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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 OCTOBER 17, 2002
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 (HMDC) 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.

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 October 17, 2002, adopted an amendment to its approved County Plan.

The October 17, 2002 amendment proposes County Plan inclusion of:

1. Pinto Brothers Class A recycling facility, located on Block 454, Lot 14, with a street address of 267 Jefferson Street, Camden City; and,
2. Innovative Recovery Products materials recovery facility, located on Block 351, Lots 2 and 8, and Block 461, Lot 15, with a street address of 1500 South 6th Street, Camden City.

The amendment was considered administratively complete for review by the Department on November 22, 2002, 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 October 17, 2002 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 have studied and reviewed the October 17, 2002 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 amendment is consistent with the Statewide Solid Waste Management Plan.

In conjunction with the review of the amendment, 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. All agencies contacted are as follows:

Division of Water Quality, DEP
Division of Parks and Forestry, DEP
Division of Fish and Wildlife, DEP
Division of Compliance and Enforcement, DEP
Division of Solid and Hazardous Waste, 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 and Senior Services
Department of Transportation
Department of Community Affairs
New Jersey Pinelands Commission
U.S. Environmental Protection Agency

Elements of the October 17, 2002 Amendment

Background: Pinto Brothers

Pinto Brothers Recycling, Inc. has operated a paper recycling business in Philadelphia. The Pinto Brothers Class A recycling facility, to be located on 267 Jefferson Street, in Camden City, Camden County, will accept waste paper from inside and outside the County. Pinto Brothers will also provide waste paper collection services for local businesses and institutions, including school districts. The facility proposes to accept up to 300 tons of waste paper per day. Incoming material will be graded, sorted, baled and shipped to end users for production into various paper products.

Background: Innovative Recovery Products, LLC

Camden Iron and Metal currently operates a Class A recycling facility, located on Block 351, Lot 2, with a street address of 1500 South 6th Street, Camden City. Camden Iron and Metal scrap metal recycling facility was included in the Camden County Plan via an amendment dated October 8, 1987. The amendment was certified as approved by the Department on March 3, 1988. Innovative Recovery Products, LLC, as a subsidiary of Camden Iron and Metal, would operate a materials recovery facility in order to process waste automotive shredder residue. The materials recovery facility would be located on Block 351, Lots 2 and 8, and Block 461, Lot 15, with a street address of 1500 South 6th Street, Camden City. The facility proposes to accept up to 25,000 tons of automotive shredder residue per month.

It must be noted that capacity limitations are generally given in tons per day, and not in tons per month. This issue will have to be properly addressed during the application phase of the solid waste facility permit process, which would be issued by the Department to a materials recovery facility as per N.J.A.C. 7:26-2.

Rules and Regulations

If any operation of a recycling center or a materials recovery facility will discharge pollutants as defined in N.J.A.C. 7:14A et seq., 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 and materials recovery facilities are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits the release of odors and other air contaminants which interfere with the enjoyment of life and property.

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 county solid waste management plans, I have reviewed the October 17, 2002 amendment to the approved County Plan and certify to the County Freeholders that the October 17, 2002 amendment is approved as further specified below.

The County Plan inclusion of Pinto Brothers Class A recycling facility, located on Block 454, Lot 14, with a street address of 267 Jefferson Street, Camden City, is approved. The facility shall accept up to 300 tons of waste paper per day. The County Plan inclusion of Innovative Recovery Products materials recovery facility, located on Block 351, Lots 2 and 8, and Block 461, Lot 15, with a street address of 1500 South 6th Street, Camden City, is approved. The facility shall accept up to 25,000 tons of automotive shredder residue per month.

As indicated in section B. above, capacity limitations are generally given in tons per day, and not in tons per month. This issue will have to be properly addressed during the application phase of the solid waste facility permit process, which would be issued by the Department to a materials recovery facility as per N.J.A.C. 7:26-2.

The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary approvals pursuant to N.J.S.A. 13:1E-1 et seq., and all other applicable laws. The issuance of operating permits pursuant to the New Jersey Solid Waste Management Act is limited to those applicants found by the Department and Attorney General of the State of New Jersey to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126.

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 County 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 including waste types 10, 13, 23, 25, and 27 and all applicable subcategories and shall not apply to liquid and hazardous wastes. All nonhazardous materials separated at the point of generation for sale or reuse are subject to regulation in accordance with N.J.A.C. 7:26A-1 et seq.

4. Certification to Proceed with Implementation of 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 Freeholders shall proceed with the implementation of the approved components 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 Amendment

The approved components 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 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, 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

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 October 17, 2002.

Feb 26 2003

Date



Bradley M. Campbell, Commissioner
Department of Environmental Protection