



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE
Governor

LISA P. JACKSON
Commissioner

**IN THE MATTER OF CERTAIN AMENDMENTS
TO THE ADOPTED AND APPROVED SOLID
WASTE MANAGEMENT PLAN OF THE
GLOUCESTER COUNTY SOLID WASTE
MANAGEMENT DISTRICT**

**CERTIFICATION
OF THE APRIL 19, 2006
AMENDMENT TO THE GLOUCESTER 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 (now the New Jersey Meadowlands Commission) develop comprehensive plans for waste management in their respective districts. On September 26, 1980, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Gloucester 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 Gloucester County Board of Chosen Freeholders (County Freeholders) completed such a review and on April 19, 2006, adopted an amendment to its approved County Plan.

The April 19, 2006 amendment proposed County Plan inclusion of Omni Recycling, Inc. transfer station/materials recovery facility (TS/MRF) to be located at Block 254.01, Lot 20 in Mantua Township at the site of the existing Omni Recycling Class A facility. The amendment also proposed the 18-acre expansion of the County Conservation Company, LLC Class B and Class C recycling facility located at Block 7, Lots 6.01, 6.02, 6.04, and 5 in Washington Township.

The amendment was considered administratively complete for review by the Department on May 16, 2006 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 April 19, 2006 is approved as provided in N.J.S.A. 13:1E-24.

B. Findings and Conclusions with Respect to the Gloucester County District Solid Waste Management Plan Amendment

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the April 19, 2006 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 the amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the issues of concern relative to the April 19, 2006 amendment, which are included below.

In conjunction with the review of the amendment, the Department circulated copies to seventeen 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 Water Quality, DEP
- Division of Parks and Forestry, DEP
- Division of Fish and Wildlife, DEP
- Solid and Hazardous Waste Management Program, DEP
- Office of Local Environmental Management, DEP
- Office of Air Quality Management, DEP
- Green Acres Program, DEP
- Land Use Regulation Program, DEP
- Bureau of Solid Waste Compliance and Enforcement, DEP
- New Jersey Turnpike Authority
- New Jersey Advisory Council on Solid Waste Management
- Pinelands Commission
- Department of Agriculture
- Department of Health and Senior Services
- Department of Transportation
- Department of Community Affairs

U.S. Environmental Protection Agency

Background: Omni Recycling, Inc.

On September 18, 1991, the Gloucester County Board of Chosen Freeholders adopted an amendment to the County Plan to include Gloucester County Reclamation and Recovery Systems, Inc. located at Block 253, Lot 21 in Mantua Township. This amendment was certified as approved on March 18, 1992.

On March 14, 2004, the Department approved an Administrative Action request to include in the County Plan the sale of the Gloucester County Reclamation and Recovery Facility located at 408 Lambs Road in Mantua Township to Omni Recycling, LLC.

The April 19, 2006 amendment proposes to expand Omni Recycling, Inc.'s recycling operation to include construction and demolition debris and to operate a transfer station/materials recovery facility. The TS/MRF will accept mixed construction and demolition waste and separate out metal, aggregates such as concrete, brick and block, paper, cardboard and wood. The maximum capacity of the proposed TS/MRF facility is 1000 tons per day.

Background: County Conservation Company, LLC Class B and Class C recycling facility

On June 30, 1999, the Department approved an Administrative Action request to include County Conservation Company in the County Plan as a Class B and Class C recycling facility located at Block 386, Lots 6.01, 6.02, and 6.04 in Washington Township.

On October 18, 2002, the Department approved an Administrative Action request to include in the County Plan an additional Lot and Block for the County Conservation Company Class B and C recycling facility. County Conservation Company is designated to be located at Block 7, Lots 6.01, 6.02, 6.04, and 5 in Washington Township.

On January 8, 2003, the Department approved an Administrative Action request to include in the County Plan a research, development, and demonstration (RD&D) project for the acceptance and blending of soils that will be conducted by the County Conservation Company Class B and C recycling facility.

The April 19, 2006 amendment proposes the 18-acre expansion of the County Conservation Company, LLC Class B and Class C recycling facility located at Block 7, Lots 6.01, 6.02, 6.04, and 5 in Washington Township. The maximum capacity for the Class B recycling facility remains at 3,000 cubic yards per day. The maximum capacity for the Class C recycling facility remains at 1,500 cubic yards per day.

Regulatory Requirements

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. Further, transfer stations/materials recovery facilities are also subject to N.J.A.C. 7:27-8.2(a)¹⁶ which requires air pollution control permits for any equipment which vents may require devices to control odors and other air contaminants. Finally, if the proposed operation 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 Treatment Works Approval for pollutant discharges prior to operation.

C. Certification of the Gloucester 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 county solid waste management plans, I have reviewed the April 19, 2006 amendment to the approved County Plan and certify to the County Freeholders that the April 19, 2006 amendment is approved as further specified below.

The April 19, 2006 amendment proposed County plan inclusion of Omni Recycling, Inc. transfer station/materials recovery facility to be located at Block 254.01, Lot 20, in Mantua Township, and the inclusion of construction and demolition debris at the existing recycling facility is approved. Also, the 18-acre expansion of the County Conservation Company, LLC Class B and Class C recycling facility located at Block 7, Lots 6.01, 6.02, 6.04, and 5 in Washington Township is approved.

This certification shall not be construed as an expression of the Department's intent to issue a solid waste facility permit or permit modification for any proposed facility or operation.

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 DEP and the Attorney General of the State of New Jersey to be deserving of licensing under the provisions of N.J.S.A. 13:E-126.

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 County 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 Implementation of 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 Freeholders shall proceed with the implementation of the approved components of the 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 Amendment

The approved components of 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 Gloucester County District Solid Waste Management Plan which was adopted by the Gloucester County Board of Chosen Freeholders on April 19, 2006 .

9/1/06

Date

Lisa Jackson GS for
Lisa P. Jackson, Commissioner
Department of Environmental Protection