



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SCOTT A. WEINER, COMMISSIONER
CN 402
TRENTON, N.J. 08625-0402
(609) 292-2885
Fax: (609) 984-3962

(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 OCTOBER 10, 1990
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 develop comprehensive plans for waste management in their respective districts. On October 27, 1980, the Department approved, with modifications, the Burlington 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 Burlington County Board of Chosen Freeholders completed such a review and on October 10, 1990 adopted an amendment to its approved district solid waste management plan. The October 10, 1990 amendment would include a recycling center in Eastampton Township to be owned and operated by the Occupational Training Center of Burlington County, Inc.

The amendment was received by the Department of Environmental Protection on October 26, 1990 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 Burlington County Board of Chosen Freeholders on October 10, 1990 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, Scott A. Weiner, Commissioner of the Department of Environmental Protection have studied and reviewed the October 10, 1990 amendment to the Burlington 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 Department circulated the plan amendment to seventeen review agencies and solicited their review and comments. 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. Among these agencies were the following:

Division of Environmental Quality
Division of Water Resources
Division of Coastal Resources
Division of Parks and Forestry
Division of Fish, Game and Wildlife
Division of Solid Waste Management
Pinelands Commission
Board of Public Utilities
Green Acres Program
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

Of these agencies, the following agencies did not object to the proposed plan amendment:

Division of Parks and Forestry
Division of Fish, Game and Wildlife
New Jersey Turnpike Authority
Department of Agriculture
Department of Community Affairs

The following agencies failed to respond to our requests:

Green Acres Program
Pinelands Commission
Department of Health
Department of the Public Advocate
U.S. Environmental Protection Agency
Board of Public Utilities
New Jersey Advisory Council on Solid Waste Management

The Division of Solid Waste Management commented that new rules proposed in the October 1, 1990 New Jersey Register at 22 N.J.R. 3088(a), specifically N.J.A.C. 7:26A-1.3, establish a definition for "commingled source separated traditional recyclable materials" as "a combination of source separated metal, glass, or plastic containers, or a combination of source separated paper grades." Therefore, upon adoption of this rule, the Department will require that this facility maintain separation of mixed paper grades from other designated recyclables in the recycling process.

The Division of Water Resources commented that further information relative to the anticipated amount of wastewater generated from the facility and the method of disposal/treatment is necessary. Depending upon the answers to this information, the applicant may have to request an amendment to the Tri-County Water Quality Management Plan or wait for the Mount Holly Sewerage Authority Wastewater Management Plan to be adopted prior to any sewer connections. Also, since this project will result in a new source discharge, a NJPDES permit or a discharge allocation certificate from the Wastewater Facilities Management Element may be required.

The Department of Transportation advised that special attention must be paid to design of access driveways for trucks entering and exiting the site off of State Route 206. The vertical and horizontal sight distances are critically important along this two (2) lane state highway.

The Division of Environmental Quality commented that 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 or 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 combustion of used oil and mixtures of used oil and other oil are subject to the provisions of N.J.A.C. 7:27-8.2(a)13 which requires that the combustion of such oil only be done in controlled devices with air pollution control permits specific to the combustion of used waste oil.

The Division of Coastal Resources commented that if the proposed activities are to be located within the compensated freshwater wetlands transition area or the freshwater wetlands, or if any discharge structure is within 500 feet of the 100 year flood plain, a Stream Encroachment and/or a Freshwater Wetlands Permit will be required from this division.

In response to the above noted comments, Burlington County is informed by copy of this certification of the various approvals and regulations of the applicable state agencies.

C. Certification of the Burlington County District Solid Waste Management Plan Amendment

I, Scott A. Weiner, 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 October 10, 1990 amendment to the approved Burlington County District Solid Waste Management Plan and certify to the Burlington County Board of Chosen Freeholders that the October 10, 1990 amendment is approved as further specified below.

The inclusion within the district plan of the Occupational Training Center of Burlington County, Inc., recycling center on Block 800, Lots 9.04 and 9.05, in Eastampton Township, Burlington County, is approved. The recycling center, to be owned and operated by the Occupational Training Center of Burlington County, Inc., will accept and process for market between 50-70 tons per day of source separated and commingled source separated recyclables which will initially include paper, corrugated cardboard, glass, plastics, and metal cans collected within Burlington County.

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 Burlington 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 Burlington 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 Burlington County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Burlington 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 Burlington 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 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 (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 Burlington 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 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 N.J.A.C. 7:26-1.4 and -2.13.

6. Effective Date of Amendment

The amendment to the Burlington 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 Burlington 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, 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 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 October 10, 1990.

3-22-91

DATE



SCOTT A. WEINER

COMMISSIONER

DEPARTMENT OF ENVIRONMENTAL PROTECTION