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Governor

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Commissioner

**CERTIFICATION  
OF THE MARCH 27, 2008  
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 known as the New Jersey Meadowlands Commission) develop comprehensive plans for waste management in their respective districts. On May 10, 1980, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Cumberland County District Solid Waste Management Plan (County Plan).

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 March 27, 2008 adopted an amendment to its approved County Plan.

The March 27, 2008 amendment proposes County Plan inclusion of Thompson's Paving, Inc. as a Class B recycling facility for the receipt, storage, processing, and/or transfer of whole trees, tree trunks, tree parts, tree stumps, brush, untreated pallets and untreated wood, concrete, brick, and block. The March 27, 2008 plan amendment also proposes County Plan inclusion of renewable energy projects and potential green house gas reduction projects at the Cumberland County Solid Waste Complex (CCSWC).

The amendment was considered administratively complete for review by the Department on April 15, 2008 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 March 27, 2008 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 March 27, 2008 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 elements relative to the March 27, 2008 amendment which are included below.

**Elements of the March 27, 2008 Amendment**

**Element: Background**

Thompson's Paving, Inc. owns approximately 21.88 acres of land located at Block 24, Lot 26, 1020 Buckshutem Road, Fairfield Township, Cumberland County. The site has been operating as a mining operation since 1965.

Thompson's Paving Inc. has submitted an application for inclusion of a Class B recycling facility in the Cumberland County Solid Waste Management Plan for the receipt, storage, processing, and/or transfer of source separated whole trees, tree trunks, tree parts, tree stumps, brush, untreated wood and pallets, concrete, brick, and block. Thompson's Paving is proposing to use portable equipment to crush the concrete, brick and block and to shred the wood. Unprocessed wood will not be stored any longer than six months.

The maximum quantities (in tons) proposed to be received, stored and processed is as follows:

	<b>Concrete, Brick &amp; Block</b>	<b>Trees, Tree Trunks, Tree Parts, Tree Stumps, Brush, Untreated Wood &amp; Pallets</b>
Received Daily	350	50
Processed Daily	1,000	100
Transported Daily	225	50
Unprocessed, stored on site	14,000	2,200
Processed, stored on site	7,500	2,000

The March 27, 2008 plan amendment also proposes County Plan inclusion of renewable energy projects and potential green house gas reduction projects at the CCSWC.

**Element: Regulatory Requirements**

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 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.

If any operation of a recycling center 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.

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 March 27, 2008 amendment to the approved County Plan and certify to the County Freeholders that the March 27, 2008 amendment is approved as further specified below.

The March 27, 2008 amendment proposes County Plan inclusion of Thompson's Paving, Inc. as a Class B recycling facility for the receipt, storage, processing, and/or transfer of whole trees, tree trunks, tree parts, tree stumps, brush, untreated pallets and untreated pallets and untreated wood, concrete, brick, and block is approved. The March 27, 2008 plan amendment also proposes County Plan inclusion of renewable energy projects and potential green house gas reduction projects at the CCSWC, and is also approved.

The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals pursuant to N.J.S.A. 13:1E-1 et seq., and all other applicable laws. 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.

**D. Other Provisions Affecting the Plan Amendment**

**1. 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.

**2. 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.

**3. 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.

**4. Effective Date of Amendment**

The approved components of the amendment to the County Plan contained herein shall take effect immediately.

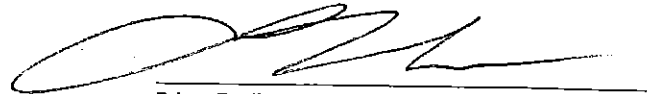
**5. Reservation of Authority**

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 March 27, 2008.

8/5/08  
Date



Lisa P. Jackson, Commissioner  
Department of Environmental Protection

