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Commissioner

CERTIFICATION  
OF THE JUNE 4, 2008  
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 known as 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 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 June 4, 2008 adopted an amendment to its approved County Plan. The June 4, 2008 amendment proposes County Plan inclusion of the response to the Statewide Solid Waste Management Plan.

The amendment was considered administratively complete for review by the Department on June 26, 2008 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 June 4, 2008 is approved in part and remanded in part 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 June 4, 2008 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 in part

and inconsistent in part with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the elements relative to the June 4, 2008 amendment which are remanded as further specified below.

**Elements of the June 4, 2008 Amendment**

**Element: Designation of County Plan Implementation Agency.**

The June 4, 2008 plan amendment does not list the designated County agency authorized to supervise the implementation of the County plan. This deficiency will have to be addressed in a subsequent plan amendment in the timeframe contained in Section C. of this certification.

**Element: Inventory of the Quantity of Solid Waste Generated Within The County for the Next Ten Years.**

The total tonnages of solid waste types 10, 13, 23, 25, and 27 to be generated within the County in the years 2008 through 2018 are estimated at 133,588, 135,367, 136,965, 138,582, 140,218, 141,874, 143,549, 145,065, 146,598, 148,147, 149,713 respectively.

According to Departmental data, there appears to be a discrepancy in the data used by the County to determine waste generation and corresponding waste recycling rates. This discrepancy needs to be addressed by the County because this data is utilized to calculate significant reporting requirements. This deficiency will have to be addressed in a subsequent plan amendment in the timeframe contained in Section C. of this certification.

**Element: Inventory of all solid waste and recycling facilities (lot and block and street address) including approved waste types and amounts, hours of operation and approved truck routes.**

**Solid Waste Facilities**

- Gloucester County Solid Waste Complex (GCSW) - This facility, located on Block 9, Lots 1-5, 9-13, 17-20 in the Township of South Harrison, is included in the County Plan to accept waste types 10, 13, 13C, 23, 25, 27, 27A, 27I.
- Wheelabrator (Gloucester County Resource Recovery Facility) - This facility, located at U.S. 130 in the Borough of Westville, is included in the County Plan to accept waste types 10, 13, 23, and 25.

**Class A Facilities**

- OMNI Recycling, LLC - This facility, located on Block 253.01, Lot 20 in the Township of Monroe, is included in the County Plan to accept other corrugated cardboard, #6 newsprint, commingled recyclables, office waste, drop-off for Class B recyclables.

#### Class B Facilities

- Clearland, Inc. - This facility, located on Block 6, Lot 7 in the Township of Elk, is included in the County Plan to accept brush, tree parts, stumps, trunks, and whole trees.
- Gloucester County Mulch Factory- This facility, located on Block 20, Lot 4 in the Township of Washington, is included in the County Plan to accept brush, leaves, tree parts, and whole trees.
- Robert T. Winzinger Recycling - This facility, located on Block 3403, Lots 10-14 in the Township of Franklin, is included in the County Plan to accept concrete, asphalt, brick, block, porcelain, untreated wood, tree parts, trees, and leaves.
- R.E. Pierson Materials - This facility, located on Block 53, Lots 20, and 20.03 on Oak Grove Road, is included in the County Plan to accept concrete and asphalt.
- County Conservation, LLC. - This facility, located on Block 7, Lot 5 (portions of), Lots 6.01, 6.02, and 6.04, is included in the County Plan to accept leaves, brush, tree parts, and untreated wood.
- Soil Safe, Inc. - This facility, located on Block 201, Lots 1-5 in the Township of Logan, is included in the County Plan to accept petroleum contaminated soil, concrete, asphalt, brick, and block.
- Redy-Mix Konkrete, Inc. - This facility, located on Block 135.02, Lot 4.02 in the City of Woodbury, is included in the County Plan to accept concrete, brick, block, paving stone, and concrete piping.

#### Class C Facilities

- Borough of Clayton Leaf Compost Facility - This facility, located on Block 1001, Lot 18 in the Borough of Clayton, is included in the County Plan to accept leaves. This facility does not currently operate pursuant to a general approval issued by the Department and thus must operate in compliance with the criteria identified at N.J.A.C. 7:26A-1.4 (a) 13.
- Deptford Township Leaf Compost/Transfer - This facility, located on Block 387-1, Lot 51 in the Township of Deptford, is included in the County Plan to accept leaves. This facility does not currently operate pursuant to a general approval issued by the Department and thus must operate in compliance with the criteria identified at N.J.A.C. 7:26A-1.4 (a) 13.
- Franklin Township Leaf Compost Facility - This facility, located on Block 1401, Lots 7 and 8 in the Township of Franklin, is included in the County Plan to accept leaves, tree branches, limbs and brush. The hours of operation are Monday, 7:30 a.m. to 3 p.m., and Saturday, 8 a.m. to 12 noon.
- Borough of Glassboro Compost Facility - This facility, located on Block 37, Lot 1, and Block 1, 4 in the Borough of Glassboro, is included in the County Plan to accept leaves, brush/yard debris, concrete, brick, and stone debris. The hours of operation are Monday through Friday, 7 a.m. to 3 p.m. This facility does not currently operate pursuant to a general approval issued by the Department and thus must operate in compliance with the criteria identified at N.J.A.C. 7:26A-1.4 (a) 13.

- Mantua Township Compost Facility - This facility, located on Block 160, Lot 6 in the Township of Mantua, is included in the County Plan to accept leaves, and wood greater than four inches. The hours of operation are Monday through Friday, 5:30 a.m. to 2 p.m., and every 4<sup>th</sup> Saturday, 10 a.m. to 2 p.m. This facility does not currently operate pursuant to a general approval issued by the Department and thus must operate in compliance with the criteria identified at N.J.A.C. 7:26A-1.4 (a) 13.
- Borough of Newfield Leaf Compost Facility - This facility, located on Block 1001, Lot 18 in the Borough of Newfield, is included in the County Plan to accept leaves. The hours of operation are Monday through Friday, 9 a.m. to 4 p.m. This facility does not currently operate pursuant to a general approval issued by the Department and thus must operate in compliance with the criteria identified at N.J.A.C. 7:26A-1.4 (a)13.
- Borough of Pitman Veg. Waste Compost Facility - This facility, located on Block 219, Lot 1, is included in the County Plan to accept leaves.
- County Conservation, LLC. - This facility, located on Block 7, Lot 5 (portions of), Lots 6.01, 6.02, and 6.04, is included in the County Plan to accept leaves, brush, tree parts, and untreated wood.
- Smith Orchards - This facility, located on Block 206, Lot 15 in the Township of Mantua, is included in the County Plan to accept leaves, grass, and brush. This facility does not currently operate pursuant to a general approval issued by the Department and thus must operate in compliance with the criteria identified at N.J.A.C. 7:26A-1.4 (a)13.
- Smith Orchards - This facility, located on Block 85, Lots 19, 20A, 21, and 21A in the Township of Washington, is included in the County Plan to accept leaves, grass, and brush. This facility does not currently operate pursuant to a general approval issued by the Department and thus must operate in compliance with the criteria identified at N.J.A.C. 7:26A-1.4 (a)13.
- Smith Orchards - This facility, located on Block 57, Lot 9 in the Township of Harrison, is included in the County Plan to accept leaves, grass, and brush. The hours of operation are Monday through Friday, 7 a.m. to 6 p.m.
- Smith Orchards - This facility, located on Block 196.01, Lot 15 in the Borough of Glassboro, is included in the County Plan to accept leaves, grass, and brush. The hours of operation are Monday through Friday, 7 a.m. to 6 p.m. This facility does not currently operate pursuant to a general approval issued by the Department and thus must operate in compliance with the criteria identified at N.J.A.C. 7:26A-1.4 (a)13.

#### Class D Facilities

- Magnum Industries/Thanks For Being Green, LLC. - This facility, located on Block 3, Lot 6 in the Township of Deptford, is included in the County Plan to accept computers and electronic parts.

The inventory of facilities contained in the October 25, 2007 amendment is incomplete in terms of hours of operation for most of the facilities. This deficiency will have to be addressed in a subsequent plan amendment in the timeframe contained in Section C. of this certification.

**Element: Solid Waste Disposal Strategy to be Utilized by the District for the Next Ten Years.**

The solid waste disposal strategy contained in the June 4, 2008 amendment provides for the delivery of all waste types generated within the County and acceptable for incineration to the Wheelabrator Resource Recovery Facility, and all bypass waste to the GCSW landfill pursuant to waste flow control reinstated by way of a non-discriminatory procurement of disposal services. Therefore, the County solid waste disposal strategy is approved.

**Element: District Plan Inclusion Process.**

Inclusion Process for permitting procedures for recycling facilities:

The June 4, 2008 plan amendment details the inclusion process that includes:

- Applicant submits written documentation that all applicable local approvals have been secured.
- Information is submitted in duplicate to the solid waste management district.
- The applicant publishes two notices of the proposed application, once a week for two consecutive weeks, in a newspaper of general circulation within the host municipality.
- No objections to the site are raised by the solid waste management district or any other person: provided however, that if such objection is raised, the proposed site and facility may be subject to the formal plan amendment process pursuant to N.J.S.A. 13:1E-23 and 24, including solid waste advisory council review, notice, public hearing, freeholder board approval, prior to the issuance of any NJDEP recycling facility approval.
- The facility owner shall keep proper records of the type and amount of each material received, processed, stored and transferred, as well as the origin of each material.
- Upon compliance with the above procedures, the facility will be included in the District Solid Waste Management Plan through a resolution passed by the Gloucester County Board of Chosen Freeholders.

The Department notes that the June 4, 2008 amendment contains an incomplete county plan inclusion process for recycling and solid waste facilities. Specifically, the inclusion process should cover all types of facilities, include timeframes and the differing inclusion framework, i.e. administrative action or full plan amendment process. Therefore, as noted in Section C. of this certification document, Gloucester County is required to submit in a subsequent plan amendment a revised County Plan inclusion process for solid waste and recycling facilities.

**Element: Additional tonnage of recycled materials in the MSW stream (by material commodity types) required to meet the mandated MSW recycling goal, and a strategy for the attainment of the recycling goals as outlined above, including, but not limited to: a listing of designated recyclable materials; those entities providing recycling collection, processing and marketing services for each of the designated recyclable materials; the communication program to be utilized to inform generators of their source separation and**

**recycling responsibilities, and a comprehensive enforcement program that identifies the county and/or municipal entity (ies) responsible for enforcement of recycling mandates.**

In 2003, Gloucester County recycled 42.5% of its municipal solid waste (MSW) and 51.1% of its total solid waste (TSW). Using 2003 Department data, Gloucester County will have to recycle an additional 26,454 tons of MSW to reach a MSW recycling rate of 50%. Since the release of the updated Statewide Solid Waste Management Plan in early 2006, the Department has determined MSW recycling rates of 44.5% and 38.5% and TSW recycling rates of 61.4% and 50.4% for Gloucester County in 2004 and 2005, respectively.

The June 4, 2008 plan amendment sets forth a multi-faceted strategy for the attainment of the 50% MSW recycling goal. These include greater enforcement on the County and local level and directing municipal recycling coordinators to contact businesses in their communities to remind those businesses of the recycling waste goals. Therefore, as provided, this comprehensive recycling strategy is approved.

The Department notes that statutorily-required annual reporting of recycling tonnages by municipalities will need to be reviewed by the County to determine progress in achieving statutorily-mandated recycling goals. The County is advised that, depending on those reports and the analysis of same, revisions to the recycling strategy outlined in the County Plan may be required.

**The Designated Recyclables for the residential, commercial, industrial, and institutional sectors are as follows:**

- Glass Jars and Bottles
- Aluminum Cans
- Newspaper
- Bi-metal Food Containers (Recommended Only)
- PET #1 and HDPE #2 Plastic Containers (Recommended Only)
- Office Paper (Commercial and Institutional Only)
- Corrugated Cardboard (Commercial and Institutional Only)
- Clean Wood Waste (Commercial and Institutional Only)
- Used Motor Oil (Commercial and Institutional Only)

In light of the County's shortfall in meeting the 50% MSW recycling goal, and given the fact that all municipalities are already reporting these recommended materials, the County is directed to mandate these materials or explain why this action is not appropriate.

**Comprehensive enforcement program that identifies the county and/or municipal entity (ies) responsible for enforcement of recycling mandates.**

The lead agency for enforcement in Gloucester County is the Gloucester County Improvement Authority (GCIA), by way of an Interlocal Services Agreement with the Gloucester County Health Department. Two full-time employees of the GCIA are devoted to monitoring the daily waste flow within the County to identify and investigate any violations of the County's waste flow control system concerning type 10 and type 13 wastes. A Recycling Enforcement Officer is assigned to inspect all the recycling facilities in Gloucester County to determine if a recycling program is in place. Therefore, the County's comprehensive enforcement program is approved.

**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 June 4, 2008 amendment to the approved County Plan and certify to the County Freeholders that the June 4, 2008 amendment is approved in part and remanded in part as noted below. Therefore, the County must submit a County Plan amendment to address the deficiencies noted in Section B. of this certification within 180 days of the date of this certification. The County may submit the required amendment as an Administrative Action, pursuant to N.J.A.C. 7:26-6.11.

The Department remands the deficiencies as noted in Section B. of this certification. The deficiencies include:

- Designation of County Plan Implementation Agency;
- Inventory of the quantity of solid waste generated waste generated within the County for the next ten years;
- Inventory of all solid waste and recycling facilities;
- District plan inclusion process; and,
- The designation of "recommended recyclables" as mandatory, or an explanation as to why this action is not appropriate.

**D. Other Provisions Affecting the Plan Amendment**

**1. 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.

**2. 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.

**3. 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.

**4. Effective Date of Amendment**

The approved components of the amendment to the County Plan contained herein shall take effect immediately.

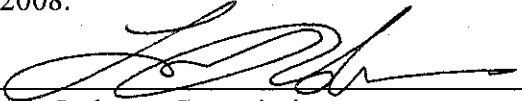
**5. Reservation of Authority**

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 in part and remand in part 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 June 4, 2008.

11-18-08  
Date

  
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Lisa P. Jackson, Commissioner  
Department of Environmental Protection