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STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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(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 SEPTEMBER 28, 1989
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 approved, with modifications, the Camden 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 Camden County Board of Chosen Freeholders completed such a review and on September 28, 1989 adopted an amendment to its approved district solid waste management plan. The amendment proposed the inclusion of American Wood Recyclers, Inc., Camden Recycling, Inc., and Compost Management of Camden County, Inc., facilities within the district plan.

The amendment was received by the Department of Environmental Protection on October 11, 1989, and copies were distributed to various state level agencies for review and comment, as required by law. The Department has reviewed this amendment, and has determined that the amendment adopted by the Camden County Board of Chosen Freeholders on September 28, 1989 is approved 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, Judith A. Yaskin, Commissioner of the Department of Environmental Protection have studied and reviewed the September 28, 1989 amendment to the Camden 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 this plan amendment is 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 Pinelands Commission, 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. Of these agencies, the following did not object to the proposed plan amendment: the N.J.D.E.P. Divisions of Water Resources, Coastal Resources and Parks and Forestry; the State Departments of Agriculture, Community Affairs and Transportation; the Board of Public Utilities and the Green Acres Program. The following agencies failed to respond to our requests for comments: 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 N.J.D.E.P. Divisions of Environmental Quality, Fish, Game and Wildlife and Solid Waste Management as well as the Pinelands Commission submitted substantive comments which are further addressed below.

The Division of Environmental Quality commented that the use of shredders, chippers and crushers 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. Facilities to shred, chip and crush must comply with the noise control code, N.J.A.C. 7:29-1 et seq. The recycling of asphalt may release organic substances to the air. The recycling equipment and any bituminous concrete plant which uses the recycled asphalt may need air pollution apparatus to control organic substance emissions. Air pollution control permits for existing bituminous concrete plants would have to be revised to include recycled asphalt.

Also, recycling centers are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution". Recycling centers are considered solid waste facilities, which are subject to N.J.A.C. 7:27-8.2(a)16, and require air pollution control permits for any equipment which vents the solid waste facility directly or indirectly into the outdoor atmosphere. Such vents may require devices to control odors and other air contaminants. The combustion of used oil and mixtures of used oil are subject to the provisions of N.J.A.C. 7:27-8.2(a)13 which requires the combustion of such oil only be done in controlled devices with air pollution control permits specific to the combustion of used waste oil. Boilers or other combustion devices which burn tires, wood or other recycled material must have air pollution controls. Air pollution control permits must be approved prior to burning any fuel in a new boiler or a different fuel in an existing boiler.

Finally, composting facilities are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution". Air pollution control permits are required for equipment used to vent a solid waste facility to the ambient atmosphere (N.J.A.C. 7:27-8.29(a)16). Stationary conveying equipment which causes fugitive emissions of air contaminants require air pollution control permits pursuant to the provisions of 7:27-8.2(a)11. In response, by copy of this certification, the county is hereby notified of these requirements of the Division of Environmental Quality.

The Division of Fish, Game and Wildlife commented specifically with respect to Compost Management of Camden County, Inc. The Division is concerned over the potential existence of wetlands at the proposed compost site. Avoidance of wetlands and wetland buffer areas should be the objective of future design efforts, and all appropriate permits regarding wetlands or proximity to floodplains must be acquired. In response, by copy of this certification, the county is notified of these comments.

The Pinelands Commission also commented specifically with respect to Compost Management of Camden County, Inc. The Commission indicated that a compost facility of this type is regarded as similar to a solid waste transfer station, and will be reviewed as such. The Commission stated further that the planned facility, since it is regarded as being similar to a transfer station, is not a permitted use in an Agricultural Production Area, except that it could be permitted on the site of an existing but closed landfill, provided that leaves accepted were generated only by Winslow Township. Finally, the Commission stated that unless a Waiver of Strict Compliance is obtained, the facility could not be approved. By letter of November 8, 1989, the Pinelands Commission

informed Compost Management of Camden County, Inc., of these concerns. The Department responds that although the facility in question plans to take leaves, grass, brush, vegetative and food waste, and represents a more intensive use than a compost facility restricted to accepting only leaves, comparison of the facility to a transfer station is inaccurate. The Department defines a compost facility as a solid waste facility which utilizes a controlled biological process to degrade non-hazardous solid waste while a transfer station is a facility at which solid waste is transferred from collection vehicles to haulage vehicles for transportation to a solid waste facility. Finally, by copy of this certification, Camden County is informed of the comments of the Pinelands Commission and that inclusion of the Compost Management of Camden County, Inc., compost facility within the district plan is contingent upon a Pinelands Comprehensive Management Plan consistency determination from the Pinelands Commission.

The Division of Solid Waste Management commented that they are currently reviewing information submitted by American Wood Recyclers, Inc., for approval as a recycling facility, and are awaiting receipt of a similar request from Camden Recycling, Inc. The Division also noted that Camden Recycling, Inc., proposes to accept batteries at its facility, and to store them until a sufficient supply exists to warrant transfer to buyers. Camden Recycling, Inc., should be aware of the handling and storage requirements for storers of used batteries as contained in the hazardous waste regulations, N.J.A.C. 7:26-8.2(a)15, and will have to comply with these rules should they desire to pursue battery storage. Finally, the Division commented that on March 23, 1988, the Camden County District Recycling Plan was approved with modifications by the Commissioner. Upon certification, Camden County was required to submit to the Department by May 6, 1988 a subsequent plan amendment to its district recycling plan, which would address the plan deficiencies. To date, the Department has not received the required modification to the plan. Camden County's failure to submit the required modification to its district recycling plan is significant, for it indicates that the county does not yet have a final state approved district recycling plan. Thus, the county is in violation of state law. In response, by copy of this certification, the county is informed of these requirements.

C. Certification of Camden County District Solid Waste Management Plan Amendment

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 28, 1989 amendment to the approved Camden County District Solid Waste Management Plan and certify to the Camden County Board of Chosen Freeholders that the September 28, 1989 amendment is approved as further specified below.

1. The district plan inclusion of American Wood Recyclers, Inc., located at Block 457, Lot 16 in Camden City, Camden County, to recycle wood pallets is approved. Access to the facility will be limited to I-676 and Morgan Boulevard. The construction or

operation of this facility shall be preceded by the acquisition of all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq. and N.J.S.A. 13:1E-99.34 and shall be in conformance with Departmental regulations and guidelines. Also, all trucks utilizing I-676 must comply with weight limitations of the Department of Transportation.

2. The district plan inclusion of Camden Recycling, Inc., located at Block 2087, Lots 2 and 3 in Camden City, Camden County, to accept scrap metal, newsprint and other waste paper, clean waste wood, tires and demolition waste (concrete, brick and asphalt) is approved. The construction or operation of this facility shall be preceded by the acquisition of all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq. and N.J.S.A. 13:1E-99.34 and shall be in conformance with Departmental regulations and guidelines.
3. The district plan inclusion of Compost Management of Camden County, Inc., located at Block 7901, Lots 11, 12, and 13 in Winslow Township, Camden County, to accept leaves, grass, brush, farm vegetative wastes and food processing wastes is approved. Access to the facility will be limited to State Route 73 and the Atlantic City Expressway. The construction or operation of this solid waste facility shall be preceded by the acquisition of all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq., and all other applicable laws including a Pinelands Comprehensive Management Plan consistency determination from the Pinelands Commission. The issuance of any construction or operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department and the Attorney General to be deserving of licensing pursuant to the provisions of N.J.S.A. 13:1E-126 et seq.

Finally, the county is hereby notified of its continuing failure to address deficiencies in the Camden County District Recycling Plan. On March 23, 1988, the Department approved with modifications an amendment to the district recycling plan and directed the county to address the deficiencies in a subsequent amendment. The county's failure to comply with this directive constitutes a continuing deficiency with respect to N.J.S.A. 13:1E-99.11 et seq. The county is hereby directed to correct this deficiency.

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 the within amendment to the Camden County District Solid Waste Management 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 of Environmental Protection and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the Camden County District Solid Waste Management 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 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 Camden County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Camden 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 Plan

The provisions of the Camden 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 wastes. 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 Amendment

This document shall serve as the certification of the Commissioner of the Department of Environmental Protection to the Camden 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 amendment contained 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 N.J.A.C. 7:26-1.4 and -2.13.

6. Effective Date of Amendment

The amendment to the Camden 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 Camden 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 Amendment and Notification of Deficiencies 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 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 September 28, 1989. I also hereby direct Camden County to expeditiously correct the recycling deficiencies as noted in Section C. of this certification.

DATE

March 12, 1990

Judith A. Yaskin
JUDITH A. YASKIN

COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION