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(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 SEPTEMBER 6, 1989 AND
OCTOBER 18, 1989 AMENDMENTS TO THE
GLOUCESTER COUNTY 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 September 26, 1980, the Department approved, with modifications, the Gloucester County District Solid Waste Management 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 the 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 the 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 Gloucester County Board of Chosen Freeholders completed such a review and on September 6, 1989 and October 18, 1989 adopted amendments to its approved district solid waste management plan. The September 6, 1989 amendment

proposed the storage and operation of a mobile tire shredder owned and managed by Bob Dougherty and Sons Recycling, Inc., for the purpose of shredding and recycling discarded tires in Gloucester County. The October 18, 1989 amendment proposed the construction and operation of an animal crematorium at the Gloucester Animal Shelter for the disposal of animal carcasses.

The amendments were received by the Department of Environmental Protection on September 28, 1989 and October 25, 1989 respectively and copies were distributed to various state level agencies for review and comment, as required by law. The Department has reviewed these amendments, and has determined that the amendments adopted by the Gloucester County Board of Chosen Freeholders on September 6, 1989 and October 18, 1989 are 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 Amendments

Pursuant to N.J.S.A. 13:1E-24a(1), I, Judith A. Yaskin, Commissioner of the Department of Environmental Protection have studied and reviewed the September 6, 1989 and October 18, 1989 amendments to the Gloucester County District Solid Waste Management 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 addition, the Division of Solid Waste Management circulated the plan amendment to sixteen review agencies and solicited their review and recommendations. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various agencies, bureaus, and divisions within the Department of Environmental Protection as well as the Board of Public Utilities. Also among these agencies were the Department of Community Affairs, the Department of the Public Advocate, the Department of Health, the Department of Agriculture, the Department of Transportation, and the New Jersey Turnpike Authority. The results of these requests for comments are as follows:

1. September 6, 1989 Amendment

The following agencies did not object to the proposed plan amendment: the N.J.D.E.P. Divisions of Solid Waste Management, Fish, Game and Wildlife and Parks and Forestry; the State Departments of Agriculture, Community Affairs and Transportation; the Green Acres Program and the Board of Public Utilities. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Divisions of Water Resources and Coastal Resources; the State Departments of Health and the Public Advocate; the New Jersey Turnpike Authority, the New Jersey Advisory Council on Solid Waste Management and the U.S. Environmental Protection Agency. The Pinelands Commission and Division of Environmental Quality submitted substantive comments which are further addressed below.

The Pinelands Commission stated that the use of a tire shredder would require the submission of an application for review by the Pinelands Commission prior to operation within Pinelands municipalities. By copy of this certification, Gloucester County is notified of this comment and requirement.

The Division of Environmental Quality commented that the use of shredders will necessitate the control of particulate emissions to the air. Pursuant to N.J.A.C. 7:27-8.2(a), 7, 11, 15 and 16, air pollution control permits to construct, install or alter control apparatus or equipment are required. Also, the tire shredding facility must comply with the noise control codes, N.J.A.C. 7:29-1. By copy of this certification, Gloucester County is notified of these comments and requirements.

2. October '18, 1989 Amendment

The following agencies did not object to the proposed plan amendment: the N.J.D.E.P. Divisions of Solid Waste Management, Water Resources and Fish, Game and Wildlife; the State Departments of Agriculture and Transportation; the Board of Public Utilities, the Green Acres Program, the New Jersey Advisory Council on Solid Waste Management and the Pinelands Commission. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Divisions of Parks and Forestry and Coastal Resources; the State Departments of Health, Community Affairs and the Public Advocate; the New Jersey Turnpike Authority and the U.S. Environmental Protection Agency. The Division of Environmental Quality submitted substantive comments which are further addressed below.

The Division of Environmental Quality commented that incinerators 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. Incinerators are also regulated under N.J.A.C. 7:27-11, "Incinerators". This subchapter defines the construction, operation and emission standards for all incinerators. Additionally, incinerators are subject to the provisions of N.J.A.C. 7:27-8.2(a)14, which requires permits and certificates for any incinerator. New and modified equipment which emits air contaminants must incorporate advances in the art of air pollution control. For incineration this usually includes scrubbing for hydrochloric acid control, a baghouse for particulate control and burners in a secondary combustion zone for hydrocarbon control. The DEP had accepted much less stringent control for incineration facilities under 800 pounds per hour charging capacity, but tightened its guidelines in June 1989. At this time, DEP expects that, at a minimum, scrubber air pollution control shall be installed achieving less than 0.03 grains of particulates per dry standard cubic foot (gr/dscf), adjusted to 7% oxygen, and at least 90% reduction in hydrochloric acid emissions. If feasible, new facilities are required to install more advanced control technologies, such as spray driers and baghouses, to achieve 0.015% gr/dscf at 7% oxygen. Also, the DEP is considering rulemaking to require retrofit of better air pollution controls for existing waste incinerators.

At this time any permit application for waste incineration should include:

1. Air quality modeling and an evaluation of downwash, which demonstrates sufficient stack height.
2. Cancer risk assessment for metals and dioxin, demonstrating low cancer risk on and off site.
3. Continuous emission monitoring and recording for carbon monoxide, oxygen and secondary chamber temperature.
4. Extensive stack testing after construction.
5. Compliance with the Department's "Air Pollution Control Guidelines for Resource Recovery Facilities and Incinerators," March 1983, amended November 1, 1984, again amended April 1987, if the incinerator has a charging capacity of over 800 pounds per hour.

In response, Gloucester County is hereby notified of these comments and requirements of the Division of Environmental Quality.

C. Certification of Gloucester County District Solid Waste Management Plan Amendments

I, Judith A. Yaskin, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq. and N.J.S.A. 13:1E-21, which established specific requirements regarding the contents of the district solid waste management plans, have reviewed the September 6, 1989 and October 18, 1989 amendments to the approved Gloucester County District Solid Waste Management Plan and certify to the Gloucester County Board of Chosen Freeholders that the September 6, 1989 and October 18, 1989 amendments are approved as further specified below.

1. September 6, 1989 Amendment

The inclusion within the district plan of the provisions to allow Bob Dougherty and Sons Recycling, Inc., of Deptford Township, Gloucester County, to own and operate a mobile tire recycling facility that would be stored (parked) at Coach Auto Parts, located on Black Horse Pike, Block 5501, Lot 11, in Monroe Township, Gloucester County, is approved. The operation of this facility shall be in conformance with all Departmental regulations and guidelines. The facility shall be transported to municipalities and/or private companies having need of scheduled tire disposal services. Tires shall be shredded into approximately 2 x 2 inch chips and transported directly to market. Tires shall not be stored at Coach Auto Parts prior to market and no processed tire chips shall be stored at Coach Auto Parts or at the site of tire processing. Also, all tire rims involved shall be recycled with the appropriate municipalities receiving tonnage credit. Other conditions applicable to this amendment are as follows:

- a. The inclusion of this facility into the Gloucester County Recycling Plan shall not preempt any local codes or ordinances that may affect and/or apply to the operation of this facility.
- b. One week prior to commencement of any tire recycling operation, Mr. Dougherty, or his representative, shall submit the following information to the Gloucester County Planning Department, North Delsea Drive, Clayton, New Jersey 08312.
 1. A copy of all municipal approvals (municipal zoning, plan waiver, etc.);
 2. The address of the proposed site of operation, including:
 - block and lot numbers
 - land owner's name and address
 - approximate size of the site;
 3. Nature of project (municipal cleanup day, etc.);
 4. Duration and frequency of operation (this must be reflected in municipal approvals);
 5. The location of the market for the shredded tires.
- c. Bob Dougherty and Sons Recycling, Inc., shall submit quarterly, figures of tonnage recycled by the municipality as a result of his operation, to the Gloucester County Planning Department.

2. October 18, 1989 Amendment

The inclusion within the district plan of the construction and operation of an Animal Shelter Crematorium, as an appurtenance of the Gloucester County Animal Control Facility, to be located within the county complex at 1201 North Delsea Drive, Clayton, New Jersey, Block 1902, Lot 1 is approved. This facility is designed for the sanitary and proper disposal of animal carcasses originating from within Gloucester County. 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 applicable laws.

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 the within amendments to the Gloucester County District Solid Waste Management 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 of Environmental Protection and operating pursuant to a contract as herein described, shall be deemed to be in violation of these amendments and of the Gloucester County District Solid Waste Management 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 of Environmental Protection, and for good cause shown, obtain an extension of time to complete such renegotiation.

2. Compliance

All solid waste facility operators and collector/haulers registered with the Department of Environmental Protection and operating within Gloucester County and affected by the amendments contained herein shall operate in compliance with these amendments and all other approved provisions of the Gloucester County District Solid Waste Management Plan. Any facility operator or collector/hauler 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 of Environmental Protection 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 Plans

The provisions of the Gloucester County District Solid Waste Management 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 waste. Also, all non-hazardous 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 (N.J.A.C. 7:26-6).

4. Certification to Proceed with the Implementation of Plan Amendments

This document shall serve as the certification of the Commissioner of the Department of Environmental Protection to the Gloucester County Board of Chosen Freeholders and pursuant to N.J.S.A. 13:1E-24c. and f., the county shall proceed with the implementation of the approved amendments contained 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 N.J.A.C. 7:26-1.4 and -2.13.

6. Effective Date of Amendments

The amendments to the Gloucester County District Solid Waste Management 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 of Environmental Protection pursuant to its authority under the law. The Gloucester County District Solid Waste Management 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 and rules, regulations, and orders of the Department, including the 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

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 Gloucester County District Solid Waste Management Plan which were adopted by the Gloucester County Board of Chosen Freeholders on September 6, 1989 and October 18, 1989.

[Faint signature]
JUDITH A. YASKIN

17 FEB 1990
DATE: _____

JUDITH A. YASKIN
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION