



**State of New Jersey**

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

**CERTIFICATION  
OF THE JANUARY 22, 2003  
AMENDMENT TO THE BURLINGTON 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 (now the New Jersey Meadowlands Commission) develop comprehensive plans for waste management in their respective districts. On October 31, 1980, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Burlington 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 Burlington County Board of Chosen Freeholders (County Freeholders) completed such a review and on January 22, 2003, adopted an amendment to its approved County Plan.

The January 22, 2003 amendment proposes County Plan inclusion of the Federal Prison Industries, Inc. (UNICOR) Class D recycling facility, located at Block 21, Lot 1 (Building 5713, Fort Dix) in New Hanover Township.

The amendment was considered administratively complete for review by the Department on February 20, 2003, 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 January 22, 2003 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the January 22, 2003 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 this regard, the County Freeholders are notified of the issues of concern relative to the January 22, 2003 amendment, which are included below.

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  
New Jersey Pinelands Commission  
Department of Agriculture  
Department of Health and Senior Services  
Department of Transportation  
Department of Community Affairs  
U.S. Environmental Protection Agency

## **Elements of the January 22, 2003 Amendment**

### **Background**

On May 17, 2002, Federal Prison Industries, Inc. (UNICOR) received a Certificate of Authority to Operate (CAO) for a Research Demonstration and Development (RD&D) recycling project. Under provisions of the CAO, Federal Prison Industries, Inc. (UNICOR) was approved to accept consumer electronics and cathode ray tubes in order to treat them as universal wastes for the recycling project. The CAO expires on May 17, 2003.

Universal wastes are classified as Class D recyclable materials in New Jersey. On June 17, 2002, amendments to the "Universal Waste Rule" (N.J.A.C. 7:26A-7 Standards for the Management of Class D Universal Waste) were adopted that added consumer electronics to the list of regulated Class D recyclable materials. Therefore, consumer electronics are subject to the above regulations, and are defined at N.J.A.C. 7:26A-1.3, as any appliance used in the home or business that includes circuitry. This includes the components and sub-assemblies that collectively make up the electronic products and may, when individually broken down, include batteries, mercury switches, capacitors containing PCBs, cadmium plated parts and lead or cadmium containing plastics. Examples of consumer electronics include, but are not limited to, computers, printers, copiers, telefacsimiles, VCRs, stereos, televisions, and telecommunication devices.

Federal Prison Industries, Inc. (UNICOR) plans to submit an application to operate a Class D recycling facility. As such, the January 22, 2003 amendment, is proposing County Plan inclusion of the Federal Prison Industries, Inc. (UNICOR) Class D recycling facility, located at Block 21, Lot 1 (Building 5713, Fort Dix) in New Hanover Township. The facility would be allowed to accept up to 200 tons per day of consumer electronics as Class D recyclable materials.

### **New Jersey Pinelands Commission Comments**

As previously noted, the Department circulated copies of the January 22, 2003 amendment to administrative review agencies and solicited their review and comment. The New Jersey Pinelands Commission responded stating that the amendment appeared inconsistent with the provisions of N.J.A.C. 7:50-5.29(a)3. of the Pinelands Comprehensive Management Plan (Pinelands Plan), which generally prohibits hazardous waste facilities in a Military and Federal Installation Area within the Pinelands. The Pinelands Commission further commented that household hazardous waste processing is permitted in all Pinelands Management Areas, however, the amendment describes the materials as universal wastes which does not meet the definition of household hazardous waste contained in the Pinelands Plan.

The Department responds by stating that pursuant to the Universal Waste Rule, N.J.A.C. 7:26A-7 the materials in question are classified as Class D recyclable materials and are therefore not hazardous waste.

## **Rules and Regulations**

If any operation of a recycling center 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 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.

The proposed recycling facility may require a Pinelands Commission development approval.

### **C. Certification of the Burlington 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 January 22, 2003 amendment to the approved County Plan and certify to the County Freeholders that the January 22, 2003 amendment is approved as further specified below.

The County Plan inclusion of the Federal Prison Industries, Inc. (UNICOR) Class D recycling facility, located at Block 21, Lot 1 (Building 5713, Fort Dix) in New Hanover Township is approved. The facility would be allowed to accept up to 200 tons per day of consumer electronics as Class D recyclable materials.

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 D materials. A recycling center approval shall only be issued where the applicant has submitted as administratively complete application, as per N.J.A.C. 7:26A-3.5, where all the 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 D recyclable materials may be commingled only with other Class D recyclable materials and only to the extent authorized in the Department's general approval.

### **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 Burlington County District Solid Waste Management Plan, which was adopted by the Burlington County Board of Chosen Freeholders on January 22, 2003.

June 25 2003  
Date

Bradley M. Campbell  
Bradley M. Campbell, Commissioner  
Department of Environmental Protection