



## State of New Jersey

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Commissioner

IN THE MATTER OF CERTAIN AMENDMENTS  
TO THE ADOPTED AND APPROVED SOLID  
WASTE MANAGEMENT PLAN OF THE  
CAMDEN COUNTY SOLID WASTE  
MANAGEMENT DISTRICT

CERTIFICATION  
OF THE OCTOBER 22, 1998  
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 develop comprehensive plans for waste management in their respective districts. On July 17, 1980, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Camden 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.

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 October 22, 1998, adopted an amendment to its approved County Plan.

The October 22, 1998 amendment includes within the County Plan Delaware River Recycling, Inc. as a materials recovery facility to be located in the City of Camden, Camden County. Delaware River Recycling, Inc. currently operates a recycling center for Class B materials at this site.

The amendment was received by the Department on January 19, 1999 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 October 22, 1998 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 October 22, 1998 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 and the applicant are notified of the issues of concern relative to the October 22, 1998 amendment which is included 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. All agencies contacted are as follows:

Division of Water Quality Management, DEP  
Division of Parks and Forestry, DEP  
Division of Fish, Game and Wildlife, DEP  
Division of Compliance and Enforcement, DEP  
Division of Solid and Hazardous Waste, DEP  
Office of Air Quality Management, DEP  
Green Acres Program, DEP  
Land Use Regulation Element, DEP  
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  
U.S. Environmental Protection Agency  
Pinelands Commission

**1. Agency Participation in the Review of the October 22, 1998 Amendment**

The following agencies did not object to the proposed amendment:

Division of Parks and Forestry, DEP  
Division of Fish, Game and Wildlife,  
Division of Compliance and Enforcement, DEP  
Green Acres Program, DEP  
New Jersey Turnpike Authority  
Department of Agriculture  
Department of Transportation  
Department of Community Affairs  
Pinelands Commission

The following agencies did not respond to our requests for comment:

Office of Air Quality Management, DEP  
Department of Health  
U.S. Environmental Protection Agency  
New Jersey Advisory Council on Solid Waste Management

The following agencies provided substantive comments as shown in Section B. of the certification document:

Division of Water Quality, DEP  
Division of Solid and Hazardous Waste, DEP  
Land Use Regulation Program, DEP

**2. Issue of Concern Regarding the October 22, 1998 Amendment**

**Issue: Regulatory Requirements**

If any operation of a materials recovery facility will discharge pollutants as defined in N.J.A.C. 7:14-1.9, said operation must secure a New Jersey Pollutant Discharge Elimination System Permit and/or a Treatment Works Approval for pollutant discharges prior to operation. The applicant should contact DEP's Bureau of Pretreatment and Residuals at (609) 633-3823 for further guidance.

Due to the facility's Delaware River waterfront location, the applicant should contact DEP's Land Use Regulation Program at (609) 292-0060 to determine if a Waterfront Development Permit is needed.

Materials recovery facilities 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.

**Issue: Historical Background for Delaware River Recycling**

On September 17, 1992, the County Freeholders adopted an amendment to include Harrison Avenue Recycling as a Class B recycling center in the City of Camden. The Department certified this amendment on January 14, 1993. The amendment, although it was silent on a capacity for this facility, identified a site location of 26<sup>th</sup> Street and Harrison Avenue, Blocks 1314 and 1315, Lots 144315-1 and 144351, in Camden City. Subsequently, DEP issued an approval to Harrison Avenue Recycling to operate a recycling center for Class B materials with a capacity of 2,000 ton per day (TPD). The October 22, 1998 amendment proposes that this company, which changed its name from Harrison Avenue Recycling to Delaware River Recycling, Inc., operate a materials recovery facility on an adjacent site. The overall current capacity of 2,000 TPD will be maintained with 1,000 TPD allocated to the existing Class B recycling center and 1,000 TPD allocated to the proposed materials recovery facility. Finally, it should be noted that the October 22, 1998 amendment described the site location of the recycling center as Blocks 811 and 816, Lots 2 and 8. To clarify this discrepancy, the City of Camden, Bureau of Assessments, was contacted. This office indicated by letter to DEP that Block 811 was formerly known as Block 1315 and Block 816 was formerly known as Block 1314. Also, in a letter dated March 30, 1999, the Camden County Solid Waste Coordinator notified the Department that Block 812, Lot 4 was inadvertently omitted from the October 22, 1998 amendment as the site location of the proposed materials recovery facility. Within Section C. of this certification the Department approves the inclusion of the Delaware River Recycling, Inc. materials recovery facility at the noted site location.

**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 district solid waste management plans, I have reviewed the October 22, 1998 amendment to the approved County Plan and certify to the County Freeholders that the October 22, 1998 amendment is approved as further specified below.

The County Plan inclusion of the Delaware River Recycling, Inc. materials recovery facility located Block 812, Lot 4 in the City of Camden, Camden County to accept up to 1,000 tons per day of concrete, asphalt, brick, block, wood, asphalt, metal, shingles, wallboard, plaster, and glass in addition to diminimus amounts of other waste types is approved.

The construction or operation of any solid waste facility shall be preceded by, and is expressly premised upon, the acquisition of all necessary permits and approvals (including but not limited to a solid waste facility permit) pursuant to N.J.S.A. 13:1E-1 et seq. and all other applicable laws. This certification shall not be construed as an expression of the Department's intent to issue or modify a solid waste facility permit for any facility or operation. The issuance of operating permits pursuant to the Solid Waste management Act is limited to those applicants found by the DEP and the Attorney General of the State of New Jersey to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126.

Pursuant to N.J.A.C. 7:26A-4.1(a)1.iii, Class B recyclable materials may be commingled only with other Class B recyclable materials and only to the extent authorized in the general approval issued by the Department.

Any residue generated as a result of the operation of the materials recovery facility shall be disposed of pursuant to the County Plan.

**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 including waste types 10, 13, 23, 25, and 27 and all applicable subcategories and shall not apply to liquid and hazardous wastes. All nonhazardous materials separated at the point of generation for sale or reuse 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 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, -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.

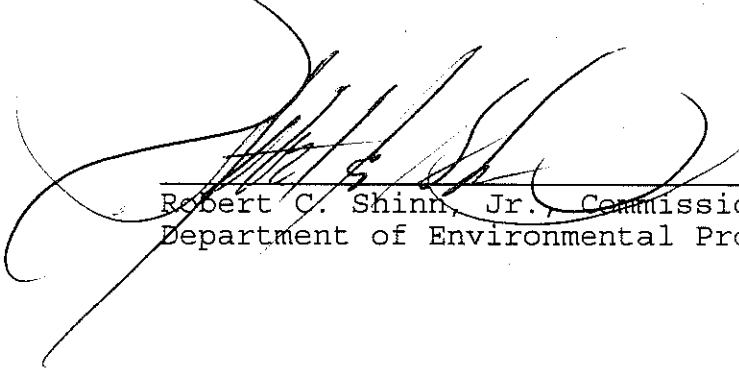
**7. Reservation of Authority**

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, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, 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 Camden County District Solid Waste Management Plan which was adopted by the Camden County Board of Chosen Freeholders on October 22, 1998.

5/12/99  
Date

  
Robert C. Shinn, Jr., Commissioner  
Department of Environmental Protection

