

**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 23, 2003
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 (now the New Jersey Meadowlands Commission) develop comprehensive plans for waste management in their respective districts. On March 4, 1981 the Department of Environmental Protection (Department or DEP) 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.

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 23, 2003, adopted an amendment to its approved County Plan.

The December 23, 2003 amendment proposes County Plan inclusion of:

1. The following facilities to be located at the Cumberland County Solid Waste Complex, which is located on Jesse's Bridge Road, in Deerfield Township: a transfer station for Class A recyclable materials; a Class B recycling center for tires and clean wood; a Class C recycling center for the composting of leaves; and a permanent household hazardous waste/universal waste collection facility;
2. An additional four acres to the Mid-Atlantic Recycling Technologies, Inc. Class B recycling facility, located at Block 89, Lot 14, in the City of Vineland; and,
3. The Maurice Township exempt leaf composting facility on Block 250, Lot 5, 3790 Delsea Drive, Port Elizabeth.

The amendment was considered administratively complete for review by the Department on February 10, 2004 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 23, 2003 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 23, 2003 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 issues of concern relative to the December 23, 2003 amendment which are included 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, DEP
 Division of Parks and Forestry, DEP
 Division of Fish and Wildlife, DEP
 Division of Compliance and Enforcement, DEP
 Division of Solid and Hazardous Waste, DEP
 Office of Air Quality Management, DEP
 Office of Local Environmental 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 and Senior Services
Department of Transportation
Department of Community Affairs
U.S. Environmental Protection Agency

Elements of the December 23, 2003 Amendment

Background

Cumberland County Solid Waste Complex

The Cumberland County Solid Waste Complex (CCSWC) was included in the County Plan via an amendment adopted by the County Freeholders on March 15, 1984. The amendment was certified as approved by the Department on July 30, 1984. The complex is located on Block 76, Lots 2 (Part), 3 (Part), 4 (part), 14, 15, 16, 18, and 19, on Jesse's Bridge Road, in Deerfield Township.

The Cumberland County Freeholders adopted an amendment to the County Plan on December 14, 1989, that was certified as approved by the Department on June 1, 1990. This amendment included in the County Plan a material separating facility at the CCSWC for commingled Class A recyclables (glass, aluminum and tin cans, plastic bottles, etc.) generated throughout the County. The operations of the separation facility commenced in October of 1990 and continued until June of 2001. The facility ceased operations due to a lack of funding. The materials separation facility now operates as a transfer station where commingled Class A recyclables are simply collected and then shipped to the Cape May County Intermediate Processing Facility in Woodbine Borough, Cape May County.

Due to the fact that the separation facility ceased operating a number of years ago and the transfer facility has taken its place, the December 23, 2003 amendment includes in the County Plan a transfer station for Class A commingled recyclables, including paper, which is located on Block 76, Lot 14 of the CCSWC, in Deerfield Township. The transfer station will receive 60 tons per day of commingled Class A recyclables and mixed paper. The commingled recyclables will be delivered to the Cape May County Intermediate Processing Facility, and paper will be delivered to appropriate markets.

Due to the Scrap Tire Management Fund allocation, the Cumberland County Improvement Authority (CCIA) was able to purchase a tire shredder. This will allow the County to assist in the implementation of measures to reduce the health risk associated with the West Nile Virus posed by the storage of scrap tires. The resulting tire chips will be beneficially reused on-site at the CCSWC. Furthermore, unpainted and untreated wood debris, and untreated wood pallets are

landfilled at the CCSWC; and tree trunks, branches and stumps are not accepted at the CCSWC. Therefore, the December 23, 2003 includes in the County Plan a Class B recycling center to be located on Block 76, Lot 14 of the CCSWC. The Class B recycling center would be allowed to accept up to 60 tons per day of scrap tires and source separated clean wood debris, pallets, tree trunks, branches and stumps.

On May 11, 2000, the County Freeholders adopted the County Plan inclusion of the addition of Block 76, Lots 18 and 19 and portions of Lots 2, 3 and 4 to the existing permitted landfill site at the CCSWC to provide additional buffer areas and a storm water detention area. This amendment was certified as approved by the Department on October 9, 2000. The December 23, 2003 plan amendment includes in the County Plan a Class C leaf composting facility to be located on Block 76, part of Lot 2 of the CCSWC that would be allowed to accept up to 15,000 cubic yards of leaves annually.

The CCIA conducts three household hazardous waste events annually. And, in addition to household hazardous waste, the CCIA also collects at these events universal wastes as defined at N.J.A.C. 7:26A-1.3, which include any of the following hazardous wastes that are subject to the universal waste requirements of N.J.A.C. 7:26A-7: batteries; pesticides; thermostats; lamps; mercury-containing devices; oil-based finishes; and consumer electronics. Universal wastes may also be considered Class D recyclable materials, if they are destined for recycling. The success of the collection events, along with the fact that these wastes are prohibited from landfill disposal, has led to the December 23, 2003 County Plan inclusion of a permanent household hazardous waste/universal waste collection facility to be located on Block 76, Lot 14 of the CCSWC. As long as no processing of the universal wastes occurs, the facility would be considered a universal waste handler and would be exempt from Class D permitting requirements. Universal waste handlers however, shall comply with all of the requirements set forth at N.J.A.C. 7:26A-7.4 or 7.5.

Mid Atlantic Recycling Technologies, Inc. (MART)

Casie Ecology Oil Salvage, Inc. (Casie) has operated a facility involved in the commercial storage, treatment, and transfer of bulk and containerized hazardous waste, which is located on Block 89, Lot 17, in the City of Vineland, since 1980. On December 15, 1994, the County Freeholders adopted an amendment to the County Plan that included the Casie Class B recycling center for the purpose of operating a thermal desorption unit for contaminated soils. The amendment was certified as approved by the Department on April 27, 1995. The plan amendment was silent as to the location and capacity of the Class B recycling center. However, the certification noted that the Class B recycling center general approval application package identified the location of the facility as the City of Vineland, Block 89, Lot 17, with a capacity to receive, store, process or transfer 10,000 tons per day, 60,000 tons per week, or 195,000 tons per year of source separated non-hazardous petroleum contaminated soil.

On May 8, 1995 the CCIA was notified that Resultz, Inc., the owner of the property upon which Casie operated, had entered into an agreement of sale with the City of Vineland to purchase Block 89, Lot 14 (an 8.39 acre lot that adjoined Lot 17) from the city for the purpose of moving the soil

desorption unit to Lot 14. The intent was also to merge Lot 14 into Lot 17; however, the merger did not occur after Rezultz, Inc. purchased Lot 14. The following documents issued by the Department to Casie subsequent to the lot purchase had the location of the soil desorption unit as Block 89, Lot 14 (the 8.39 acre lot purchased from the City of Vineland): the Hazardous Waste Facility Permit modification including the Class B recycling center dated August 7, 1996; and the Class B Recycling Center General Approval, dated July 10, 1997.

On December 17, 1997 the City of Vineland's Zoning Board of Adjustment approved the redivision of Block 89, Lots 13 and 14, whereby 4.0 acres from Lot 13 (owned by Akers Laboratories, Inc.) was subdivided from Lot 13 and added to Lot 14. By deed dated January 15, 1998, the four acres subdivided from Lot 13 were conveyed by Akers Laboratories, Inc. to Rezultz, Inc. for incorporation into Lot 14. No application was made to the CCIA to include these four acres in the County Plan. Furthermore, on March 18, 1998 the City of Vineland's Zoning Board of Adjustment granted a final site plan approval to Rezultz, Inc. that included the clearing of 2.9 acres of the four acres for clean soil storage in association with the Class B recycling center.

On May 23, 2001 the Department issued a Class B Recycling Center General Revocation to CASIE and issued a Class B Recycling Center General Approval to MART who had acquired the Class B facility. Prior to 2000, MART was jointly owned by American Ecology Company and CASIE who each held 50% of the outstanding stock for MART. In January 2000, American Ecology Company became the sole owner of MART. In January 2001, Brian Horne purchased all the outstanding shares of MART from American Ecology Company. And, on August 1, 2001, the Department issued a renewal of the Class B Recycling Center General Approval to MART. Again, both documents reference Block 89, Lot 14 as the location of the Class B recycling center.

On February 27, 2003 the Department approved an administrative action that included in the County Plan a corrected block and lot designation for the MART Class B recycling center. The corrected block and lot designation was the 8.39 acre Lot 14, Block 89, in the City of Vineland as it existed prior to the redivision of Lots 13 and 14 that was approved by the City of Vineland Zoning Board on December 17, 1997. The approval noted that any expansion of the MART facility that will include the use of the additional 4.0 acres added to Lot 14 by the December 17, 1997 redivision shall require a subsequent amendment to the County Plan. Therefore, the December 23, 2003 plan amendment includes within the County Plan the additional 4.0 acres added to Lot 14 by the December 17, 1997 redivision for use by the MART Class B recycling center with the following conditions:

1. The 4.0 acres are to be utilized strictly for the storage of thermally treated soil. No soil processing (including screening) of any nature will occur on the 4.0 acre area.
2. The Department shall, with the input of all interested parties, establish a permit limitation on the volume of soil that may be stored on the 4.0 acres and require that the best management practices and operational procedures be implemented by MART.
3. The inclusion of the 4.0 acres in the County Plan does not constitute an increase in permitted capacity. Any request for an increase of capacity by MART will require County Plan inclusion as per the requirements set forth at N.J.A.C. 7:26-6.
4. The terms of all Federal, State and Local permits as well as the terms of any Administrative Consent Orders shall be followed.

Maurice River Township Compost Facility

The December 23, 2003 amendment proposed the County Plan inclusion of the Maurice River Township exempt recycling center for the composting of leaves, to be located on Block 250, Lot 5, in Maurice River Township, with a mailing address of 3790 Delsea Drive in Port Elizabeth. The facility would receive less than 10,000 cubic yards of leaves per year.

Rules and Regulations

If any operation of a recycling center will discharge pollutants as defined in N.J.A.C. 7:14A et seq., said operation must secure a New Jersey Pollutant Discharge Elimination System Permit and/or a Treatment Works Approval for pollutant discharges prior to operation.

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.

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 county solid waste management plans, I have reviewed the December 23, 2003 amendment to the approved County Plan and certify to the County Freeholders that the December 23, 2003 amendment is approved as further specified below.

The County Plan inclusion of a transfer station for Class A commingled recyclables and paper, that will receive 60 tons per day of commingled Class A recyclables and mixed paper, which is located at the CCSWC on Block 76, Lot 14 in Deerfield Township; a Class B recycling center that would be allowed to accept up to 60 tons per day of scrap tires, and source separated clean wood debris, pallets, tree trunks, branches and stumps, which is located at the CCSWC on Block 76, Lot 14 in Deerfield Township; a Class C leaf composting facility that would be allowed to accept up to 15,000 cubic yards of leaves annually, which is located at the CCSWC on Block 76, part of Lot in Deerfield Township; and a permanent household hazardous waste/universal waste collection facility, which is also located at the CCSWC on Block 76, Lot 14 in Deerfield Township; is approved.

The County Plan inclusion of the additional 4.0 acres added to Lot 14 by the December 17, 1997 redivision for use by the MART Class B recycling center is approved with the following conditions:

1. The 4.0 acres are to be utilized strictly for the storage of thermally treated soil. No soil processing (including screening) of any nature will occur on the 4.0 acre area.

2. The Department shall, with the input of all interested parties, establish a permit limitation on the volume of soil that may be stored on the 4.0 acres and require that the best management practices and operational procedures be implemented by MART.
3. The inclusion of the 4.0 acres in the County Plan does not constitute an increase in permitted capacity. Any request for an increase of capacity by MART will require County Plan inclusion as per the requirements set forth at N.J.A.C. 7:26-6.
4. The terms of all Federal, State and Local permits as well as the terms of any Administrative Consent Orders shall be followed.

The County Plan inclusion of the Maurice River Township exempt recycling center for the composting of leaves, to be located on Block 250, Lot 5, in Maurice River Township, with a mailing address of 3790 Delsea Drive in Port Elizabeth, is approved. The facility would accept less than 10,000 cubic yards of leaves per year.

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 or 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-11 and 12.

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 Department's general approval.

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 County 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 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.

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 Amendment

The approved components of 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 Cumberland County District Solid Waste Management Plan which was adopted by the Cumberland County Board of Chosen Freeholders on December 23, 2003.

July 13, 2004

Date

Bradley M. Campbell, Commissioner
Department of Environmental Protection