



## State of New Jersey

Christine Todd Whitman  
Governor

Department of Environmental Protection

Robert C. Shinn, Jr.  
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 MARCH 23, 1995  
AMENDMENT 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 July 17, 1980, the Department of Environmental Protection (Department or DEP) 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 County Plan must be adopted. The Camden County Board of Chosen Freeholders (County Freeholders) completed such a review and on March 23, 1995, adopted an amendment to its approved County Plan.

The amendment proposed County Plan inclusion of Dale Miller Contracting, Inc. located in Waterford Township, Camden County as a recycling center for Class B materials.

The amendment was received by the Department on April 26, 1995, 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 March 23, 1995 is approved in part and rejected in part as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the March 23, 1995 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 approved portion of this plan amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders and the applicant are notified of the issues of concern relative to the March 23, 1995 amendment which are included in Section B.2. below.

In conjunction with the review of the amendment, the Department circulated copies to sixteen federal and state 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 Enforcement, DEP
- Division of Parks and Forestry, DEP
- Division of Fish, Game and Wildlife, DEP
- Division of Solid and Hazardous Waste, DEP
- Division of Water Quality, DEP
- Office of Air Quality Management, DEP
- Green Acres Program, DEP
- Land Use Regulation Element, DEP
- 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
- Pinelands Commission

U.S. Environmental Protection Agency

1. Agency Participation in the Review of the March 23, 1995 Amendment

The following agencies did not object to the proposed amendment:

Division of Enforcement, DEP  
Division of Parks and Forestry, DEP  
Green Acres Program, DEP  
Land Use Regulation Element, DEP  
New Jersey Turnpike Authority  
New Jersey Advisory Council on Solid Waste Management  
Department of Agriculture  
Department of Transportation  
Department of Community Affairs

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

Office of Air Quality Management, DEP  
Department of Health  
U.S. Environmental Protection Agency

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

Division of Fish, Game and Wildlife, DEP  
Division of Solid and Hazardous Waste, DEP  
Division of Water Quality, DEP  
Pinelands Commission

2. Issues of Concern Regarding the March 23, 1995 Amendment

**Issue: Pinelands Comprehensive Management Plan**

Pursuant to the Pinelands Comprehensive Management Plan, the Dale Miller Contracting, Inc. recycling center for Class B materials would be located in a Regional Growth Area and would be classified as a transfer station. According to N.J.A.C. 7:50-6.76, such a facility is a permitted use in this management area provided that all waste accepted is either from Pinelands municipalities or from counties with at least 50% of their land area within the Pinelands.

Also, the Pinelands Commission noted that the provisions of N.J.A.C. 7:50-4.1 et seq. require that an application for development be submitted to the Pinelands Commission before construction or operation of this facility. The application is necessary to determine whether the proposed development is consistent with the standards of N.J.A.C. 7:50-6.1 et seq.

However, it must be noted by the DEP that it continues to be the Department's position that the Pinelands Comprehensive Management

Plan should not prohibit recycling centers in the same way it prohibits solid waste disposal facilities. In this regard, it must also be noted that the Pinelands Commission has proposed amendments to its existing regulations. These proposed regulations, while continuing to consider a recycling center to be a waste management facility, will not impose upon recycling centers the restriction that all materials to be accepted be either from Pinelands municipalities or from counties with at least 50% of their land area within the Pinelands. Notwithstanding the comments of the DEP, the applicant must submit an application for development to the Pinelands Commission and, upon submission, the applicant will be informed of the regulations that will be utilized by the Commission to review the application.

**Issue: Endangered Species**

Endangered or threatened wildlife species may exist in the vicinity of the subject facility in Waterford Township. Specifically, if suitable habitat exists on the site, the timber rattlesnake (endangered) can be expected to occur. Surveys for habitat suitability and possible species presence should be conducted prior to site development. Also, it should be noted that on-site storage and processing of some materials, namely wood and tree parts, may attract timber rattlesnakes (and other snakes) to the area since these materials mimic or are major components of a snake hibernaculum. The applicant and all workers should be made aware of this possibility. This habitat issue will be further addressed during the technical review of the application for an approval to operate a recycling center for Class B materials.

**Issue: Permitting Requirements for Recycling Centers**

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 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. Such vents may require devices to control odors and other air contaminants.

If any operation of the proposed recycling center 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 pollution discharge prior to operation.

The Department's Division of Solid and Hazardous Waste (DSHW) recommends that the applicant contact the DSHW for a preapplication conference. Specifically, the DSHW is concerned with the planned operation of the facility relative to the method for and acceptance

of demolition and land clearing materials, soil, and metals. Regarding the method of acceptance, the applicant proposes to accept either source separated or source separated and commingled the following materials: wood (from land clearing and construction and demolition activities), concrete, brick, block, soil, scrap metal, and asphalt shingles. Pursuant to N.J.A.C. 7:26A-4.1(a)iii., only the Department during the Class B approval application review process determines which materials may be received in a commingled manner and this determination is based on whether those materials can be processed together into a legitimate end product (i.e., concrete, asphalt, brick, and block or tree parts and untreated wood).

Concerning the acceptance of specific materials, demolition and land clearing materials are descriptions of a generic nature and, as such, are not acceptable for describing those materials to be accepted at a recycling center for Class B materials. Class B approvals issued by the Department are very specific as to the materials to be accepted and processed. Further, soil is not considered a solid waste and, as such, is not regulated by the Department and is not specified as a material to be accepted at a Class B recycling center. The recycling center will be able to handle soil as a product, consistent with local approvals, but inclusion within the DEP facility's approval of a soil operation would be inappropriate. Finally, the facility proposes to accept scrap metal which is considered to be a Class A material and may not be accepted at a recycling center for Class B materials. However, scrap metal may be accepted at a Class B recycling center if such acceptance is restricted to a byproduct generated from the processing of concrete (i.e., rebar).

Therefore, as noted within Section C. of the certification, the Department approves in part and rejects in part the County Plan inclusion of Dale Miller Contracting, Inc. recycling center for Class B materials. Specifically, the facility is approved to accept in a source separated manner concrete, brick, block, asphalt shingles, tree parts and untreated wood while the acceptance of source separated, commingled materials, land clearing and demolition waste, soil, and scrap metal (except as a byproduct generated from the processing of concrete) is rejected.

#### **Issue: Acceptance of Asphalt Shingles**

The amendment indicates that Dale Miller Contracting, Inc. will accept and process asphalt shingles although the end use for this material is not specified. Regarding the use/marketing of asphalt shingles, previously the Department has restricted such application to areas which are nonresidential in land use (i.e., nonrecreational areas). Recently, the Department has been encouraging that this material be delivered to asphalt plants as an aggregate replacement for the manufacture of bituminous concrete.

Therefore, while Section C. of this certification approves the County's proposal to authorize Dale Miller Contracting, Inc. to process asphalt shingles, such approval shall not constitute the use of asphalt shingles in residential use areas. The acceptance, processing, and use/marketing of asphalt based roofing material by Dale Miller Contracting, Inc. will be further addressed during the DEP's technical review of their application for approval to operate a recycling center for Class B materials.

**C. Certification of the Camden 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 March 23, 1995 amendment to the approved County Plan and certify to the County Freeholders that the March 23, 1995 amendment is approved in part and rejected in part as further specified below.

The County Plan inclusion of Dale Miller Contracting, Inc. located in Waterford Township, Camden County at Block 202, Lots 3A & 5 as a recycling center for Class B materials is approved in part and rejected in part. Specifically, the facility may accept up to 30 tons per day of source separated concrete, brick, block, asphalt shingles, tree parts, and untreated wood. However, the acceptance of source separated, commingled materials, land clearing and demolition waste, soil, and scrap metal (exclusive of a byproduct generated from the processing of concrete) is rejected. As noted in Section B., the DEP during the Class B approval application review process will determine which materials may be received in a commingled manner. Also, land clearing and demolition waste are descriptions of a generic nature and, as such, are not acceptable for describing those materials to be accepted at a Class B recycling center. Additionally, since soil is not considered a solid waste it will not be specified as a material to be accepted at a recycling center for Class B materials. Further, scrap metal is a Class A material and, as such, may not be accepted at a Class B recycling center except as a byproduct generated from the processing of concrete. Finally, this approval shall not constitute the use of asphalt shingles in residential use areas.

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 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.

Pursuant to N.J.A.C. 7:26A-4.1(a)1.iii, Class A recyclable material 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 issued by the Department.

Any residue generated as a result of the operation of a 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.).

**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 Waste 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 DEP 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 portion 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 the Amendment

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

7. Reservation of Authority

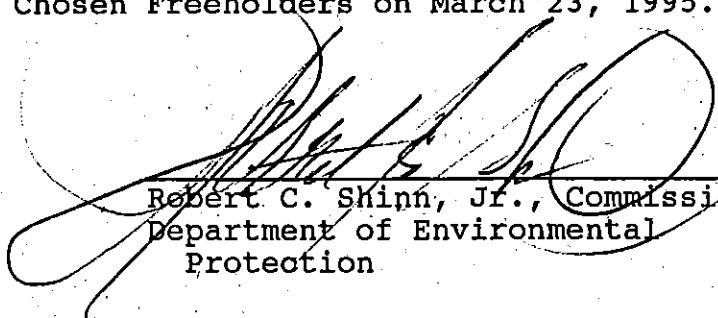
Nothing contained herein shall be construed as a limitation on any other action taken by the DEP pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the DEP, 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 in Part and Rejection in Part 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 reject in part the amendment, 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 March 23, 1995.

Date

8/10/95

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