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STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
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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  
APRIL 11, 1990 AND MAY 9, 1990  
AMENDMENTS 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 April 11, 1990 and May 9, 1990 adopted amendments to its approved district solid waste management plan. The April 11, 1990 amendment would allow the Burlington Asphalt Corporation to operate a recycling center for concrete and asphalt in Lumberton and Hainesport Townships. The May 9, 1990 amendment proposed guidelines and requirements for the operation of mobile equipment to process solid waste and recyclables in Burlington County.

The amendments were received by the Department of Environmental Protection on May 29, 1990 and June 26, 1990 and copies were distributed to various state level agencies for review and comment, as required by law. The Department has reviewed these amendments and has determined that the amendments adopted by the Burlington County Board of Chosen Freeholders on April 11, 1990 and May 9, 1990 are approved with modifications 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 Amendments

Pursuant to N.J.S.A. 13:1E-24a(1), I, Judith A. Yaskin, Commissioner of the Department of Environmental Protection have studied and reviewed the April 11, 1990 and the May 9, 1990 amendments 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 the April 11, 1990 and the May 9, 1990 amendments are consistent, as modified, with the Statewide Solid Waste Management Plan.

In addition, the Division of Solid Waste Management circulated the plan amendments to sixteen review agencies and solicited their review and recommendations. 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. Also among these agencies were the Department of Community Affairs, the Department of the Public Advocate, the Department of Health, the Department of Agriculture, the Department of Transportation, and the New Jersey Turnpike Authority. The results of these requests for comments follows:

1. April 11, 1990 Amendment

The following agencies did not object to the proposed plan amendment: the N.J.D.E.P. Divisions of Environmental Quality, Coastal Resources, Fish, Game and Wildlife, and Parks and Forestry; the Green Acres Program, and the State Departments of Agriculture, Community Affairs, and Transportation. The following agencies failed to respond to our requests for comments: the State Departments of Health and the Public Advocate, the Board of Public Utilities, the New Jersey Turnpike Authority, the Pinelands Commission, the New Jersey Advisory Council on Solid Waste Management, and the U.S. Environmental Protection Agency. The Divisions of Solid Waste Management and Water Resources submitted substantive comments which are further addressed below.

The Division of Solid Waste Management commented that the legal authority for recycling center approval is granted to the Department as per N.J.S.A. 13:1E-99.34, which shall exercise final authority regarding approval for the operation of the Burlington Asphalt Corporation recycling facility. This authority extends to conditions that may be placed on the facility such as maximum residue percentages, and residual waste flows. Therefore, policies specified within the amendment relative to maximum residue percentages and residual waste flows should be modified to reflect Departmental policy. Specifically, all residuals generated at the recycling facility should be disposed of at the Burlington County Landfill and not on a proportionate basis at out-of-county landfills since the point of generation of the residuals is Burlington County. Also, the county's percent of allowable residues generated at the facility of 5% should be determined by the Department and not the county. This will be accomplished during the Departmental review of the facility's plans. In response, the Department concurs with the comments of the Division of Solid Waste Management and modifies the amendment accordingly in Section C. of the certification.

The Division of Water Resources (DWR) commented that stormwater management units such as detention/retention basins, dry wells, and seepage pits, which receive stormwater runoff from industrial areas may need to be permitted through the New Jersey Pollutant Discharge Elimination System (NJPDES) program. Of concern are stormwater management units which receive stormwater runoff from process areas, chemical storage areas, or material stockpile areas. If the facility has stormwater management units or plans to construct units which meet the above criteria, the facility should be directed to submit a NJPDES discharge to ground water permit application. Additionally, if the facility has any floor drains that discharge into dry wells, seepage pits, or septic systems, the facility should apply for a NJPDES permit. In response, by copy of this certification, Burlington County is advised of the requirement to obtain a NJPDES permit(s) for the above described activities prior to constructing and operating the facility.

## 2. May 9, 1990 Amendment

The following agencies did not object to the proposed plan amendment: the N.J.D.E.P. Divisions of Water Resources, Fish, Game and Wildlife, Parks and Forestry, Coastal Resources and the Green Acres Program; the State Departments of Agriculture, Community Affairs and Transportation; the Board of Public Utilities and the New Jersey Turnpike Authority. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Division of Environmental Quality, the State Departments of Health and the Public Advocate, the Pinelands Commission, the New Jersey Advisory Council on Solid Waste Management and the U.S. Environmental Protection Agency. The Division of Solid Waste Management made one substantive comment which follows.

The Division of Solid Waste Management commented that the legal authority for recycling center approval is granted to the Department as per N.J.S.A. 13:1E-99.34, which shall exercise final authority regarding approval for the operation of mobile recycling centers. The Department has recently proposed new, comprehensive recycling regulations, which, among other

things, require mobile recycling centers which process any source separated or commingled source separated nonhazardous recyclable materials other than metal, glass, paper or plastic containers, corrugated and other cardboard; to obtain the approval of the Department prior to the receipt, storage, processing or transfer of any of these materials. The proposal is found in the October 1, 1990 New Jersey Register at 22 N.J.R. 3088(a). At such time as the regulations are adopted by the Department, the county program will be superseded to the extent that it is inconsistent with the Department's regulatory program. In response, the Department agrees with the Division of Solid Waste Management and hereby notifies Burlington County of the effect of the Department's rulemaking actions on the county program. The amendment is modified below to reflect that the program will be superseded by this rule making as appropriate.

C. Certification of Burlington County District Solid Waste Management Plan Amendments

I, Judith A. Yaskin, 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 April 11, 1990 and May 9, 1990 amendments to the approved Burlington County District Solid Waste Management Plan and certify to the Burlington County Board of Chosen Freeholders that the April 11, 1990 and the May 9, 1990 amendments are approved with modifications as further specified below.

1. April 11, 1990 Amendment

The inclusion within the district plan of the Burlington Asphalt Corporation (BAC) to operate a recycling center for source separated concrete and asphalt in Lumberton and Hainesport Townships in Burlington County is approved with modifications. The BAC has an existing bituminous concrete manufacturing operation on the proposed site, specifically Block 14, Lots 1.01, 1.02, 1.04 and 1.05 in Lumberton Township and Block 42, Lots 3C-A and 3D-A in Hainesport Township.

The modifications pertain to two policies specified within the amendment. The legal authority for recycling center approval is granted to the Department pursuant to the New Jersey Statewide Mandatory Source Separation and Recycling Act (N.J.S.A. 13:1E-99:34). This authority extends to conditions which may be placed on recycling facilities such as residual waste flows and maximum residue percentages. Accordingly, the Department is modifying two policies specified within the amendment regulating the operations of the BAC recycling center. These modifications are final and will not require subsequent action by the Burlington County Board of Chosen Freeholders.

Waste Flows: Burlington County has adopted a policy that since residuals from the BAC recycling center will be directed to the Burlington County Landfill, the county may, to preserve capacity at the landfill, require that a portion of the residuals be disposed of at the solid waste facility designated by the waste flow rules to receive waste from each specific out-of-county source. Furthermore, the weight of residuals to be disposed

of out-of-county shall be proportional to the weight of waste received at the recycling center from out-of-county sources. This policy is modified to conform with Departmental policy. Specifically, since this facility will be a recycling center, the residue generated from the BAC recycling center operations is considered to originate at the site in Lumberton and Hainesport Townships and is subject to the Interdistrict and Intradistrict Waste Flow Rules (N.J.A.C. 7:26-6) for Burlington County. Therefore, the county is not authorized to dispose of the residue generated at the recycling center out-of-county.

Residues to be Landfilled: Burlington County has established the policy that in no case shall residues exceed 5% of the incoming recyclable material flow. This policy is modified to conform with Departmental statute. Specifically, pursuant to N.J.S.A. 13:1E-99.34, the Department is authorized to establish a specific allowable maximum residue percentage generated by the operations of a recycling facility. Therefore, the Department and not Burlington County shall determine the allowable maximum residue percentage from the operations of the BAC recycling center. This will be accomplished during the Departmental review of the facility's plans.

2. May 9, 1990 Amendment

The inclusion within the district plan of the following guidelines and requirements for the operation of mobile equipment to process solid waste and recyclables in Burlington County is approved with modification. Specifically, approval is granted only for the period of time prior to adoption by the Department of its recently proposed new regulations found at 22 N.J.R. 3088(a). At such time as the Department adopts the proposed new rule, the county's mobile recycling program will automatically be superseded to the extent that it is contrary to or inconsistent with the recycling program adopted by the Department. The operation of this equipment shall be in conformance with all Departmental regulations and guidelines. The operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals pursuant to N.J.S.A. 13:1E-1 et seq. and all applicable laws and regulations.

A. Mobile Processing Equipment and Operations Exempt from Obtaining District Approval.

Use of the following types of equipment shall be considered consistent with the district plan:

1. Wood chippers and grinders towed behind licensed vehicles used by the landscaping and tree trimming industries. This exemption shall not apply to any portable equipment that must be transported disassembled.
2. Mobile equipment brought to municipal recycling depots and used to process designated recyclables for the purpose of facilitating transportation to market, such as balers for white goods. This exemption does not apply to processing of stockpiled tires.

3. Compacting and baling units brought to commercial and industrial sites for the processing of on-site generated corrugated cardboard.

Exemption from approval by the District does not exempt the operator from complying with all other applicable rules and regulations and from obtaining any other permit required for use of mobile processing equipment and storage of materials.

B. Procedures and Conditions for Obtaining District Approval for the Use of Mobile Processing Equipment.

Use of all other mobile processing equipment not specifically exempted above shall be considered consistent with the District Solid Waste Management Plan provided that the conditions and procedures set forth herein are met.

1. Materials Processed

Materials to be processed are non-putrescible, with the exception of wood wastes. In no case shall the materials to be processed include hazardous waste.

2. Source of Material

The material to be processed must be generated at the site at which the material is to be processed. For purposes of this amendment, site shall mean a distinct, confined lot or group of lots which, for purposes of an ongoing demolition or development project, will produce reusable materials as a byproduct of said demolition or development. Activity which is not sustained on one lot or group of lots will not be considered one site.

3. Duration of Operation

The duration of the temporary operation shall be limited to three (3) months, unless extended by Burlington County at the written request of the user. Such extensions shall be granted on a month to month basis if justified by the size of the project or extraordinary circumstances.

4. On-Site Storage of Materials

In no case shall materials to be processed be stored longer than six (6) months prior to processing. Processed materials, if not used on-site, shall be removed from the site within six (6) months of completion of the processing operation.

5. Procedures for Site Specific Approval

a) The operator must provide the Burlington County Office of Waste Management and the clerk of the municipality in which the operation is to be located with written notification of the proposed operation 45 days prior to the anticipated commencement of operation. The notice shall consist of:

- (1) The name, address and telephone number of the corporation, partnership or individual proposing to operate the equipment. If the applicant is a corporation, then it must provide the location of its principal office and the name and address of its registered agent;
  - (2) The name, address, and telephone number of contact person in the agency employing the contractor, if applicable;
  - (3) The exact location of the equipment to be used at the temporary processing site, including recognized street address, lot and block, the name of the property owner and a brief description of surrounding land use;
  - (4) A description of the equipment to be employed for processing and evidence that the operator has received all other necessary approvals and permits for the equipment;
  - (5) The type and anticipated volume of material to be processed;
  - (6) Information regarding quantity and final disposition of processed and residual material; and
  - (7) An estimate of the duration of the temporary operations.
- b) Burlington County may waive the forty-five day notice period on good cause shown in the interest of public health and safety. Any waiver of the forty-five day notice does not relieve the applicant from the requirement that it notify the host municipality.
- c) Burlington County may, at its discretion, request additional information or require notification to other parties.
- d) The operation shall commence only upon written approval by Burlington County. The county may impose additional constraints upon the operation if it determines that conditions warrant.

6. Other Approvals

District approval of a temporary processing operation shall be contingent upon the receipt of any other approval that may be required for operation of the processing equipment. In addition, operation of the equipment shall occur in accordance with the New Jersey Noise Control Regulations, N.J.A.C. 7:29-1.1 et seq., and all other applicable State and Federal laws and regulations.

D. Other Provisions Affecting the Plan Amendments

1. Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with the within amendments to the Burlington County District Solid Waste Management Plan and which was executed prior to the approval of these amendments 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 these amendments 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 these amendments; 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 these amendments contained herein shall operate in compliance with these amendments 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 non-hazardous 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 Amendments

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 amendments contained herein.

5. Definitions

For the purpose of these amendments 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 Amendments

The amendments, as modified, 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 and rules, regulations, and orders of the Department, including the 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 with Modifications of the Amendments 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 with modification the April 11, 1990 and May 9, 1990 amendments as outlined in Section C. of this certification to the Burlington County District Solid Waste Management Plan which were adopted by the Burlington County Board of Chosen Freeholders.

11 4 90  
DATE

Judith A. Yaskin  
JUDITH A. YASKIN  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION