



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
HUNTERDON COUNTY SOLID WASTE
MANAGEMENT DISTRICT

CERTIFICATION
OF THE DECEMBER 27, 1994
AMENDMENT TO THE HUNTERDON 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 October 2, 1981, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Hunterdon 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 Hunterdon County Board of Chosen Freeholders (County Freeholders) completed such a review and on December 27, 1994, adopted an amendment to its approved County Plan.

The amendment proposed the County Plan inclusion of the Raritan Valley Recycling, Inc. recycling center for Class B materials located in Raritan Township, Hunterdon County and the September 14, 1993 Hunterdon County/Atlantic County Interdistrict Agreement with associated waste flows and vehicle routing plan.

The amendment was received by the Department on March 15, 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 27, 1994 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the December 27, 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 27, 1994 amendment which are included in Section B.2. below.

In conjunction with the review of the amendment, the Department circulated copies to fifteen 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:

- 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
- Office of Air Quality 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
- Department of Transportation
- Department of Community Affairs

U.S. Environmental Protection Agency

1. Agency Participation in the Review of the December 27, 1994 Amendment

The following agencies did not object to the proposed amendment:

Division of Water Quality, DEP
Division of Enforcement, DEP
Land Use Regulation Element, DEP
New Jersey Turnpike Authority
Department of Community Affairs
Department of Agriculture

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

Division of Parks and Forestry, DEP
Green Acres Program
Office of Air Quality Management
New Jersey Advisory Council on Solid Waste Management
Department of Health
Department of Transportation
U.S. Environmental Protection Agency

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

Division of Solid and Hazardous Waste, DEP
Division of Fish, Game and Wildlife, DEP

2. Issues of Concern Regarding the December 27, 1994 Amendment

Issue: Regulatory Requirements

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. 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 a recycling center will discharge pollutants as defined in N.J.A.C. 7:14-1.9, said operation must secure a New Jersey Pollution Discharge Elimination System Permit and/or a Treatment Works Approval for pollution discharges prior to operation.

The Raritan Valley Recycling, Inc. recycling center is located in proximity to the floodplain of the Bushkill Brook. Avoidance and

adequate buffering to the floodplain should be considered prior to further development of this site.

The Department's Division of Solid and Hazardous Waste (DSHW) recommends that the applicant contact the DSHW for a preapplication conference prior to the submission of an application to operate a recycling center for Class B materials.

Issue: Need for the Interdistrict Agreement

On September 14, 1993 Hunterdon County and the Atlantic County Utilities Authority (ACUA) signed the interdistrict agreement. On July 15, 1994 Atlantic County included within its County Plan the provisions of the interdistrict agreement and the DEP approved this amendment on December 22, 1994. By adopting the December 27, 1994 amendment Hunterdon County is including the provisions of the agreement within its County Plan. This agreement authorizes the disposal of waste types 13 and 27 generated within Hunterdon County at the ACUA Landfill located in Egg Harbor Township, Atlantic County for a nine year period terminating on December 31, 2002. Hunterdon County, which lacks an in-county disposal facility, benefits with this agreement by coming closer to being self-sufficient in solid waste disposal by reducing its reliance on out-of-state disposal. According to the latest available data, in 1993 Hunterdon County exported 55% of its total solid waste stream. Based on this 1993 data, if the County were to deliver all of its type 13 and 27 waste to the ACUA Landfill, its total export amount would decrease by 30%. Atlantic County benefits with the interdistrict agreement by receiving additional waste to an underutilized landfill thereby fulfilling its debt obligations and avoiding financial hardship to the ACUA.

Finally, the State benefits through implementation of the interdistrict agreement by regionalizing solid waste facilities, maximizing in-state disposal capacity, and reducing reliance on out-of-state disposal.

C. Certification of the Hunterdon 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 December 27, 1994 amendment to the approved County Plan and certify to the County Freeholders that the December 27, 1994 amendment is approved as further specified below.

a. Raritan Valley Recycling, Inc. Recycling Center

The County Plan inclusion of the Raritan Valley Recycling, Inc. recycling center located at Block 27, Lot 28, 79 River Road in Raritan Township, Hunterdon County as a recycling center for Class

B materials is approved. This recycling center is currently included within the County Plan as a recycling center for Class A materials. As a recycling center for Class B materials, the facility will accept source separated brush, tree parts, stumps, pallets, and nonchemically treated and nonpainted wood products. Wood grinders and screens will be used to size reduce the wood waste and produce a mulch product. The facility will accept between 200 and 500 tons of wood waste daily.

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 recyclable materials. A recycling center approval shall only be granted where the applicant has submitted an administratively complete application, as per N.J.A.C. 7:26A-3.5, where all 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 A recyclable materials may be commingled only with other Class A recyclable materials. Class B recyclable materials may be commingled only with other Class B recyclable materials and only to the extent authorized in the general approval.

Any residue generated as a result of the operation of this recycling center shall be disposed of pursuant to the County Plan and the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26 et seq.).

b. Hunterdon County/Atlantic County Interdistrict Agreement

The County Plan inclusion of the Hunterdon County/ACUA Interdistrict Agreement and associated waste flows is approved. The agreement, which was signed on September 14, 1993, provides for the disposal of solid waste types 13 and 27 generated from within Hunterdon County at the ACUA Limited Use Landfill located in Egg Harbor Township, Atlantic County for a nine year period terminating on December 31, 2002.

The traffic routing component of the amendment is also approved. Specifically, transporters originating at the Hunterdon County Transfer Station shall proceed as follows to the ACUA Landfill:

Route 22 west to
Route 31 south to
Interstate 295 south to
Route 206 south to
Route 30 east to
Tilton Road (County Route 563) south to
Delilah Road (County Road 646) east to the ACUA Landfill

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 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 Implementation of the 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

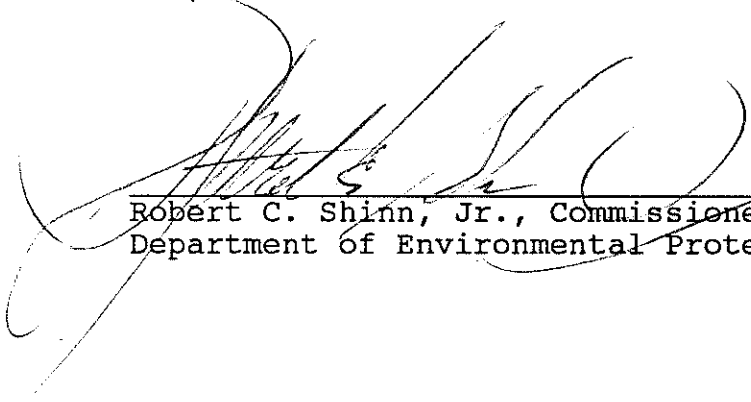
Nothing contained herein shall be construed as a limitation on any other action taken by the DEP pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the DEP, 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 Hunterdon County District Solid Waste Management Plan which was adopted by the Hunterdon County Board of Chosen Freeholders on December 27, 1994.

Date

7/13/95


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