



State of New Jersey  
Department of Environmental Protection and Energy  
Office of the Commissioner  
CN 402  
Trenton, NJ 08625-0402  
Tel. # 609-292-2885  
Fax. # 609-984-3962

Scott A. Weiner  
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 AUGUST 27, 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 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 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 August 27, 1991, adopted amendments to its approved County Plan. The amendments proposed inclusion of the Tony Canale, Inc. recycling center in Egg Harbor Township, the B&J Recycling, Inc. recycling center in Galloway Township, and the Borough of Buena Recycling center in the Borough of Buena.

The amendments were received by the Department of Environmental Protection and Energy (DEPE or Department) on October 2, 1991 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed these amendments and has determined that the amendments adopted by the County Freeholders on August 27, 1991 are 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 Amendments**

Pursuant to N.J.S.A. 13:1E-24a(1), I, Scott A. Weiner, Commissioner of the Department, have studied and reviewed the August 27, 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 are consistent with the Statewide Solid Waste Management Plan.

In conjunction with the review of these amendments, the Department circulated copies to eighteen 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. These agencies were the following:

- Division of Environmental Quality, DEPE
- Division of Coastal Resources, DEPE
- Division of Parks and Forestry, DEPE
- Division of Fish, Game and Wildlife, DEPE
- Division of Solid Waste Management, DEPE
- Groundwater Quality Management Element, DEPE
- Wastewater Facilities Regulation Element, DEPE
- Green Acres Program, DEPE
- 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 Agriculture, Animal Damage Control Section

1. Agency Participation in the Review of the August 27, 1991 Amendments

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

Division of Parks and Forestry, DEPE  
Division of Solid Waste Management, DEPE  
Pinelands Commission  
New Jersey Turnpike Authority  
Department of Agriculture  
Department of Community Affairs  
U.S. Environmental Protection Agency  
U.S. Department of Agriculture, Animal Control Section

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

Division of Coastal Resources, DEPE  
Groundwater Quality Management Element, DEPE  
Wastewater Facilities Regulation Element, DEPE  
Green Acres Program, DEPE  
New Jersey Advisory Council on Solid Waste Management  
Department of Health  
Department of Transportation  
Department of the Public Advocate

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

Division of Environmental Quality, DEPE  
Division of Fish, Game and Wildlife, DEPE

2. Issues of Concern Regarding the August 27, 1991 Amendments

Issue: Permitting Requirements for the Planned 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 or property. Also, 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.

Regarding the B&J Recycling, Inc. recycling center, proximate to the location of this planned recycling center is the presence of endangered or threatened wildlife species. Specifically, if suitable habitat exists on the site, the Pine Barrens tree frog (endangered), the Northern pine snake (threatened), grasshopper sparrow (threatened), and the upland sandpiper (endangered) can be expected to occur. Surveys for habitat suitability and possible species presence should be conducted prior to approval

issuance or site development. Regarding the Borough of Buena recycling center, proximate to the location of this planned recycling center is the Deep Run tributary and wetlands. Avoidance and adequate buffering to this stream/wetlands should be considered prior to approval issuance or site development.

Concerning the Tony Canale, Inc. recycling center, the Department issued on October 23, 1991 a Notice of Violation to the facility's owner for operating a solid waste facility without obtaining a solid waste facility permit. The Departmental approval required for this operation is a Class B recycling center approval. Such approval may not be granted until inclusion in the applicable district solid waste management plan. Such inclusion is the subject of this certification.

These issues of concern are more appropriately addressed during the Department's technical phase of the approval review process. By copy of this certification, the County Freeholders and the applicants are notified of these requirements.

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 August 27, 1991 amendments to the approved County Plan and certify to the County Freeholders that the August 27, 1991 amendments are approved as further specified below.

- a. The County Plan inclusion of the Tony Canale, Inc. recycling center to be located at Block 53E, Lots 3, 4, 5, 6 and 8, in Egg Harbor Township is approved. This facility will process 15,000 tons per year (tpy) each of concrete and asphalt for use in road and highway construction and 6,500 tpy of tree stumps and 15,000 tpy of wood waste into landscaping wood mulch. The plan inclusion of the subject facility does not exempt the applicant from complying with all Departmental enforcement actions.
- b. The County Plan inclusion of the B&J Recycling, Inc. recycling center to be located at Block 1171, Lot 22.01, in Galloway Township is approved. This facility will process 75 tons per day (tpd) of wood waste, 30 tpd of stumps, trees, and brush, and 40 tpd of demolition wood for use as landscaping materials; 120 tpd of concrete, block, brick and masonry material for use as landscaping, driveway, and drainage material; 40 tpd of asphalt for parking lot and driveway material; and 20 tpd of metals to be resold to scrap yards.
- c. The County Plan inclusion of the Borough of Buena recycling center to be located at Block 120, Lot 5, in the Borough of Buena is approved. This recycling drop-off center will provide the Borough residents with an area to dispose of their recyclable items which are not otherwise collected at curbside.

The construction or operation of any recycling center shall be preceded by the acquisition of all necessary approvals pursuant to N.J.S.A. 13:1E-1 et seq. and N.J.A.C. 7:26A-1 et seq.

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 these 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 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 these 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 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 amendments 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 of the Amendments by the Commissioner of the Department of Environmental Protection and Energy

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve 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 August 27, 1991.

1-17-92  
DATE

  
SCOTT A. WEINER  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
AND ENERGY