



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 APRIL 19, 2012 AMENDMENT TO THE CAMDEN 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 (now known as the New Jersey Meadowlands Commission or NJMC) develop comprehensive plans for waste management in their respective districts. On July 17, 1980 the Department of Environmental Protection (Department or DEP) approved the Camden 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 Camden County Board of Chosen Freeholders (County Freeholders) completed such a review and on April 19, 2012 adopted an amendment to its approved County Plan.

The April 19, 2012 amendment proposes County Plan inclusion of the Tri-Boro Sand and Stone Recycling/Composting Facilities (TSS) located at 1236 Haddonfield-Berlin Road, Block 262, Lots 9-12 in the Township of Voorhees.

The amendment was considered administratively complete for review by the Department on May 8, 2012 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this amendment, and has determined that the amendment adopted by the County Freeholders on April 19, 2012 is approved as provided in N.J.S.A. 13:1E-24.

B. Findings and Conclusions with Respect to the Camden County District Solid Waste Management Plan Amendment

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the April 19, 2012 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 April 19, 2012 amendment which are included below.

Elements of the April 19, 2012 Amendment

Element: Facility Operation

TSS will accept up to 260,000 tons of concrete, asphalt, brick and block, along with 29,090 cubic yards of leaves per year for recycling/composting. TSS proposes to conduct recycling activities Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and the receipt only of recyclable materials on Saturday between the hours of 8:00 a.m. and 12:00 p.m.

Element: Regulatory Requirements

A Class B/C recycling center must obtain a 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.

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, recycling centers may require an air quality preconstruction permit and operating certificate pursuant to N.J.A.C. 7:27-8.2(c), dependent upon the equipment and type of operations conducted at the facility.

Finally, if the proposed operation has a "storm water discharge (or storm water DSW)", a "process wastewater" discharge and/or discharges a "pollutant" as defined in N.J.A.C. 7:14A-1.2, or includes activities that require a New Jersey Pollutant Discharge Elimination System (NJPDES) Permit as identified in N.J.A.C. 7:14A-2.4, the applicant shall contact the Department's Division of Water Quality to obtain NJPDES Permit and/or Treatment Works Approval for discharges prior to operation, if required.

Element: Regionalization

Pursuant to its responsibilities under the Solid Waste Management Act, the Department has examined the possible opportunities to maximize recycling and optimize the use of all disposal facilities in the region. Furthermore, there may be opportunities to ensure that the Camden County Resource Recovery Facility's (CRRF) capacity is more fully utilized and for the County to retire its solid waste debt early through possible regional disposal options.

Therefore, the County is directed to undertake a study that evaluates the following issues:

1. Current and projected public and private regional waste which may be available for disposal at CRRF, including, but not limited to, the following counties: Atlantic, Burlington, Cape May, Cumberland, Gloucester, and Salem (the "Regional Counties"); and,
2. Tipping rates that could be obtained by Camden County with each of the Regional Counties.

Furthermore, the County is directed to perform a cost/benefit analysis to determine: (i). whether the County could realize cost savings by more fully utilizing waste from Regional Counties, taking into consideration the County's cost to operate its solid waste disposal facility, and (ii). the feasibility of applying any such savings to early retirement of the County's solid waste debt.

To assist the County in this study, the Department will be scheduling a meeting between the County and Department staff, prior to the County conducting the above-noted study, to determine the parameters of this study and provide information in the Department's possession which may be useful to the County in conducting this study. The County is hereby directed to submit a report to the Department setting forth the results of its study by December 1, 2012, which report shall contain the County's recommendations. The Department will review the report within 60 days of its receipt, and meet with the County to discuss the results.

Element: Recycling Mandate

New Jersey's Statewide Solid Waste Management Plan calls for, among other things, a framework for the counties to assess strategies to achieve the statutorily-mandated recycling targets of 50% of the municipal solid waste (MSW) stream and 60% of the total solid waste stream (N.J.S.A. 13:1E-99.13). In response, Camden County adopted the September 27, 2007 County Plan amendment to, among other things, identify the means that it would take to achieve these targets.

As noted above, the September 27, 2007 County Plan amendment proposed County Plan inclusion of updates to several sections of the County's recycling strategy, including continued education program, recycling initiatives, and enhanced enforcement.

According to the latest available data, Camden County recycled in 2010, 38.4% of the municipal solid waste stream and 52.8% of the total waste stream. Therefore, further work is required by the County to meet the mandated recycling goals.

Therefore, pursuant to the requirements of N.J.S.A. 13:1E-99.13 that the county develop, adopt and implement a recycling plan that achieves the recycling targets above, the County is hereby directed to submit to the Department, beginning on December 1, 2012 and every six months thereafter, a report detailing:

1. Actions taken to implement the recycling strategies contained in the County's adopted and approved recycling plan.,
2. The specific results achieved; and,
3. Geographic areas or economic sectors where recycling needs improvement, and strategies to increase recycling in those areas or sectors.

These reports shall be due until such time as the Department determines that the County has achieved the above noted recycling targets. These reports will assist the Department in evaluating your county's progress in achieving the mandatory recycling rates and in identifying issues that may be preventing the county's ability to achieve that recycling rate.

C. Certification of the Camden 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 April 19, 2012 amendment to the approved County Plan and certify to the County Freeholders that the April 19, 2012 amendment is approved as further specified below.

The April 19, 2012 amendment proposing County Plan inclusion of the Tri-Boro Sand and Stone Recycling/Composting Facilities (TSS) located at 1236 Haddonfield-Berlin Road, Block 262, Lots 9-12 in the Township of Voorhees, Camden County 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/C materials. A recycling center approval shall only be issued where the applicant has submitted as administratively complete application, as 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 solid waste facility operators and transporters registered with the Department and operating within the District 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.

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 components of the amendment to the County Plan contained herein shall take effect immediately.

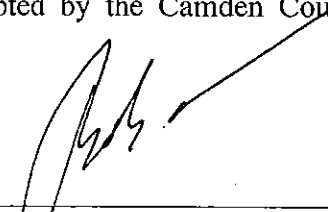
5. Reservation of Authority

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 with the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, and also 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 Camden County District Solid Waste Management Plan which was adopted by the Camden County Board of Chosen Freeholders on April 19, 2012.

10/2/2012
Date



Bob Martin, Commissioner
Department of Environmental Protection