



New
Jersey
Department of
Environmental
Protection

COMPLIANCE ADVISORY

Enforcement **Alert**

Making You Aware of Anticipated Enforcement Activities

Compliance and Enforcement

Issued: March 2008

#2008-03

DEP Takes Steps to Bring Tire, Compost, & Wood Chip Pile Heights into Conformance with DCA Regulations

Who is affected by this initiative?

Holders of general recycling facility approvals issued by DEP for Class C compost operations, Class B mulch operations or scrap tire recycling facilities, and exempt compost or wood mulch operations that have pile heights for processed, unprocessed, and/or curing material piles in excess of 20 feet are affected by this initiative.

Why is DEP targeting compost, tire, and wood chip operations?

Recently, the DEP has been advised by the New Jersey Department of Community Affairs (DCA) that its regulations at N.J.A.C. 5:70-3.2(a)21, F-2103.3 prohibit outside storage of combustible or flammable materials in excess of 20 feet in height unless a variance has been granted by DCA. Additionally, outside storage of these materials must be compact and orderly. According to DCA, this regulation applies to wood chips, wood mulch and compost curing piles, and, therefore, directly affects the operations at compost and mulch facilities. The reason for the 20 feet height limitation is to help prevent the spread of fire and, in the case of a fire, to allow the fire to be contained and extinguished in a more manageable manner.

What is DEP doing?

DEP is working with affected facilities to modify their Class B or Class C general recycling facility approvals, as applicable, to lower the height limitation for wood chips, wood mulch, scrap tires, and compost curing piles to 20 feet or less, consistent with DCA's regulations.

What should I do?

Affected facilities should take all necessary steps to lower their on site pile heights and the piles of processed and non processed materials. The following is a general list of things to check to ensure compliance and is by no means a complete list of requirements with which you need to comply.

- Immediately start reducing the height of your wood chips, scrap tires, wood mulch and compost curing piles. Limit the amount of unprocessed material you take in, if possible.

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- If possible, move material in excess of 20 feet to indoor storage, which is not subject to the aforementioned height limitation. However, indoor storage may be subject to local approvals.
- Start preparing a permit modification request and new site plan to show how your material piles will be configured to meet the 20 feet height limit.
- Contact DCA to obtain a variance from the 20 feet height limit if you feel your facility qualifies.
- Copy DEP permitting and enforcement programs on any DCA variance requests.

Who should I contact with questions?

DEP, Solid and Hazardous Waste Management Program
Bureau of Transfer Stations and Recycling Facilities (609) 292-9880

Department of Community Affairs
Division of Fire Safety (609) 633-6106

Where can I get more information?

The following web sites can be accessed for additional information regarding this advisory:

Solid and Hazardous Waste Management Program
<http://www.nj.gov/dep/dshw/>

Dept. of Community Affairs, Div. of Fire
Safety, Bureau of Fire Code Enforcement <http://www.state.nj.us/dca/dfs/bfce.shtml>

Visit the following Web site for general information:

Contact NJDEP: <http://www.nj.gov/cgi-bin/dep/contactdep.pl>

To comment on this advisory:

<http://www.nj.gov/dep/enforcement/survey.html>

Please note this advisory is intended to be a summary explanation of a department initiative. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the numbers listed above.