



State of New Jersey
Department of Environmental Protection and Energy
Office of the Commissioner
CN 402
Trenton, NJ 08625-0402

Jeanne M. Fox
Acting Commissioner

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 NOVEMBER 10, 1993
AMENDMENT TO THE BURLINGTON COUNTY
DISTRICT SOLID WASTE MANAGEMENT PLAN

BY ORDER OF THE ACTING 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 of Environmental Protection approved, 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, 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 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 November 10, 1993, adopted an amendment to its approved County Plan.

The amendment proposes inclusion of a recycling center to process Class A recyclable materials, to be owned and operated by the Occupational Training Center (OTC) of Burlington County, Inc., located in Westampton Township. The facility will accept approximately 100 tons per day of source separated and commingled source separated recyclables including paper, corrugated cardboard, glass, plastics, and metal cans.

The amendment was received by the Department of Environmental Protection and Energy (Department or DEPE) on November 19, 1993, and copies were distributed to various administrative review agencies for review and comment, as required by law. Further, the County requested expedited review and certification of the amendment based upon timeframes associated with pursuing funding from the Economic Development Authority (EDA) toward developing the OTC recycling facility. The Department has reviewed this amendment, as well as the entire County Plan, and has determined that the amendment adopted by the County Freeholders on November 10, 1993 is approved as provided in N.J.S.A. 13:1E-24. While the immediate plan amendment has been approved, deficiencies in the County Plan, which were previously noted within the Department certifications of August 16, 1991 and August 18, 1992, have been once again identified within Section C. of this certification.

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 November 10, 1993 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 this plan 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 November 10, 1993 amendment as noted in Section B.2. 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. These agencies are the following:

Office of Air Quality Management, DEPE
Division of Parks and Forestry, DEPE
Division of Fish, Game and Wildlife, DEPE
Division of Solid Waste Management, DEPE
Green Acres Program, DEPE
Land Use Regulation Element, DEPE
Wastewater Facilities Regulation Element, DEPE
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
Pinelands Commission

1. Agency Participation in the Review of the November 10, 1993 Amendment

The following agencies did not object to the proposed plan amendment:

Division of Solid Waste Management, DEPE
Division of Parks and Forestry, DEPE
Green Acres Program, DEPE
Land Use Regulation Element, DEPE
Department of Agriculture
Pinelands Commission

The following agencies did not respond to the Department's requests for comments:

Wastewater Facilities Regulation Element, DEPE
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Health
Department of Transportation
Department of Community Affairs
Department of the Public Advocate
U.S. Environmental Protection Agency

The following agencies submitted substantive comments which are further addressed below:

Office of Air Quality Management, DEPE
Division of Fish, Game, and Wildlife

2. Issues of Concern Regarding the November 10, 1993 Amendment

Issue: Regulatory Requirements of Recycling Centers

Recycling centers are subject to the provisions of the 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. Furthermore, recycling centers are considered solid waste facilities and 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.

Issue: Drainage/Runoff

The proposed recycling center site is located in the headwaters of Mill Creek (Rancocas Drainage). Due to the types of materials brought to the facility, adequate water quality protection should be designed into any drainage toward Mill Creek.

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 district solid waste management plans, I have reviewed the November 10, 1993 amendment to the approved County Plan and certify to the County Freeholders that the November 10, 1993 amendment is approved as further specified below.

1. November 10, 1993 Amendment

The County Plan inclusion of a recycling center to process Class A recyclable materials, to be owned and operated by the Occupational Training Center of Burlington County, Inc., located at Block 905, Lot 1.01, in Westampton Township is approved. The facility will accept about 100 tons per day of source separated and commingled source separated recyclables including paper, glass, corrugated cardboard, and metal cans.

For recycling centers which handle only Class A recyclable materials, as defined at N.J.A.C. 7:26A-1.3, no approval from the Department is necessary prior to operation. However, the recycling centers must comply with the regulations at N.J.A.C. 7:26A-4. Also, pursuant to N.J.A.C. 7:26A-4.1(a)1.iii, Class A recyclable materials may be commingled only with other Class A recyclable materials.

2. Burlington County District Solid Waste Management Plan Deficiencies

In the Department's certifications of August 16, 1991 and August 18, 1992, the County was notified of its failure to address the recommendations of former Governor Florio's Emergency Solid Waste Assessment Task Force (Task Force) Final Report in the areas of source reduction, recycling and regionalization. With the adoption on January 18, 1994 of the Solid Waste Management State Plan Update: 1993-2002, which embodied and expanded upon the Task Force Final Report recommendations, the County must submit as soon as possible a plan amendment for advancing the critical public policy goals of source reduction, achieving the now statutory 50% municipal waste stream and 60% total waste stream recycling rates, and regionalization of solid waste and recycling systems and facilities.

Also, within the two noted certifications, the County was directed to submit a schedule for the development of the planned co-composting/refuse derived fuel facility. Therefore, the County should submit such a schedule in letter form to the DEPE within 90 days of the date of this certification toward full implementation of this important project.

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 District Solid Waste Management 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 and shall not apply to liquid wastes, sewage sludge, septage, and hazardous wastes. 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 set forth at N.J.A.C. 7:26-6, but are subject to regulation in accordance with N.J.A.C. 7:26A-1 et seq.

4. Certification to Proceed with the Implementation of the Plan Amendment

This document shall serve as the certification of the Acting Commissioner of the Department to the County 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 -99.12, N.J.A.C. 7:26-1.4 and -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of the Amendment

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. 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 and Notification of Deficiencies by the Acting Commissioner of the Department of Environmental Protection and Energy

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 November 10, 1993. I hereby also require, as noted in Section C., the Burlington County Board of Chosen Freeholders to address the noted deficiencies within the timeframes specified.

January 26, 1994
DATE

Jeanne M. Fox
JEANNE M. FOX
ACTING COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND ENERGY