



State of New Jersey

Christine Todd Whitman
Governor

Department of Environmental Protection

Robert C. Shinn, Jr.
Commissioner

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

CERTIFICATION
OF THE DECEMBER 15, 1994
AMENDMENT TO THE CUMBERLAND 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 March 4, 1981, the Department of Environmental Protection (DEP or Department) approved, with modifications, the Cumberland 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 Cumberland County Board of Chosen Freeholders (County Freeholders) completed such a review and on December 15, 1994, adopted an amendment to its approved County Plan.

The amendment proposed an expanded strategy for addressing the State requirements concerning source reduction and recycling and included Casie/Protank in the County Plan as a recycling center for Class B materials. The strategy portion of the amendment is in response to the Department's August 15, 1994 certification of the County's plan amendment of April 14, 1994. That certification directed the County, within a subsequent plan amendment submission, to provide greater specificity relative to implementation of its procurement and household hazardous waste programs, and its strategy for designating, collecting, and marketing recyclables.

The amendment was received by the Department on January 23, 1995 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 December 15, 1994 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the December 15, 1994 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 December 15, 1994 amendment which are included in Section B.2. below.

In conjunction with the review of the amendment, the Department circulated copies to sixteen federal and state 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:

Office of Air Quality Management, DEP
Division of Parks and Forestry, DEP
Division of Fish, Game and Wildlife, DEP
Division of Solid and Hazardous Waste, DEP
Division of Enforcement, DEP
Division of Water Quality, 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
Pinelands Commission
U.S. Environmental Protection Agency

1. Agency Participation in the Review of the December 15, 1994 Amendment

The following agencies did not object to the proposed amendment:

Division of Parks and Forestry, DEP
Division of Enforcement, DEP
Division of Water Quality, DEP
Green Acres Program, DEP
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Transportation
Department of Community Affairs

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

Office of Air Quality Management, DEP
Division of Fish, Game and Wildlife, DEP
Land Use Regulation Element, DEP
Department of Health
Pinelands Commission
U.S. Environmental Protection Agency

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

Division of Solid and Hazardous Waste, DEP

2. Issues of Concern Regarding the December 15, 1994 Amendment

Issue: County Response to State Requirements regarding Source Reduction and Recycling

On June 9, 1992, the County adopted an amendment to address the State requirements concerning source reduction, recycling, and regionalization planning. The Department, in its certification of November 17, 1992, approved the County's general strategy but noted deficiencies in certain areas relative to source reduction and recycling and directed the County to address these deficiencies within 180 days in a subsequent plan amendment submission. On April 14, 1994, the County adopted a subsequent amendment to address the noted deficiencies. The Department, in its certification of August 15, 1994, approved the responses to the

noted deficiencies but directed the County, within 180 days in an additional subsequent plan amendment submission, to provide greater specificity relative to implementation of its procurement and household hazardous waste programs and its strategy for designating, collecting, and marketing recyclable materials. On December 15, 1994, the County adopted the required subsequent plan amendment. The DEP has reviewed the December 15, 1994 amendment within the context of the adopted Solid Waste Management State Plan Update: 1993-2002 and relevant State law. The following is an overview of the County's responses to the above noted deficiencies concerning source reduction and recycling.

a. Designated Recyclable Materials

Previously, Cumberland County was advised that, pursuant to the New Jersey Statewide Mandatory Source Separation and Recycling Act (Recycling Act) of 1987, the County and not a municipality must designate the materials to be recycled, develop the strategy for collecting and marketing these materials, and enter into contracts for said marketing. Therefore, the County was directed to provide additional information with regard to its strategy for designating, collecting, and marketing recyclable materials. Although the County was advised that its strategy of granting discretionary authority to municipalities to designate additional mandated recyclables was inconsistent with the Recycling Act, the amendment indicates that the County is not currently considering designating additional mandated recyclables. Such designation is linked to the development of a bulky waste processing facility which is on hold due to uncertainty concerning waste flow control. Regarding the collection of recyclables, the County indicates that due to its rural nature a more localized approach to recycling collection is necessary. Specifically, in urban centers curbside pick-up is the preferred system and municipalities contract this service on an annual basis, while in the more rural areas municipalities have opted for convenience center drop-off points as their collection strategy. Currently 81% of the County is served by the curbside pick-up method. Finally, regarding marketing, the County indicates that it relies on both spot marketing and long-term contracts for the sale of recyclables and believes that this flexible approach is best for the County.

b. Procurement Policy

Previously, the County was directed to provide greater specificity regarding procurement including a timetable for implementation. The County has provided the required schedule which calls for the development of a procurement policy and the dissemination of same to all participants by the end of 1995. The development of this policy will be preceded by the County's completion, by the end of the third quarter of 1995, of waste audits in the public and private sectors. Upon completion, the County should provide to the Department in letter form the results of the waste audits conducted

in the public and private sectors.

c. Household Hazardous Waste Collection Program

Previously, the County was directed to provide greater detail regarding its household hazardous waste collection program. The County will conduct two household hazardous waste collections days per year alternating the collection sites between locations in Bridgeton and Vineland. Should the need arise, the County will increase the number of collection days to three per year. However, although previously directed to do so, the amendment does not address the feasibility of developing a permanent household hazardous waste collection facility within the County or the shared use of a permanent facility in another county on a regional basis. The DEP is encouraging counties to develop permanent household hazardous waste collection facilities rather than the continued reliance on household hazardous waste collection days. Burlington County is the first New Jersey county to construct and operate a permanent household hazardous waste collection facility. This facility cost about \$400,000.00 to develop and has an anticipated cost of \$300,000.00 to operate on an annual basis. Therefore, rather than continue to allocate funds to finance household hazardous waste collection days, funds should be allocated toward the development of a permanent household hazardous waste collection facility or the entering into of a regional agreement for the shared use of such a facility.

As noted within Section C., the County's responses to the deficiencies relative to source reduction and recycling are approved. However, the County is again directed to investigate the feasibility of developing a permanent household hazardous waste collection facility either on a local or regional basis.

Issue: Casie/Protank Recycling Center

The December 15, 1994 amendment is silent as to location and capacity for the proposed Casie/Protank recycling center for Class B materials. However, the application package submitted to the DEP for Class B approval identifies the location of the facility as the City of Vineland, Cumberland County, at Block 89, Lot 17, with a capacity to process petroleum contaminated soils not to exceed 10,000 tons per day, 60,000 tons per week, or 195,000 tons per year. Therefore, within Section C., Casie/Protank is included within the County Plan as a recycling center for Class B materials subject to these siting and capacity restrictions.

Casie/Protank is both an existing, permitted hazardous waste treatment facility and transporter. Although the Department's recycling regulations require a recycling center approval for Class B materials for any operation which receives, stores, processes, or transfers source separated nonhazardous petroleum contaminated soil, the amendment indicates that Casie/Protank will recycle

petroleum contaminated soil by utilizing a thermal desorption process. Such an operation constitutes a treatment rather than a processing (recycling) facility. Therefore, as noted within Section C., although Casie/Protank is included within the County Plan as a recycling center for Class B materials, the permitting of the thermal desorption process will be accomplished as a modification to the applicant's existing hazardous waste facility permit.

Issue: Permitting Requirements for Recycling Centers

Recycling centers are subject to the provisions of 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 and property. Also, 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.

If any operation of the proposed recycling center will discharge pollutants as defined in N.J.A.C. 7:14-1.9, a New Jersey Pollutant Discharge Elimination System Permit and/or a Treatment Works Approval for pollution discharge must be secured prior to operation.

C. Certification of the Cumberland 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 December 15, 1994 amendment to the approved County Plan and certify to the County Freeholders that the December 15, 1994 amendment is approved as further specified below.

1. Source Reduction and Recycling Deficiencies

The County's responses to the deficiencies relative to source reduction and recycling previously identified within the Department's August 15, 1994 certification are approved. However, as noted within Section B., the County is again directed to investigate the feasibility of developing a permanent household hazardous waste collection facility or the entering into of an interdistrict agreement for the shared use of such a facility.

2. Casie/Protank

The County Plan inclusion of Casie/Protank located in the City of Vineland, Cumberland County, at Block 89, Lot 17, as a recycling center for Class B materials is approved. Specifically, the

facility may accept for processing, by thermal desorption, soils contaminated with petroleum hydrocarbons and polyaromatic hydrocarbons up to a total capacity of 195,000 tons per year, not to exceed 10,000 tons per day or 60,000 tons per week.

As noted within Section B., the permitting of the proposed thermal desorption process will be accomplished as a modification to the applicant's existing hazardous waste facility permit. However, this certification shall not be construed as an expression of the Department's intent to issue any modification to an existing hazardous waste facility permit.

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 Waste 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. 7:26A-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.

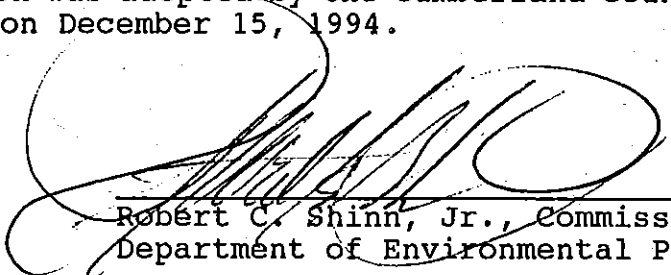
7. Reservation of Authority

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, 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 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 Cumberland County District Solid Waste Management Plan which was adopted by the Cumberland County Board of Chosen Freeholders on December 15, 1994.

4/27/95
Date


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