete Company may accept only the following quantities of source separated materials per year: 2,800 cubic yards of concrete, 1,750 cubic yards of wood, including chemically treated wood, and 2,400 cubic yards of asphalt. Uncontaminated soil will be stockpiled on site for reuse as needed while source separated concrete, wood, and asphalt will be stored on site until reuse or such time as sufficient quantities exist for further processing at an approved recycling center.

Pursuant to N.J.A.C. 7:26A-4.1(a)1.iii, Class A recyclable materials may be commingled only with other Class A recyclable materials. 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 a recycling center handling only Class B materials shall be disposed of pursuant to the County Plan and the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26 et seq.).

The construction or operation of a recycling center which receives, stores, processes, or transfers Class B recyclable materials, as defined at N.J.A.C. 7:26A-1.3, shall be preceded by the acquisition of the necessary approvals pursuant to N.J.A.C. 7:26 et seq., and shall be in conformance with Department regulations and guidelines, including N.J.A.C. 7:26A-4.

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 recycling materials. A recycling center approval shall only be granted where the applicant has submitted an administratively complete application, as per N.J.A.C. 7:26A-3.5, where all 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.

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 Waste 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. 7:26A-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 amendment, as modified, 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, as modified, to the County Plan contained herein shall take effect immediately.

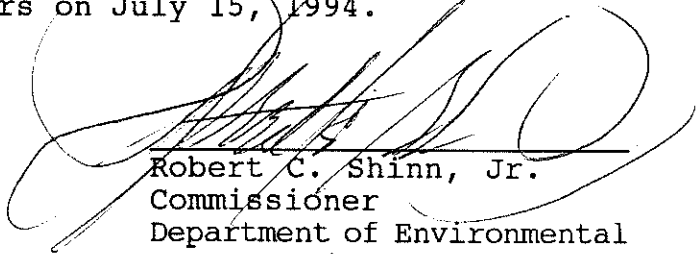
7. Reservation of Authority

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, 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 with Modification 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 with modification 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 15, 1994.

12/22/94
Date


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