



State of New Jersey

CHRIS CHRISTIE
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Mail Code 401-07F
P.O. Box 402
Trenton, NJ 08625-0402
Tel. # (609) 292-2885
Fax # (609) 292-7695

BOB MARTIN
Commissioner

KIM GUADAGNO
Lt. Governor

CERTIFICATION OF THE AUGUST 9, 2017 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 (previously known as the New Jersey Meadowlands Commission, and now known as New Jersey Sports and Exposition Authority or NJSEA) develop comprehensive plans for waste management in their respective districts. On October 27, 1980, the Department of Environmental Protection (Department or DEP) approved the Burlington County District Solid Waste Management Plan (County Plan).

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 August 9, 2017 adopted an amendment to its approved County Plan.

The August 9, 2017 Amendment (Amendment) proposes County Plan inclusion of the R.E. Pierson Materials Corporation (R.E. Pierson) Class B Recycling Facility to accept a maximum of 1,500 tons per day (tpd) of source separated asphalt, concrete and concrete products (pipe and block from road and construction site demolition).

The Amendment was received on August 23, 2017 and considered administratively complete for review by the Department on August 28, 2017, and copies were distributed to various administrative review agencies for review and comment as required by law. The Department has reviewed the Amendment and has determined that the Amendment adopted by the County Freeholders on August 9, 2017 is approved as provided in N.J.S.A. 13:1E-24.

B. Findings and Conclusions with Respect to the August 9, 2017 Burlington County District Solid Waste Management Plan Amendment

Pursuant to N.J.S.A. 13:1E-24a (1), I have studied and reviewed the August 9, 2017 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 elements of the August 9, 2017 Amendment, which are included below.

Elements of the August 9, 2017 Amendment

Element: Facility Operations

The Amendment to the County Plan proposes County Plan inclusion of the R.E. Pierson Class B Recycling Facility to accept a maximum of 1,500 tpd of source separated asphalt, concrete and concrete products (pipe and block from road and construction site demolition). Incoming materials will be processed into concrete aggregate and crushed asphalt and the end-product will be transported off-site for reuse in a variety of construction applications such as road and sidewalk construction and pavements. The facility is to be located at 1300 Union Landing Road, Block 702, Lots 32 and 33, in Cinnaminson Township and identifies the facility's operating hours as Monday through Friday 7:00 a.m. – 5:00 p.m., and Saturday 8:00 a.m. – 12:00 p.m. (Saturday hours are for receipt and transfer of materials only).

All trucks entering or exiting the site are required to utilize Union Landing Road to Route 130 South. The only exception being when a jobsite is in the opposite direction in one of the nearby towns to the west of the facility.

Element: Regulatory Requirements

The owner or operator of a Class B recycling center must obtain a Class B Recycling Center General Approval prior to commencement of regulated recycling activities and shall also follow all pertinent regulations found at N.J.A.C. 7:26A-3.1 et seq. and the design and operational standards at N.J.A.C. 7:26A-4.1 and 4.8.

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. In addition, the owner or operator of a recycling center may require an air quality preconstruction permit and operating certificate in accordance with N.J.A.C. 7:27-8.2. Facilities operating diesel and gas vehicles are subject to the provisions of N.J.A.C. 7:27-14 and N.J.A.C. 7:27-15 requiring that vehicles comply with idling regulations.

Finally, if any operation of a recycling center will discharge pollutants as defined in N.J.A.C. 7:14A-1.2, the owner or operator of that recycling center must secure a New Jersey Pollutant Discharge Elimination System Permit pursuant to N.J.A.C. 7:14A-2.4 (b)4.

Additional Element of the Burlington County District Solid Waste Management Plan

Element: Municipal Solid Waste (MSW) Recycling in Burlington County

On July 23, 2008, the Burlington County Board of Chosen Freeholders adopted an amendment to the County Plan which, among other things, included specific strategies for achieving the State's statutorily-mandated minimum MSW recycling rate of 50% (N.J.S.A. 13:1E-99.13). This amendment to the County Plan was certified as approved by the Department on February 2, 2009. The most recent recycling data compiled by the State shows that in 2015, Burlington County achieved a MSW recycling rate of 47%. Using 2015 Department data, an additional 32,649 tons of Burlington County MSW will have to be recycled to reach a MSW rate of 50%.

In this regard, Burlington County has initiated a review of its County Recycling Plan and intends to adopt a revised plan on or about September 30, 2018.

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 August 9, 2017 Amendment to the approved County Plan and certify to the County Freeholders that the August 9, 2017 Amendment is hereby approved as specified below.

The County Plan inclusion of the R.E. Pierson Class B Recycling Facility located at 1300 Union Landing Road Block 702, Lots 32 and 33 in Cinnaminson Township to accept a maximum of 1,500 tons per day (tpd) of source separated asphalt, concrete and concrete products (pipe and block from road and construction site demolition), is approved.

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 issued where the applicant has submitted an administratively complete application 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-3.12.

D. Other Provisions Affecting the Plan Amendment

1. Compliance

All owners and/or operators of recycling centers approved by 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 recycling center owner and/or operator 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. 7:26A-1 et seq., and in violation of their approval to operate a recycling center issued thereunder by the Department and shall be subject to the provisions and penalties of N.J.S.A. 13:1E-9 and 12, N.J.A.C. 7:26-5.1 et seq., N.J.A.C. 7:26A-9.1 et seq., and all other applicable laws.

2. 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.

3. 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.

4. Effective Date of Amendment

The approved elements of the Amendment to the County Plan contained herein shall take effect immediately.

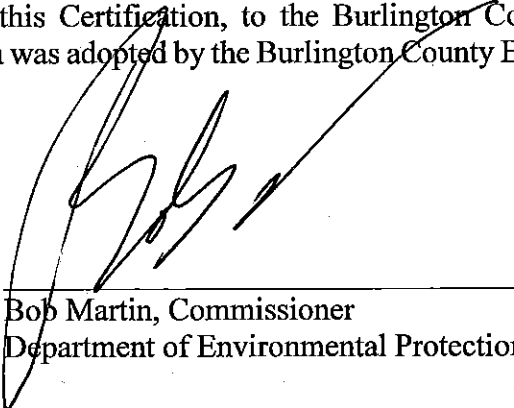
5. Reservation of Authority

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 to the Statewide Solid Waste Management Plan, with appendices which include the Department's planning guidelines, rules, regulations, orders of the Department, and includes the compilation of individual County 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 August 9, 2017.

12/27/2017
Date



Bob Martin, Commissioner
Department of Environmental Protection