



State of New Jersey

Department of Environmental Protection

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

**CERTIFICATION
OF THE DECEMBER 13, 2001
AMENDMENT TO THE ATLANTIC 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) develop comprehensive plans for waste management in their respective districts. On June 24, 1982 the Department of Environmental Protection (Department or DEP) approved, with modifications, the Atlantic 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 Atlantic County Board of Chosen Freeholders (County Freeholders) completed such a review and on December 13, 2001 adopted an amendment to its approved County Plan.

The December 13, 2001 amendment proposes plan inclusion of the consolidation of permitted capacities into a single maximum capacity for both recyclables and solid wastes for the Cifaloglio, Inc. Class A and B recycling facility and solid waste transfer station on Block 606, Lot 1, Block 607, Lot 1 and Block 608, Lot 1, Route 54, Buena Vista Township, Atlantic County.

The amendment was considered administratively complete for review by the Department on March 21, 2002 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 13, 2001 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the December 13, 2001 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 13, 2001 amendment which are included below.

In conjunction with the review of the amendment, the Department circulated copies to seventeen 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
Green Acres Program, DEP
Land Use Regulation Element, DEP
Office of Local Environmental Management
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
New Jersey Pineland's Commission
Department of Agriculture
Department of Health and Senior Services
Department of Transportation
Department of Community Affairs
U.S. Environmental Protection Agency

Issues of Concern Regarding the December 13, 2001 Amendment

Issue: Facility History

Cifaloglio, Inc. was originally included in the County Plan as a transfer station in a plan amendment dated December 16, 1986, which was certified by the Department on June 5, 1987. The facility, located at Block 5-E, Lots 33 through 98; Block 5-F, Lots 33 through 98; and Block 5-G, Lots 33 through 66 and Lots 68 through 98, Route 54, Buena Vista Township, was allowed to accept waste types 10, 13 and 27. No capacity limitations were identified in the original County Plan inclusion.

In an amendment dated October 17, 1995, which was certified by the Department on March 15, 1996, Cifaloglio, Inc., was included in the County Plan at Block 606, Lot 1, Block 607, Lot 1 and Block 608, Lot 1, Route 54, Buena Vista Township (formerly Block 5-E, Lots 33 through 98; Block 5-F, Lots 33 through 98; and Block 5-G, Lots 33 through 66 and Lots 68 through 98) as a recycling center for Class A and B materials, as a composting facility for leaves and grass clippings, and as a facility to receive, store and transfer creosote and pressure treated wood. The specific materials and capacities for the planned operations were as follows:

- Cifaloglio, Inc. would continue operations as a transfer station accepting a maximum of 142.5 tons per day of solid waste, with a daily average capacity of 95 tons per day and an average of 570 tons per week;
- Also as a transfer facility, Cifaloglio, Inc. was allowed to receive, store and transfer 45,000 tons per year of creosote and pressure treated wood;
- As a Class A recycling facility, Cifaloglio, Inc. was included in the County Plan through an amendment dated October 17, 1995 and certified by the Department on March 15, 1996 to receive, store, process and transfer 30,000 tons per year of glass, 37,500 tons per year of metal, 30,000 tons per year of cardboard, 30,000 tons per year of paper and 30,000 tons per year of plastic;
- As a Class B recycling facility, Cifaloglio, Inc. was allowed to receive, store, process and transfer 45,000 tons per year of concrete, asphalt, brick and block, 30,000 tons per year of trees and similar wood waste, 15,000 tons per year of shingles, 22,500 tons per year of wood waste other than trees and 30,000 tons of tires; and,
- As a composting facility Cifaloglio, Inc. was allowed to receive 15,000 tons per year of leaves and grass clippings;

Currently, Cifaloglio, Inc. is permitted by the Department as a solid waste transfer station for a daily average capacity of 95 tons per day; and, is included in the County Plan or permitted to accept 1,153 tons per day of Class A and B recyclables (permits for recycling facilities are issued on a tons per day basis instead of a yearly basis for enforcement reasons). The December 13,

2001 amendment proposes the consolidation of permitted capacities into a single maximum capacity of 1,248 tons per day for both recyclables and solid waste. This would allow Cifaloglio, Inc. to alter the amounts of solid waste and recyclable materials accepted by the facility on a daily basis, provided that the total amount of materials and waste do not exceed the facility's daily maximum capacity.

Issue: Regulatory Requirements

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, Storm Water 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 Atlantic 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 13, 2001 amendment to the approved County Plan and certify to the County Freeholders that the December 13, 2001 amendment is approved as further specified below.

The December 13, 2001 amendment proposed County Plan inclusion of the consolidation of permitted capacities into a single maximum capacity for both recyclables and solid wastes (types 10, 13, 13C and 27) for Cifaloglio, Inc., which operates a Class A and B recycling facility and solid waste transfer station on Block 606, Lot 1, Block 607, Lot 1 and Block 608, Lot 1, Route 54, Buena Vista Township and is hereby approved. This would allow Cifaloglio, Inc. to alter the amounts of solid wastes and recyclable materials accepted by the facility on a daily basis, provided that the total amount of materials and wastes do not exceed the facility's new maximum capacity of 1,248 tons per day.

This certification shall not be construed as an expression of the Department's intent to issue a modification of any of the facility's required DEP-issued permits or general approvals.

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 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 Atlantic County District Solid Waste Management Plan which was adopted by the Atlantic County Board of Chosen Freeholders on December 13, 2001.

Jan 30 2002
Date

Bradley M. Campbell
Bradley M. Campbell, Commissioner
Department of Environmental Protection