

# State of New Jersey

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MARK N. MAURIELLO
Acting Commissioner

# CERTIFICATION OF THE MAY 7, 2008 AMENDMENT TO THE SALEM COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN

#### BY ORDER OF THE COMMISSIONER:

#### A. <u>Introduction</u>

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 February 11, 1981, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Salem 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 Salem County Board of Chosen Freeholders (County Freeholders) completed such a review and on May 7, 2008 adopted an amendment to its approved County Plan.

The May 7, 2008 amendment proposes County Plan inclusion of Evergreen Recycling, LLC. Class A and B recycling facility, materials recovery facility/transfer station (MRF/TS), and intermodal container facility.

The amendment was considered administratively complete for review by the Department on September 5, 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 May 7, 2008 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the May 7, 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 May 7, 2008 amendment which are included below.

## Elements of the May 7, 2008 Amendment

#### Element: Background

The Evergreen Recycling, LLC. Class A and B recycling facility, materials recovery facility/transfer station (MRF/TS), and intermodal container facility is designated to be located at Block 46, Lots 1, 2, 4, 6, 6.01 and 7; Block 7, Lot 1.01; Block 97, Lots 9, 9.02, 9.03 and 9.04 in the City of Salem, Salem County and contains approximately 6.37 acres of area.

Evergreen Recycling LLC. proposes that the Class A recycling facility will receive an estimated 20 tons per day of Class A recyclable material; the MRF/TS will receive an estimated 1,500 tons per day of material; the Class B facility will receive an estimated 750 tons per day of Class B material; and, the intermodal container facility will receive an estimated 250 tons per day of material. Evergreen Recycling has a maximum tonnage of 2,500 tons of material per day. The hours of operation are 24 hours a day, 6 days per week.

The truck routes to the facilities are as follows: vehicles will approach the facilities via Route 49; proceed south along South Front Street, past the facilities to Grieves Parkway; the vehicles will turn north along Salem River onto the access road and proceed to the TS/MRF entrance. The vehicles that are existing the facilities will leave through the site exit, turning east onto West Broadway and proceeding to the intersection with South Front Street and return to Route 49.

## Element: Regulatory Requirements

As a part of the state level review phase of the County Plan amendment review process, the Green Acres Program identified a possible riparian rights issue at the proposed site for the facility which will be further addressed in the permit review process.

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. 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.

Further, transfer stations/materials recovery facilities and intermodal container facilities are also subject to N.J.A.C. 7:27-8.2(a)16 which requires air pollution control permits for any equipment which vents may require devices to control odors and other air contaminants. Finally, if the proposed operation 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.

# C. Certification of the Salem 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 May 7, 2008 amendment to the approved County Plan and certify to the County Freeholders that the May 7, 2008 amendment is approved as further specified below.

The May 7, 2008 amendment proposes County Plan inclusion of Evergreen Recycling, LLC. Class A and B recycling facility, materials recovery facility/transfer station (MRF/TS), and intermodal container facility is 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. <u>Certification to Proceed with Implementation of Amendment</u>

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. <u>Certification of Approval of the Amendment by the Commissioner of the Department of Environmental Protection</u>

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 Salem County District Solid Waste Management Plan which was adopted by the Salem County Board of Chosen Freeholders on May 7, 2008.

1/24/09 Date

Mark N. Mauriello, Acting Commissioner Department of Environmental Protection