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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 AUGUST 6, 1992 AND  
SEPTEMBER 17, 1992  
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 July 17, 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 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 August 6, 1992 and September 17, 1992, adopted amendments to its approved County Plan.

The August 6, 1992 amendment proposed inclusion of the Vi-Concrete recycling center located in Atco to process Class B recyclable materials and the South Jersey Port Corporation recycling centers located in Camden City to process Class A recyclable materials. The September 17, 1992 amendment proposed inclusion of the Harrison Avenue recycling center located in Camden City to process Class B recyclable materials and the Camden Iron and Metal recycling centers located in Camden City to process Class B recyclable materials.

The August 6, 1992 and September 17, 1992 amendments were received by the Department of Environmental Protection and Energy (Department or DEPE) on August 26, 1992 and October 13, 1992, respectively, 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, as has determined that the amendments adopted by the County Freeholders on August 6, 1992 and September 17, 1992 are approved as provided in N.J.S.A. 13:1E-24. Serious deficiencies in the County Plan have 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 August 6, 1992 and September 17, 1992 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 conjunction with the review of the amendments, the Department circulated copies to seventeen 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  
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  
Groundwater Quality Management 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  
Pinelands Commission

1. Agency Participation in the Review of the August 6, 1992 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  
New Jersey Turnpike Authority  
Department of Agriculture  
Department of Transportation

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

Green Acres Program, DEPE  
Groundwater Quality Management Element, DEPE  
Wastewater Facilities Regulation Element, DEPE  
New Jersey Advisory Council on Solid Waste Management  
Department of Health  
Department of Community Affairs  
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  
Land Use Regulation Element, DEPE  
Pinelands Commission

2. Issues of Concern Regarding the August 6, 1992 Amendment

Issue: Regulatory Requirements Concerning the Vi-Concrete and South Jersey Port Recycling Centers

The DEPE has issued Notices of Violation against the Vi-Concrete recycling center for operating an unapproved solid waste facility. These violations date back to August 21, 1991. The County Plan inclusion of this facility will correct a historical planning deficiency and allow the applicant to apply for an approval to operate a recycling center for Class B recyclable materials.

A review of DEPE's aerial photographs indicates the possible presence of wetlands on the site of the Vi-Concrete recycling center in Atco, New Jersey. Therefore, a Freshwater Wetlands Letter of Interpretation must be applied for by Vi-Concrete from the DEPE's Land Use Regulation Element. Also, due to the proximity of the proposed South Jersey Port Corporation recycling center to the Delaware River, Waterfront Development, Stream

Encroachment, and Freshwater Wetlands permits may be required. Therefore, South Jersey Port Corporation must contact the DEPE's Land Use Regulation Element for further information relative to these possible permits.

The Pinelands Commission has indicated that the Vi-Concrete recycling center is located within the Pinelands Rural Development Management Area. The scale of the facility and the source of the recycled materials must meet the requirements of the Pinelands Comprehensive Management Plan pursuant to the submission of a detailed application. Vi-Concrete must contact the Pinelands Commission for further information.

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 which 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 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 operation of all recycling centers which receive, store, process or transfer Class A recyclable materials, as defined at N.J.A.C. 7:26A-1.3, shall be in conformance with N.J.A.C. 7:26A-4 et seq. 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.

The County Freeholders and the applicants are hereby notified of these comments.

3. Agency Participation in the Review of the September 17, 1992 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  
Department of Agriculture  
Department of Transportation

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

Land Use Regulation Element, DEPE  
Groundwater Quality Management Element, DEPE  
Wastewater Facilities Regulation Element, DEPE

New Jersey Advisory Council on Solid Waste Management  
Department of Health  
Department of Community Affairs  
Department of the Public Advocate  
U.S. Environmental Protection Agency  
Pinelands Commission

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

Office of Energy, DEPE  
Division of Solid Waste Management, DEPE

4. Issues of Concern Regarding the September 17, 1992 Amendment

Issue: **Regulatory Requirements Concerning the Harrison Avenue and Camden Iron and Metal Recycling Centers**

The DEPE has issued Notices of Violation against the Harrison Avenue and Camden Iron and Metal recycling centers for operating unapproved solid waste facilities. For the Harrison Avenue site, these violations were issued in 1992, while the violations for Camden Iron and Metal date back to 1989. The County Plan inclusion of these facilities will correct a historical planning deficiency and allow the applicants to apply for approvals to operate recycling centers for Class B recyclable materials.

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 which 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. Finally, 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. Also, 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.

The County Freeholders and the applicants are hereby notified of these comments.

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 August 6, 1992 and September 17, 1992 amendments to the approved County Plan and certify to the County Freeholders that the August 6, 1992 and September 17, 1992 amendments are approved as further specified below.

1. August 6, 1992 Amendment

The County Plan inclusion of the Vi-Concrete recycling center to be located on Block 244, Lots 3 and 4, on Columbia Avenue, in Atco, New Jersey at an existing concrete batch plant is approved. The proposed facility will accept source separated Class B recyclable materials including concrete, asphalt, brick and block from municipal and commercial sources in Camden, Atlantic, Burlington, and Gloucester Counties. These processed materials will be used on site as a raw material and off-site as a construction material. While the inclusion of this facility within the County Plan corrects a historical planning deficiency as noted in Section B. of the certification, this inclusion does not relieve the applicant from compliance with all outstanding Departmental enforcement action.

The County Plan inclusion of the South Jersey Port Corporation recycling centers to be located at the Broadway and Beckett Street terminals in Camden City, New Jersey is approved. The proposed facility will accept Class A recyclable materials as defined by N.J.A.C. 7:26A-1.3 such as metal, glass, paper, plastic containers, and corrugated and other cardboard.

2. September 17, 1992 Amendment

The County Plan inclusion of the Camden Iron and Metal recycling centers to be located on Block 601, Lots 9 and 13, and Block 351, Lot 8, at the Front Street and Atlantic Avenue and the Sixth Street and Atlantic Avenue processing sites, respectively, in Camden City, New Jersey are approved. The proposed facilities will accept used vehicle tires (a Class B recyclable material) from tire dealers, auto salvage yards, municipalities, and other large quantity generators of scrap tires for the purpose of recycling such tires through shredding. Markets will include manufacturers of crumb rubber and users of tire derived fuel, both foreign and domestic. While the inclusion of this facility within the County Plan corrects a historical planning deficiency as noted in Section B. of the certification, this inclusion does not relieve the applicant from compliance will all outstanding Departmental enforcement action.

The County Plan inclusion of the Harrison Avenue recycling center to be located on Blocks 1314 and 1315, Lots 144315-1 and 144351, at 26th Street and Harrison Avenue in Camden City, New Jersey is approved. The proposed facility will accept source separated Class B recyclable materials

including concrete, brick, and block for the purpose of recycling these materials into crushed concrete and concrete road wash. While the inclusion of this facility within the County Plan corrects a historical planning deficiency as noted in Section B. of the certification, this inclusion does not relieve the applicant from compliance with all outstanding Departmental enforcement action.

Regarding the noted recycling centers under C.1. and 2. above, each recycling center that will be handling Class B recyclable materials, as defined at N.J.A.C. 7:26A-1.3, must obtain a recycling center approval from the Department pursuant to N.J.A.C. 7:26A-3 prior to operation.

For the recycling center 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 center 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.

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. Further, a recycling center approval shall only be granted upon compliance with all outstanding Departmental enforcement action.

Any residue generated as a result of the operation of any of these 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 and 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 approval pursuant to N.J.A.C. 7:226A-3 et seq., and shall be in conformance with Departmental regulations and guidelines, including N.J.A.C. 7:26A-4.

### 3. Camden County District Solid Waste Management Plan Deficiencies

In its May 19, 1992 certification of the December 5, 1991 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. Also, the certification directed the County to address within the same time frame the designation of a new implementing agency. These deficiencies were to have been addressed in a plan amendment submission by November 14, 1992. Until the County addresses

these outstanding issues, the County Plan will remain seriously deficient. Therefore, due to the serious nature of these deficiencies, I hereby direct the County to address the noted deficiencies within 60 days of the date of this certification in a subsequent plan amendment submission. The failure of the County to comply with this directive may result in the withholding and reallocation of Solid Waste Services Tax moneys and the withholding of the County's Resource Recovery Investment Tax moneys.

**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.

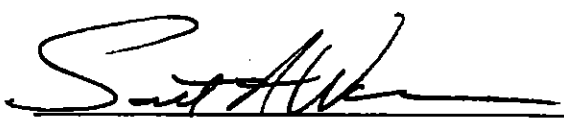
7. Reservation of Authority

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 Deficiencies 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 were adopted by the Camden County Board of Chosen Freeholders on August 6, 1992 and September 17, 1992. I hereby also require, as noted in Section C., the Camden County Board of Chosen Freeholders to address the noted deficiencies within the timeframe specified.

1-11-93  
DATE

  
SCOTT A. WEINER  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
AND ENERGY