



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER
CN 402
TRENTON, N.J. 08625
609 - 292 - 2885

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

CERTIFICATION
OF THE JUNE 22, 1988 AND
SEPTEMBER 7, 1988 AMENDMENTS TO
THE GLOUCESTER 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 September 26, 1980, the Department approved, with modifications, the Gloucester 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 Gloucester County Board of Chosen Freeholders completed such a review and on June 22, 1988 and September 7, 1988, adopted amendments to the approved district solid waste management plan.

The June 22, 1988 amendment proposed to site a leaf compost facility in Deptford Township and to designate a truck route for waste collection from Newfield to the county landfill. The September 7, 1988 amendment proposed a policy for the "blanket" plan inclusion of compost facilities and to include the Robert T. Winzinger, Inc. recycling facility in Franklinville.

The amendments were received by the Department of Environmental Protection on September 29, 1988 and October 7, 1988, respectively, 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 Gloucester County Board of Chosen Freeholders on June 22, 1988 and September 7, 1988 are approved as provided in N.J.S.A. 13:1E-24.

B. Findings and Conclusions with Respect to the Gloucester County District Solid Waste Management Plan Amendments

Pursuant to N.J.S.A. 13:1E-24a(1), I, Christopher J. Daggett, Acting Commissioner of the Department of Environmental Protection, have studied and reviewed the June 22, 1988 and September 7, 1988 amendments to the Gloucester 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 these plan amendments are consistent 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 are as follows:

1. The June 22, 1988 Amendment

The following agencies did not object to the proposed June 22, 1988 plan amendment: the N.J.D.E.P. Divisions of Environmental Quality, Water Resources and Parks and Forestry; the State Departments of Agriculture and Community Affairs; the Board of Public Utilities, the Pinelands Commission, the New Jersey Turnpike Authority, and the New Jersey Advisory Council on Solid Waste Management. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Divisions of Fish, Game and Wildlife and Coastal Resources; the State Departments of Health, Transportation and the Public Advocate; the Green Acres Program, and the U.S. Environmental Protection Agency. The Division of Environmental Quality submitted substantive comments which are further addressed below.

The Division of Environmental Quality commented that composting facilities are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits odors and emissions of other air contaminants which interfere with the enjoyment of life or property.

Additionally, air pollution control permits are required for equipment used to vent a solid waste facility to the ambient atmosphere (N.J.A.C. 7:27-8.2(a)16). In response, this issue will be addressed during the Department's permit process for this proposed facility.

2. The September 7, 1988 Amendment

The following agencies did not object to the proposed September 7, 1988 plan amendment: the N.J.D.E.P. Divisions of Water Resources and Parks and Forestry; the State Departments of Agriculture and Transportation, and the Board of Public Utilities. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Divisions of Environmental Quality, Fish, Game and Wildlife and Coastal Resources; the State Departments of Health, Community Affairs and the Public Advocate; the Green Acres Program, the New Jersey Turnpike Authority, the New Jersey Advisory Council on Solid Waste Management and the U.S. Environmental Protection Agency. The Division of Solid Waste Management submitted substantive comments which are addressed below.

The Division of Solid Waste Management commented that on October 17, 1988, the Department adopted an emergency rule which created 3 additional mechanisms for operating leaf compost facilities in addition to the existing compost permitting regulations at N.J.A.C. 7:26-2.4(c). N.J.A.C. 7:26-1.7 (g) states the requirements for a temporary certificate of authority to operate vegetative waste compost facilities accepting less than 20,000 cubic yards of waste, N.J.A.C. 7.26-1.11 states the requirements for leaf composting facilities with a capacity of less than 20,000 cubic yards of leaves and N.J.A.C. 7:26-1.12 states the requirements to be exempted from solid waste facility permitting for leaf composting (mulching operations). Leaf composting facilities at N.J.A.C. 7:26-1.11 require the submission of a filing package. Mulching operations which meet the requirements at N.J.A.C. 7:26-1.12 are exempted from solid waste permitting and do not require the submission of any information to the Department. The Division of Solid Waste Management further noted that to interpret the blanket provision in such a manner as to allow facilities required to be permitted to have a stream lined procedure by which to be included within the plan, but to require operations that meet limited exemption requirements to go through the full plan amendment process, is incongruous. Also, it seems clear from the resolution submitted by Gloucester County that the county intended for all these facilities to be included within the blanket provision. In response, the blanket provision is clarified to make it apparent that all types of composting facilities are included. For purposes of the blanket provision, the "Filing Package for Exemption" under N.J.A.C. 7:26-1.11 should be considered the application. Also, for purposes of the blanket provision, mulching facilities operating pursuant to N.J.A.C. 7:26-1.12 should follow the notification procedures, but cannot submit an application, because there are no filing requirements.

C. Certification of Gloucester County District Solid Waste Management Plan Amendment

I, Christopher J. Daggett, Acting 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 June 22, 1988 and September 7, 1988 amendments to the approved Gloucester County District Solid Waste Management Plan and certify to the Gloucester County Board of Chosen Freeholders that the June 22, 1988 and September 7, 1988 amendments are approved as further specified below.

1. The June 22, 1988 Amendment

The inclusion into the district plan of the site for a compost facility located in Deptford Township, Lot 51, Block 387-1, is approved. It is presently anticipated that approximately 1000 cubic yards of leaves will be delivered to the site annually. The construction and operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq. and all other applicable laws.

The inclusion of a truck route for waste disposal from Newfield Borough to the county landfill in South Harrison Township is approved. The amendment designates that trucks collecting waste in the Borough of Newfield shall use the following route: N.J. Rt. 40 west to N.J. Rt. 47 north, Delsea Drive, to County Rt. 538 west, Swedesboro-Franklinville Road, to N.J. Rt. 45 south to County Rt. 666, Swedesboro-Monroesville Road.

2. The September 7, 1988 Amendment

The inclusion of a recycling center, Robert T. Winzinger, Inc., for the processing of source separated scrap wood, trees and stumps, is approved. The Winzinger recycling center shall be located on Block 2403, Lots 10, 11, 12, 13, and 14 in Franklinville, Franklin Township.

The Gloucester County recycling plan amendment to include a provision for the automatic inclusion of composting facilities without further plan modification as a method of "blanket" embodiment is approved. Composting facility includes vegetative composting, leaf composting, and leaf mulching operations. For purposes of this blanket inclusion, the word application includes a filing package submitted pursuant to N.J.A.C. 7:26-1.11. No further plan modification is required to include a compost facility or site provided that:

- a. The host municipality, the solid waste management district, and the Pinelands Commission, where applicable, are notified in writing of the proposed application and each receive a full copy of the complete application submitted to the New Jersey Department of Environmental Protection (NJDEP) including all engineering designs, reports, maps, etc., which the NJDEP requires of the applicant. If the proposed site of operation is located in the Pinelands area, the Pinelands Commission is notified and receives same. For leaf mulching operations seeking to operate pursuant to N.J.A.C. 7:26-1.12, the proposed owner or operator shall issue a notice to the above entities prior to operation.

- b. The applicant publishes two (2) notices of the proposed application, once each week for two (2) consecutive weeks, in a newspaper of general circulation within the host municipality.

A notice shall set forth:

- 1) the nature of the project;
 - 2) the block and lot number of the site location;
 - 3) the generally recognized address of site;
 - 4) for compost facilities requesting authorization pursuant to N.J.A.C. 7:26-2.4(c), 1.7 and 1.12, the location of the depositories (which in all cases shall be the municipal clerk's office and the Gloucester County Planning Department) for inspection of the complete application and supporting documents; and
 - 5) a statement that written comments on the proposed application will be accepted by the Office of the Solid Waste Coordinator for a period of 30 days from the date of first notice.
- c. No objections to the site location are raised by the host municipality, the solid waste management district, the Pinelands Commission, if applicable, or any other person; provided further, however, that if any such objection be raised, the proposed site and facility must be subject to the formal plan amendment process pursuant to N.J.S.A. 13:1E-23 and 24 including notice, public hearing, freeholder board approval, and filing of a filing package for exemption pursuant to N.J.A.C. 7:26-1.11 prior to construction, or DEP approval pursuant to N.J.A.C. 7:26-1.7 prior to construction, or to the issuance of any Certificate of Approved Registration and Engineering Design Approval pursuant to N.J.S.A. 13:1E-4 and 5.

It is understood that NJDEP will require all such composting facilities addressed herein to meet all existing environmental design and operational standards and that the host municipality and solid waste management district will have the opportunity to comment on the application submitted pursuant to N.J.A.C. 7:26-2.4 before NJDEP prior to issuance of a Certification of Approved Registration and Engineering Design Approval.

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 Gloucester 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 Gloucester 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 Gloucester County and affected by the amendments contained herein shall operate in compliance with these amendments and all other approved provisions of the Gloucester 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 Plans

The provisions of the Gloucester 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 Acting Commissioner of the Department of Environmental Protection to the Gloucester 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 to the Gloucester County District Solid Waste Management Plan contained herein shall take effect immediately.

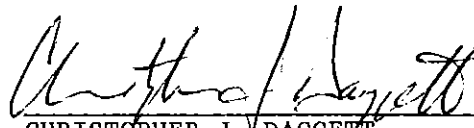
7. Reservation of Authority

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 Gloucester 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 of the Amendments by the Acting 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 these amendments as outlined in Section C. of this certification to the Gloucester County District Solid Waste Management Plan which were adopted by the Gloucester County Board of Chosen Freeholders on June 22, 1988 and September 7, 1988.

February 27, 1989
DATE


CHRISTOPHER J. DAGGETT
ACTING COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION