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Department of Environmental Protection and Energy

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Scott A. Weiner  
Commissioner

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

CERTIFICATION  
OF THE FEBRUARY 18, 1993  
AMENDMENTS TO THE CAMDEN 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 Camden 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 plan must be adopted. The Camden County Board of Chosen Freeholders (County Freeholders) completed such a review and on February 18, 1993, adopted two amendments to its approved County Plan.

Amendment 68-1-93 proposed County Plan inclusion of the W. Hargrove Recycling Company, Inc. recycling center to process Class B materials and the Camden Recycling Mall, Inc. recycling center to accept Class A recyclable materials. Amendment 69-1-93 proposed County Plan inclusion of the FCR, Inc./Harris Terminal recycling center to process Class A recyclable materials. All three facilities are to be located within the City of Camden.

The amendments were received by the Department of Environmental Protection and Energy (Department or DEPE) on March 22, 1993 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed these amendments, as well as the entire County Plan, and has determined that the amendments adopted by the County Freeholders on February 18, 1993 are approved as provided in N.J.S.A. 13:1E-24. While the immediate plan amendments have been approved, a serious deficiency in the County Plan has been identified within Section C. of this certification.

**B. Findings and Conclusions with Respect to the Camden County District Solid Waste Management Plan Amendments**

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the February 18, 1993 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 this regard, the County Freeholders and the applicants are notified of the issue of concern relative to the February 18, 1993 amendments which is included below in Section B.2.

In conjunction with the review of the amendments, the Department circulated copies to sixteen 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 Energy, DEPE  
Land Use Regulation Element, DEPE  
Groundwater Quality Management Element, DEPE  
Wastewater Facilities Regulation Element, DEPE  
Division of Parks and Forestry, DEPE  
Division of Fish, Game and Wildlife, DEPE  
Division of Solid Waste Management, DEPE  
Green Acres Program, 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 Amendments 68-1-93 and 69-1-93

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

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  
Department of Health  
Department of Transportation  
Department of Community Affairs

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

Groundwater Quality Management Element, DEPE  
Department of the Public Advocate  
U.S. Environmental Protection Agency

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

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

2. Issue of Concern Regarding Amendments 68-1-93 and 69-1-93

**Issue: Regulatory Requirements**

A review of DEPE's wetlands maps indicates the presence of Freshwater Wetlands in the vicinity of the Camden Recycling Mall, Inc. site. If wetlands or wetlands transition areas are present at this location and are impacted by proposed development, a Freshwater Wetlands Letter of Interpretation would be required from Camden Recycling Mall, Inc. by the DEPE Land Use Regulation Element.

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. 7:28-8.2(a)16 which requires air pollution control

permits for any equipment which vent a solid waste facility directly or indirectly into the outdoor atmosphere. Such vents may require devices to control odors and other air contaminants. Further, 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 that crush asphalt, concrete, brick, etc. must comply with the noise control code found at N.J.A.C. 7:29-1.

If any operation of the planned recycling centers 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.

The construction and operation of all recycling centers which receive, store, process or transfer Class B recyclable materials, as defined at N.J.A.C. 7:26A-1.3, shall be preceded by the acquisition of the necessary approval as per N.J.A.C. 7:26A-3 et seq., and shall be in conformance with Department regulations and guidelines, including N.J.A.C. 7:26A-4 et seq.

C. Certification of the Camden County District Solid Waste Management Plan Amendments

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 February 18, 1993 amendments to the approved County Plan and certify to the County Freeholders that the February 18, 1993 amendments are approved as further specified below.

1. Amendment 68-1-93

The County Plan inclusion of W. Hargrove Recycling, Inc. recycling center located at 1501 Harrison Avenue, Block 817, Lot 1.01, in the City of Camden, New Jersey is approved. The facility will accept Class B recyclable materials, specifically, concrete, brick, and block. All processed materials will be used either on-site by the W. Hargrove Recycling Company, Inc. or off-site as a construction material and fill and road-base in the construction of new roads.

The County Plan inclusion of Camden Recycling Mall, Inc. recycling center located at 2630 Mt. Ephraim Avenue, Block 715, Lot 1, in the City of Camden, New Jersey is approved. The facility will accept Class A recyclable materials, specifically, ferrous and nonferrous metals, newsprint, glass and plastic containers.

2. Amendment 69-1-93

The County Plan inclusion of the FCR, Inc./Harris Terminal recycling center located at Mt. Ephraim Avenue and Fairview Street, Block 614, Lots 1, 2, and 3, and Block 615, Lot 1, in the City of Camden, New Jersey is approved. The facility will accept Class A recyclable materials, specifically, newspaper, cardboard, mixed residential paper, commingled glass and metal food and beverage containers, and HDPE and PET plastic containers.

The W. Hargrove Recycling, Inc. recycling center must obtain a recycling center approval from the Department pursuant to N.J.A.C. 7:26A-3 prior to operation.

For the recycling centers which will be handling only Class A recyclable materials, as defined at N.J.A.C. 7:26A-1.3, no approval from the Department is necessary prior to operation. However, the recycling centers must comply with the regulations at N.J.A.C. 7:26A-4.

Pursuant to N.J.A.C. 7:26A-4.1(a)1.iii, Class A recyclable materials may be commingled only with other Class A recyclable materials. 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 centers 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 center approval are met, as per N.J.A.C. 7:26A-11 and 12.

3. Camden County District Solid Waste Management Plan Deficiency

In its May 19, 1992 certification of the December 5, 1992 amendment (the CLEAR Plan), the County was directed to more fully address within 180 days the recommendations of the Governor's Emergency Solid Waste Assessment Task Force Final Report. This deficiency was to have been addressed in a plan amendment submission by November 14, 1992. Until the County addresses this outstanding issue, the County Plan will remain seriously

deficient. Therefore, due to the serious nature of this deficiency, I hereby direct the County to address the noted deficiency within 60 days. The continued failure of the County to comply with this directive may result in withholding and reallocation of Solid Waste Services Tax moneys, withholding of Resource Recovery Investment Tax moneys, and/or initiating appropriate enforcement action.

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 the 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, but are subject to regulation in accordance with N.J.A.C. 7:26A-1 et seq.

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, N.J.A.C. 7:26-1.4 and -2.13, and N.J.A.C. 7:26A-1.3.

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 and Notification of Deficiency 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 Camden County District Solid Waste Management Plan which was adopted by the Camden County Board of Chosen Freeholders on February 18, 1993. I hereby also require, as noted in Section C., the Camden County Board of Chosen Freeholders to address the noted deficiency within the timeframe specified.

6-18-93

DATE



SCOTT A. WEINER  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
AND ENERGY