



State of New Jersey  
Department of Environmental Protection and Energy

Robert C. Shinn, Jr.  
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 NOVEMBER 23, 1993  
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 develop comprehensive plans for waste management in their respective districts. On September 26, 1980, the Department of Environmental Protection 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, 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 Gloucester County Board of Chosen Freeholders (County Freeholders) completed such a review and on November 23, 1993, adopted an amendment to its approved County Plan.

The amendment proposed an expanded strategy for addressing the State requirements concerning source reduction, recycling, and regionalization planning and an expansion of Eastern Energy Harvester, which is an existing recycling center for Class B materials. The amendment is in response to the Department's March 19, 1993 certification of the County's plan amendment of October 7, 1992. That certification directed the County, within a subsequent plan amendment submission, to provide: a schedule for conducting waste audits in the private sector and at County and municipal buildings; a strategy for capping waste generation; and a capacity analysis to ascertain the need for additional compost facilities. Also, the County was to assess available excess capacity at the Wheelabrator Gloucester resource recovery facility as source reduction and recycling measures were implemented and to revise its policy of only rejecting loads containing greater than 20% recyclables at the facility.

The amendment was received by the Department of Environmental Protection and Energy (Department or DEPE) on December 15, 1993 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 November 23, 1993 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 November 23, 1993 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 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 November 23, 1993 amendment which are included in Section B.2. below.

In conjunction with the review of the amendment, the Department circulated copies to fifteen 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 are the following:

Office of Air Quality Management, DEPE  
Division of Parks and Forestry, DEPE  
Division of Fish, Game and Wildlife, DEPE  
Division of Solid Waste Management, DEPE  
Green Acres Program, DEPE  
Land Use Regulation Element, DEPE  
Wastewater Facilities Regulation Element, DEPE

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

1. Agency Participation in the Review of the November 23, 1993 Amendment

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

Division of Parks and Forestry, DEPE  
Division of Fish, Game and Wildlife, DEPE  
Green Acres Program, DEPE  
New Jersey Turnpike Authority  
New Jersey Advisory Council on Solid Waste Management  
Department of Agriculture

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

Department of Health  
Department of Transportation  
Department of Community Affairs  
Department of the Public Advocate  
U.S. Environmental Protection Agency

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

Office of Air Quality Management, DEPE  
Wastewater Facilities Regulation Element, DEPE  
Land Use Regulation Element, DEPE  
Division of Solid Waste Management, DEPE

2. Issues of Concern Regarding the November 23, 1993 Amendment

**Issue: Regulatory Requirements**

If the proposed expansion of the Eastern Energy Harvester recycling center will result in the discharge of pollutants as defined at 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.

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 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. Further, the use of crushers, chippers, and 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. Finally, facilities which crush asphalt, concrete, and brick must comply with the noise control code found at N.J.A.C. 7:29.1.

Mapped Freshwater Wetlands are in close proximity to the Eastern Energy Harvester site. A Freshwater Wetlands Permit will be required should the expanded operations of the facility occur within the Freshwater Wetlands or their Transition Areas.

**Issue: County Response to Source Reduction, Recycling and Regionalization Deficiencies**

On September 18, 1991, the County adopted a multifaceted amendment, a portion of which addressed the State requirements concerning source reduction, recycling, and regionalization planning. The Department, in its certification of March 18, 1992, approved the County's general strategy but noted deficiencies in certain areas relative to source reduction, recycling, and regionalization and directed the County to address these deficiencies by September 18, 1992 in a subsequent plan amendment submission. On October 7, 1992, the County adopted a subsequent plan amendment to address the noted deficiencies. The Department, in its certification of March 19, 1993, approved the responses to the noted deficiencies but directed the County, within an additional subsequent plan amendment submission, to provide: a schedule for conducting waste audits in the private sector and at County and municipal buildings; a strategy for capping per capita waste generation; and a capacity analysis to ascertain the need for additional compost facilities. Also, the County was to assess available excess capacity at the Wheelabrator Gloucester resource recovery facility as source reduction and recycling measures were implemented and to revise its policy of only rejecting at the facility loads containing greater than 20% recyclables. The County was directed to submit the additional amendment by September 18, 1993, but it was not received until December 15, 1993.

The DEPE has reviewed the November 23, 1993 amendment within the context of the adopted Solid Waste Management State Plan Update: 1993-2002. The following is an overview of the County's response to the above noted deficiencies as well as the Department's comments on the proposed plans and programs.

a. Enforcement

The DEPE previously rejected the County policy of allowing the

acceptance of loads containing up to 20% recyclables at the Wheelabrator Gloucester resource recovery facility for being excessive. The Department took the position that 20% was too high a threshold and generally has required figures of 10% or lower for load rejection. The amendment indicates that County enforcement officers will now monitor incoming loads containing greater than 10% recyclables and will carry out its enforcement program based upon this quantity limit.

b. Source Reduction Goals

The County was directed by the DEPE to delineate a strategy for capping per capita waste generation at documented 1990 levels, cap total waste generation within 5 years, and reduce total waste generation within 10 years. The County has adopted a strategy which calls for capping per capita waste generation at 1990 levels. However, due to projected population increases within Gloucester County, the County projects an actual increase in total waste generation which is contrary to the goals noted above. The Department has compared the County population and waste generation projections for 1995-2010 with those contained within the Solid Waste Management State Plan Update: 1993-2002. In all cases, the County's projections exceed those of the DEPE. The basis for the County's population projections is the Delaware Valley Regional Planning Commission while the State relies on the Department of Labor's Economic Demographic Model. Therefore, although the DEPE acknowledges the added impediments for the County to cap total waste generation within 5 years and reduce total waste generation within 10 years, the County should still monitor its generation rate on an annual basis and continue to pursue expanded source reduction programs toward ultimately reducing total generation rates.

c. Waste Audits Schedule

The County was directed to provide a schedule for conducting waste audits in the private sector and at County and municipal buildings. The County has adopted the following schedule for implementing waste audits:

- (1) County and municipal governments will conduct waste audits by 1995;
- (2) Industries with more than 500 employees will conduct waste audits by 1995;
- (3) Industries with 250-499 employees will conduct waste audits by 1996; and
- (4) Industries with 100-249 employees will conduct waste audits by 1997.

The County should submit by letter the results of the waste audits conducted for all County and municipal buildings and periodically report back to the DEPE the results of waste audits conducted in the private sector.

d. Vegetative Waste Facilities Capacity Analysis

As directed, the County has completed a vegetative waste facilities capacity analysis for processing grass clippings, leaves, and wood waste. According to the analysis, excess capacity exists for processing food waste. However, although inadequate capacity presently exists for processing grass clippings and leaves, the County is confident that source reduction efforts for grass clippings and the mulching of leaves on farmland will address these shortfalls. The County should periodically conduct vegetative waste facilities capacity analyses and monitor municipal tonnage grant submissions for leaves and grass clippings while taking appropriate source reduction measures as necessary.

e. Regionalization

The DEPE directed the County to assess available capacity at the Wheelabrator Gloucester resource recovery facility as source reduction and recycling measures were implemented. The directive was premised on the fact that when initially proposed, the facility was sized according to a 25% recycling rate. Therefore, as the State requirements concerning source reduction and recycling are implemented, excess capacity should become available which will provide regionalization opportunities. The County has provided a two part response to this directive.

The County contends that, even with increased recycling, excess capacity has not become available at the resource recovery facility. For example, the County's estimated 1993 population is 239,000. Multiplying this number by the State's estimated generation rate of 1.697 tons per person per year yields a total generation of 406,000 tons per year. A recycling rate of 60% means 244,000 tons recycled leaving 162,000 tons to be disposed. This number is almost identical to that projected in the original permit application to be burned. A review of actual throughput capacity at the Wheelabrator Gloucester facility indicates that the incinerator is operating beyond original capacity projections. The plant was designed to operate at a capacity of 575 tons per day and at an 80% efficiency rate which yields a throughput capacity of 168,00 tons per year. Data submitted to the DEPE indicates that the facility accepted 190,00 tons in 1993.

Also, the County opposes regionalizing the resource recovery facility for legal reasons. Financing for both the resource recovery facility and County landfill were based on the acceptance of only Gloucester County's waste stream with financial obligations borne exclusively by the taxpayers of the County. Any redirection or forced regionalization of the resource recovery facility or landfill would necessitate differential tipping fees which would result in a reanalysis of the rate structure of either facility which was previously approved by the State.

Finally, the amendment indicates that the County continues to pursue a regional approach toward recycling. The County mutually shares recycling facilities with Camden and Gloucester County municipalities. Also, the County has participated in DEPE sponsored South Jersey recycling regionalization meetings and will continue to do so if held.

In response, the DEPE acknowledges the lack of regionalization options at the resource recovery facility due to the absence of available capacity. However, the County should continue to carefully monitor solid waste generation and composition at least annually in order to have sufficient lead time should a processible waste shortfall develop at the resource recovery facility which will necessitate the receipt of other New Jersey waste generated outside of Gloucester County. Finally, as noted in Section C., the DEPE has approved the County's responses to the above noted deficiencies.

**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 district solid waste management plans, I have reviewed the November 23, 1993 amendment to the approved County Plan and certify to the County Freeholders that the November 23, 1993 amendment is approved as further specified below.

**1. Source Reduction, Recycling, and Regionalization Deficiencies**

The County's responses to the deficiencies relative to source reduction, recycling, and regionalization planning previously identified in the Department's March 19, 1993 certification are approved. However, as noted within Section B., the County must continue to comply with the specified directives relative to source reduction goals, waste audits, vegetative waste facilities capacity analysis, and regionalization.

**2. Eastern Energy Harvester**

The County Plan inclusion of the expansion in capacity from 25 tons per day (TPD) to 300 TPD of the Eastern Energy Harvester/David Fazzio Wood Waste Recycling located on Block 6, Lot 7, on Route 77, in Elk Township is approved. David Fazzio Wood Waste Recycling was previously included within the County Plan, in the September 18, 1991 amendment, to process wood waste into mulch at a capacity of 25 TPD. The revised approved capacity is for the acceptance/receipt of 300 TPD of wood waste.

Recycling centers that process Class B recyclable materials, as defined at N.J.A.C. 7:26A-1.3, must obtain a recycling center approval from the DEPE pursuant to N.J.A.C. 7:26A-3 prior to

operation. Pursuant to N.J.A.C. 7:26A-4.1(a)1.iii, Class B recyclable materials may be commingled only with other Class B recyclable materials and only to the extent authorized in the general approval. Any residue generated as a result of the operation of the recycling center 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. 7:26A-3 et seq., and shall be in conformance with Departmental 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 recyclable 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 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 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. 7:26A-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 approved 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 the Amendment**

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

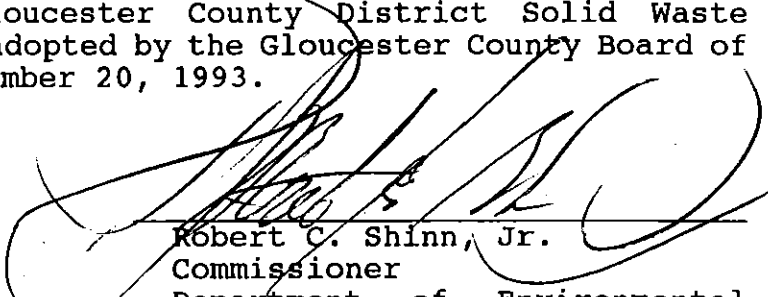
**7. Reservation of Authority**

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, 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 Amendment 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 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 November 20, 1993.

5/9/94  
Date

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