

AMENDMENT #15
TO THE CUMBERLAND COUNTY
SOLID WASTE MANAGEMENT PLAN



CUMBERLAND COUNTY IMPROVEMENT AUTHORITY
2 WEST VINE STREET
MILLVILLE, NEW JERSEY 08332
APRIL 2000

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3. To add Block 76, Lots 18 and 19 and portions of Lots 2, 3 and 4 in Deerfield Township to the permitted solid waste facility to provide for additional buffer and storm water detention facilities.
4. To include Kennedy Concrete, Inc. located at 1983 South East Avenue (Block 968, Lot 1), in the City of Vineland, New Jersey in the Cumberland County Solid Waste Management Plan as a Class B Recycling Facility for the recycling of concrete.
5. To include Federal Disposal, Inc. in the Cumberland County Solid Waste Management Plan as a Class A / Class B Recycling Facility and a Material Recovery / Solid Waste Transfer Station. These facilities will be located at the southwesterly corner of West Chestnut Avenue and Mill Road (Block 515, Lot 2) in the City of Vineland.

To insure the broadest possible participation by the general public in this Plan Amendment process, the Cumberland County Board of Chosen Freeholders has scheduled a public hearing on May 11, 2000, at the Cumberland County Court House, 3rd Floor Freeholder Meeting Room. All County residents, public officials or organizations interested in Amendment No. 15 to the SWMP are encouraged to attend and offer testimony.

Inquiries and/or comments concerning this proposed Plan Amendment may be forwarded in writing to:

Cumberland County Board of Chosen Freeholders
790 East Commerce Street
Bridgeton, NJ 08302

or

Cumberland County Improvement Authority
2 West Vine Street
Millville, NJ 08332

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1.0 INTRODUCTION

The County of Cumberland proposes to amend the Cumberland County Solid Waste Management Plan (SWMP or County Plan) pursuant to the requirements of the New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et. seq.). The New Jersey Solid Waste Management Act (the Act) designates each county in the State and the Hackensack Meadowlands District as solid waste management districts, and provides each county and the Hackensack Meadowlands Development Commission with the authority to develop and implement comprehensive solid waste management plans which meet the needs of every municipality within each county and within the Hackensack Meadowlands District. 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 10 year planning period. The Act further provides that a district may review its plan at anytime and, if found inadequate, adopt a new plan.

The Cumberland County Solid Waste Management Plan was adopted by the Cumberland County Board of Chosen Freeholders on December 13, 1979, and approved with modifications by the Commissioner of the New Jersey Department of Environmental Protection (NJDEP) on March 4, 1981. Since 1981, fourteen amendments to the SWMP have been adopted by the Board of Chosen Freeholders and later approved by the Commissioner.

The purposes of the fifteenth amendment to the Cumberland County Solid Waste Management Plan are as follows:

1. To increase the permitted capacity of the landfill.
2. To implement a multi-faceted plan which will allow the Improvement Authority to charge competitive rates in the marketplace and meet all debt service obligations and operating and maintenance expenses, without the imposition of an Environmental Investment Charge. This plan compliments the solid waste disposal program outlined in the fourteenth amendment, which was authored in reaction to the November 10, 1997, decision by the United States Supreme Court, which effectively rendered null and void the State of New Jersey's Interdistrict and Intradistrict Solid Waste Flow Rules at N.J.A.C. 7:26-6.5.

3. To add Block 76, Lots 18 and 19 and portions of Lots 2, 3 and 4 in Deerfield Township to the permitted solid waste facility to provide for additional buffer and storm water detention facilities.
4. To include Kennedy Concrete, Inc. located at 1983 South East Avenue (Block 968, Lot 1), in the City of Vineland, New Jersey in the Cumberland County Solid Waste Management Plan as a Class B Recycling Facility for the recycling of concrete.
5. To include Federal Disposal, Inc. in the Cumberland County Solid Waste Management Plan as a Class A / Class B Recycling Facility and a Material Recovery / Solid Waste Transfer Station. These facilities will be located at the southwesterly corner of West Chestnut Avenue and Mill Road (Block 515, Lot 2) in the City of Vineland.

To insure the broadest possible participation by the general public in this Plan Amendment process, the Cumberland County Board of Chosen Freeholders has scheduled a public hearing on May 11, 2000, at the Cumberland County Court House, 3rd Floor Freeholder Meeting Room. All County residents, public officials or organizations interested in Amendment No. 15 to the SWMP are encouraged to attend and offer testimony.

Inquiries and/or comments concerning this proposed Plan Amendment may be forwarded in writing to:

Cumberland County Board of Chosen Freeholders
790 East Commerce Street
Bridgeton, NJ 08302

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Cumberland County Improvement Authority
2 West Vine Street
Millville, NJ 08332

2.0 SUMMARY OF CUMBERLAND COUNTY SOLID WASTE MANAGEMENT PLAN

The Cumberland County Solid Waste Management Plan was adopted by the Cumberland County Board of Chosen Freeholders on December 13, 1979, and approved with modifications by the Commissioner of the New Jersey Department of Environmental Protection (NJDEP) on March 4, 1981. The SWMP consists of an integrated approach to solid waste management that includes waste reduction, source separation and recycling, resource recovery, and landfilling.

The original SWMP set forth a process for siting a regional landfill to serve Cumberland County, developing a resource recovery facility to serve the County, and developing recycling programs in each municipality in the County. Furthermore, the plan designated the Cumberland County Improvement Authority (Improvement Authority) as the solid waste implementing agency within the County. In order to further develop the SWMP and meet the requirements of the Solid Waste Management Act and the Mandatory Source Separation and Recycling Act that was passed in 1987, the County prepared several plan amendments that are described below:

Amendment No.	Date of Amendment	NJDEP Approval	Purpose of Amendment
1	July 14, 1983	December 22, 1983*	Prepare background studies and update the Solid Waste Management Plan
2	March 15, 1984	July 30, 1984	Select site for Cumberland County Solid Waste Complex
3	May 8, 1986	October 9, 1986	Leaf and vegetative waste composting policy, interim disposal capacity, transportation analysis and construction debris
4	October 17, 1987	March 9, 1988*	County Recycling Plan
5	October 17, 1987	March 9, 1988*	Resource Recovery Investment Tax (RRIT) disbursement schedule, convenience centers, solid waste contingency plan, existing landfill closures and litter abatement partnership program
6	July 26, 1989	November 27, 1989*	Modifications to Amendment No. 4 and No. 5 as required by NJDEP

Amendment No.	Date of Amendment	NJDEP Approval	Purpose of Amendment
7	December 20, 1989	June 4, 1990	Use of RRIT funds for Material Separating Facility (MSF) and household recycling buckets
8	July 18, 1981	January 3, 1992*	Include recycling centers located in the County, development of a bulky waste recycling facility at the Solid Waste Complex and expand use of RRIT funds for MSF operating costs
9	June 9, 1992	September 18, 1992 November 17, 1992*	Revise RRIT fund disbursement schedule, include additional recycling centers located in the County, address recommendations of NJDEP Emergency Solid Waste Assessment Task Force Final Report and include blanket inclusion policy for recycling centers
10	April 14, 1994	August 15, 1994	Response to Governor's Emergency Solid Waste Assessment Task Force in the areas of recycling, enforcement, education and source reduction Plan for debris disposal from the demolition of the County Manor
11	December 15, 1994	April 27, 1995	Expanding Amendment No. 10, includes procurement practices, household hazardous waste collection program and collection of recyclables Delays construction of bulky waste recycling facility (see Amendment No. 8) and includes a class B recycling center into the County Plan
12	June 22, 1995	August 3, 1995	Inclusion of a class B recycling center into the County Plan
13	April 10, 1997	August 5, 1997	Revise RRIT fund disbursement schedule and deletes construction of bulky waste recycling facility from the County Plan (see Amendment No. 11)

<u>Amendment No.</u>	<u>Date of Amendment</u>	<u>NJDEP Approval</u>	<u>Purpose of Amendment</u>
14	January 15, 1998	April 24, 1998	Response to May 1, 1997 decision of the U.S. Court of Appeals for the Third Circuit, which declared unconstitutional New Jersey's historic system of solid waste flow control

* Approved with modifications requested by the Commissioner of NJDEP

3.0 LANDFILL EXPANSION

3.1 Purpose and Background

The Solid Waste Facility Permit was originally issued by NJDEP on December 14, 1985 for a five (5) year period. The volume of the landfill as originally permitted in 1985 was 7.4 million cubic yards, which after allowing for the volume consumed by daily and intermediate cover provided space for the disposal of approximately 4.6 million tons of solid waste. The permit was subsequently revised and renewed on December 31, 1990 and July 28, 1997 for additional five (5) year periods.

At the time of the 1990 permit renewal the bottom liner elevations were permitted to be lowered. However, the volume of the landfill was not changed and resulted in the lowering of the final contours in Cells 5, 6A and 6B. The Improvement Authority is now requesting an increase in the permitted volume of the landfill lost by the lowering of the contours in Cells 5, 6A and 6B. The additional volume being requested is 2.2 million cubic yards, which after allowing for the volume consumed by daily and intermediate cover will provide space for the disposal of approximately 1.4 million tons of solid waste. It is important to note that the additional volume being requested can be attained with a diminimus increase in cell development cost and in final closure cost, and does not increase the permitted peak elevation (212 feet above mean sea level) or footprint (75.5 acres) of the landfill.

3.2 The Plan

In May 1998, the Improvement Authority submitted an application to NJDEP, Division of Solid and Hazardous Waste requesting the addition of Lots 18 and 19 and portions of Lots 2, 3 and 4 in Block 76 to the permitted area of the CCSWC, as well as requesting that the permitted volume of the landfill be increased to 9.6 million cubic yards (7.4 million cubic yards as originally permitted plus the additional volume of 2.2 million yards), which after allowance for the volume consumed by daily and intermediate cover will provide space for the disposal of 6.0 million tons of solid waste. Additionally the application sought to increase the annual volume of solid waste disposed of at the CCSWC from an average of 149,000 tons per year to 200,000 tons per year in order to carry out the plan outlined in Section 4.0 below. The May 1998 application included revised plans and an Engineering Design Report, which included an update (see Appendix A) to the original Environmental Impact Statement which addressed the impacts associated with the additional property to be included in facility permit, the additional volume, and the additional annual waste flow rate. NJDEP, Division of Solid and Hazardous Waste issued a Draft Solid Waste Facility Permit on June 14, 1999 and conducted a Public Hearing on the draft permit on July 15, 1999 at the Deerfield Township (Host Community) Municipal Building. As stated in the PUBLIC HEARING FACT SHEET (see Appendix B) prepared by NJDEP, Division of Solid and Hazardous Waste, "The Department (NJDEP) has determined that the above changes in the design and operation of the landfill will upgrade or cause no change in the environmental performance of the facility". A copy of the transcript from the Public Hearing is included as Appendix C.

4.0 SOLID WASTE MANAGEMENT DISPOSAL PROGRAM

4.1 Purpose and Background

On May 1, 1997, the United States Court of Appeals for the Third Circuit ruled that New Jersey's waste flow control regulations were unconstitutional insofar as they discriminated against out-of-state operators of waste disposal facilities and directed that the twenty-two solid waste management districts modify their waste disposal plans to choose facilities to service their needs in a non-discriminatory manner. The Appellate Court also removed the two-year transition period

afforded by the District Court in July 1996. Although the Court stayed its injunction pending appeal to the United States Supreme Court, on November 10, 1997, the U.S. Supreme Court denied the State's Petition for Certiorari, which effectively rendered null and void the State of New Jersey's Interdistrict and Intradistrict Solid Waste Flow Rules at N.J.A.C. 7:26-6.5. Each solid waste management district was directed by NJDEP to re-evaluate its solid waste disposal strategy in light of this action.

As outlined in Amendment No. 14 to the SWMP, the Improvement Authority developed a plan to market the disposal capacity of the Solid Waste Complex to an extent that it would reduce tipping fees without compromising the then-approved landfill capacity, which was anticipated to serve the disposal needs of the residents of Cumberland County until 2016.

On May 13, 1999, the Superior Court of New Jersey, Appellate Division, affirmed the actions of NJDEP, the Local Finance Board, Passaic County Utilities Authority (PCUA), and Board of Chosen Freeholders of Passaic County in enacting, executing, approving and adopting the implementation of an Environmental Investment Charge (EIC). The EIC upheld by the Appellate Division is an allocation of PCUA's total debt, along with an administrative fee, to be paid by all Passaic County municipalities and commercial and industrial generators based upon their average flows in relevant prior years.

While the Improvement Authority believes this court decision will be further appealed, it recognizes that for the moment EICs have withstood this legal challenge.

The Improvement Authority maintains its reluctance to impose an EIC on its constituency. However, the Improvement Authority realizes that it cannot compete against neighboring solid waste districts which implement EICs as a way to lower tipping fees, who then solicit waste from out-of-district sources (such as Cumberland County), with tipping fees stripped of debt service and other components.

Amendment No. 15 will provide a plan whereby the Improvement Authority can compete fairly and evenly with neighboring districts while not compromising the landfill capacity as promulgated in Amendment No. 14.

4.2 The Plan

The Improvement Authority submits the following outline of a multi-faceted plan that would allow it to charge competitive rates in the marketplace and meet all of its debt service obligations and operating and maintenance expenses, without imposition of an Environmental Investment Charge or other state-sanctioned subsidy programs.

1. The Improvement Authority will secure a Final Solid Waste Facility Permit from NJDEP for the additional property to be included in the permit, the volume expansion of 2.2 million tons, which after allowing for the volume consumed by daily and intermediate cover will provide space for the disposal of approximately 1.4 million tons of solid waste. The permit will also reflect an increase of solid waste landfilled from an average of 149,000 tons per year to 200,000 tons per year in order to carry out the plan outlined in Section 3.0 above.
2. The Improvement Authority will negotiate a contract(s) for disposal at the landfill for up to 1.0 million tons of the 1.4 million tons of added disposal capacity. The remaining 400,000 tons of capacity included in the volume expansion increase the projected remaining life of the landfill from its current projection of 2018 to 2020. Accordingly, the 1.0 million tons of disposal capacity to be contracted will be prorated in annual increments, beginning in 2000 and ending in 2020. (See Appendix D for Estimate of Landfill Utilization.)
3. The Improvement Authority will seek approval from NJDEP to utilize approximately \$5 million of its own funds from its BPU Escrow Account for closure/postclosure expenses. (See Appendix E) This amount would be replenished from the tip fee components collected from the aforementioned disposal contract(s) and/or together with the sums collected on solid waste delivered to the Improvement Authority under other arrangements (i.e., tariff or short term contracts) will provide sufficient funding for closure/postclosure activities associated with the landfill. This is demonstrated in the Improvement Authority's updated closure/postclosure financial plan.

4. The combination of the contracts, funds from the BPU Escrow Account and the Improvement Authority's unreserved-undesignated retained earnings will be sufficient to pay substantially all of the Improvement Authority's debt service obligations, which are not being collected under its current tip fee of \$43.26 per ton, including taxes, for municipal solid waste. This will allow the Improvement Authority to maintain a competitive tip fee for the foreseeable future.

4.3 Conclusion

The Cumberland County Solid Waste Management Plan has been developed and revised over time with the mindful direction of protection of the environment and the public it serves. The operations of the facility and the philosophy of the Cumberland County Board of Chosen Freeholders and the Board of the Cumberland County Improvement Authority that operates said facility has always been one of fiscal conservatism. This management philosophy has allowed the Improvement Authority to annually maintain one of the lowest tipping fees in the State during the years of Waste Flow Control, when solid waste disposal fees became excessive.

Amendment No. 15 to the Cumberland County Solid Waste Management Plan is an extension of the above-referenced philosophy. Allowing the Improvement Authority to participate fairly in a voluntary free market in solid waste, while being surrounded by subsidized tipping fees of neighboring districts, will serve to protect and preserve the disposal capacity, beneficial programs and positive effects on the County's municipalities that have throughout history been the priority of the Cumberland County Board of Chosen Freeholders and the Board of the Cumberland County Improvement Authority.

5.0. ADDING ADDITIONAL PROPERTIES TO PERMITTED LANDFILL AREA

5.1 Purpose and Background

The Cumberland County Solid Waste Complex (CCSWC), as currently permitted, is comprised of approximately 172 acres consisting of Block 76, Lots 14, 15, and 16 in Deerfield Township. Of this total acreage, approximately 75.5 acres are reserved for landfill disposal. The balance of the site is occupied by the Material

Separating Facility, a leachate pretreatment facility, a landfill gas flare, an administration/maintenance building, a scale and scale house, a convenience center, access roads, stormwater facilities and buffer.

Since the commencement of operations, an additional 184 acres of adjacent properties have been purchased by the Improvement Authority to provide for excavation of cover material for landfill operations, for development of future waste reduction processing and for expansion of the buffer areas.

Amendment No. 15 will add Block 76, lots 18 and 19 totaling 36.8 acres and portions of Lots 2, 3 and 4 totaling approximately 30.9 acres to the permitted area of the CCSWC.

5.2 The Plan

Lots 18 and 19 have been utilized since 1988 as a staging area for all construction projects at the landfill and as a source of borrow material for use as daily and intermediate cover required for landfill operations. The addition of these two lots to the permitted facility will provide for a continuation of landfill-related activities.

The addition of portions of lots 2, 3 and 4 are needed for the construction of a stormwater detention basin on the north side of the landfill, the excavation of which will also provide daily and intermediate cover for landfill operations. More importantly, the addition of portions of these lots will allow for the creation of added buffer along the north side of the landfill where the existing buffer is sparse.

6.0 INCLUSION OF KENNEDY CONCRETE AS CLASS B RECYCLING FACILITY

Kennedy Concrete located at 1983 South East Avenue (Block 968, Lot 1), in the City of Vineland is included in the Cumberland County Solid Waste Management Plan as a Class B recycling Facility to receive, store, process and transfer recyclable concrete only.

7.0 INCLUSION OF FEDERAL DISPOSAL, INC. AS A CLASS A / CLASS B RECYCLING FACILITY AND MATERIAL RECOVERY FACILITY / TRANSFER STATION

7.1 Purpose and Background

Federal Disposal, Inc., is included in the Cumberland County Solid Waste Management Plan as a Class A/Class B Recycling Facility and a Material Recovery/ Solid Waste Transfer Station to be located at the southwest corner of West Chestnut Avenue and Mill Road (Block 515, Lot 2) in the City of Vineland.

7.2 The Plan

1. Class A / Class B Recycling Facility

Class A recyclables accepted at the facility will consist of source separated or commingled, common curbside recyclables that include: glass, aluminum, paper, plastic and cardboard.

Class B recyclables accepted at the facility will be as follows: asphalt, concrete, brick, block, clean (untreated) wood, tile and assorted masonry, tree stumps, tree parts, and tires (tires to be stored in covered roll-off containers).

The Class A / Class B recycling facility will accept up to 300 tons per day of Class A and Class B recyclable materials.

2. Material Recovery / Transfer Station

The Material Recovery / Transfer Station will accept up to 600 tons per day of solid waste consisting of the following: waste type 10 (municipal solid waste), waste type 13C (construction and demolition waste), and waste type 27 (dry non-hazardous industrial waste).

The Material Recovery / Transfer Station will receive solid waste and remove Class A and Class B recyclable materials from the solid waste for transfer to the Class A/Class B Recycling Facility for further processing (if required), and storage until the materials can be shipped to end markets.

All residual waste from both the Class A / Class B Recycling Facility and the Material Recovery / Transfer Station, owned and operated by Federal Disposal, Inc., its heirs or assigns, is designated by this amendment to be disposed of at the Cumberland County Solid Waste Complex under a "right of first refusal" agreement.

APPENDIX A

Chapter 9, Environmental Impact Statement from May 1998
Engineering Design Report

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**CUMBERLAND COUNTY IMPROVEMENT AUTHORITY
CUMBERLAND COUNTY SOLID WASTE COMPLEX
ENGINEERING DESIGN REPORT FOR
1998 VOLUME ADDITION**

9.0 ENVIRONMENTAL IMPACT STATEMENT

9.1 INTRODUCTION

The New Jersey Solid Waste Management Act (N.J.S.A. 13:7E-1 et. seq.) mandates the development and implementation of a comprehensive Solid Waste Management Plan for each county in New Jersey. The Cumberland County Solid Waste Management Plan (CCSWMP) was adopted by the Cumberland County Board of Chosen Freeholders on December 13, 1979 and approved by the Commissioner of the NJDEP on March 4, 1981. In accordance with the CCSWMP, the Authority has constructed and is currently operating the Cumberland County Solid Waste Complex (CCSWC).

The CCSWC is a county-wide sanitary landfill located on Jesse's Bridge Road in Deerfield Township, New Jersey and is the main component in accomplishing waste reduction, source separation, recycling, resource recovery and landfilling in Cumberland County. The site location is 1.3 miles west of State Route 55, see Figure 1-1.

An Environmental Impact Statement (EIS) was prepared for the CCSWC in 1984 as part of the solid waste permit application. Preparation of the 1990 Permit Modification and Renewal included an Environmental Analysis to address the impact of modifications to the 1984 landfill design. Preparation of the 1995 Permit Modification and Renewal included an Environmental Analysis to address the impact of modifications proposed or implemented since completion of the 1990 EIS. This updated EIS, prepared as part of the 1998 Volume Addition addresses only impacts resulting from modifications proposed or implemented since completion of the 1995 EIS.

9.2 DESCRIPTION OF THE FACILITY

9.2.1 Location

The CCSWC is located on a 173.5 acre site in Deerfield Township, New Jersey. The landfill facility consists of 75.5 acres and the remaining 98 acres contains structures and facilities required for landfill operation including a scalehouse, office and maintenance building, a convenience center, Material Separating Facility, Leachate Pre-Treatment Facility and stormwater management structures. An additional 184 acres of adjacent property was purchased by the Authority to provide additional cover material for landfill operations, buffer area and possible future development.

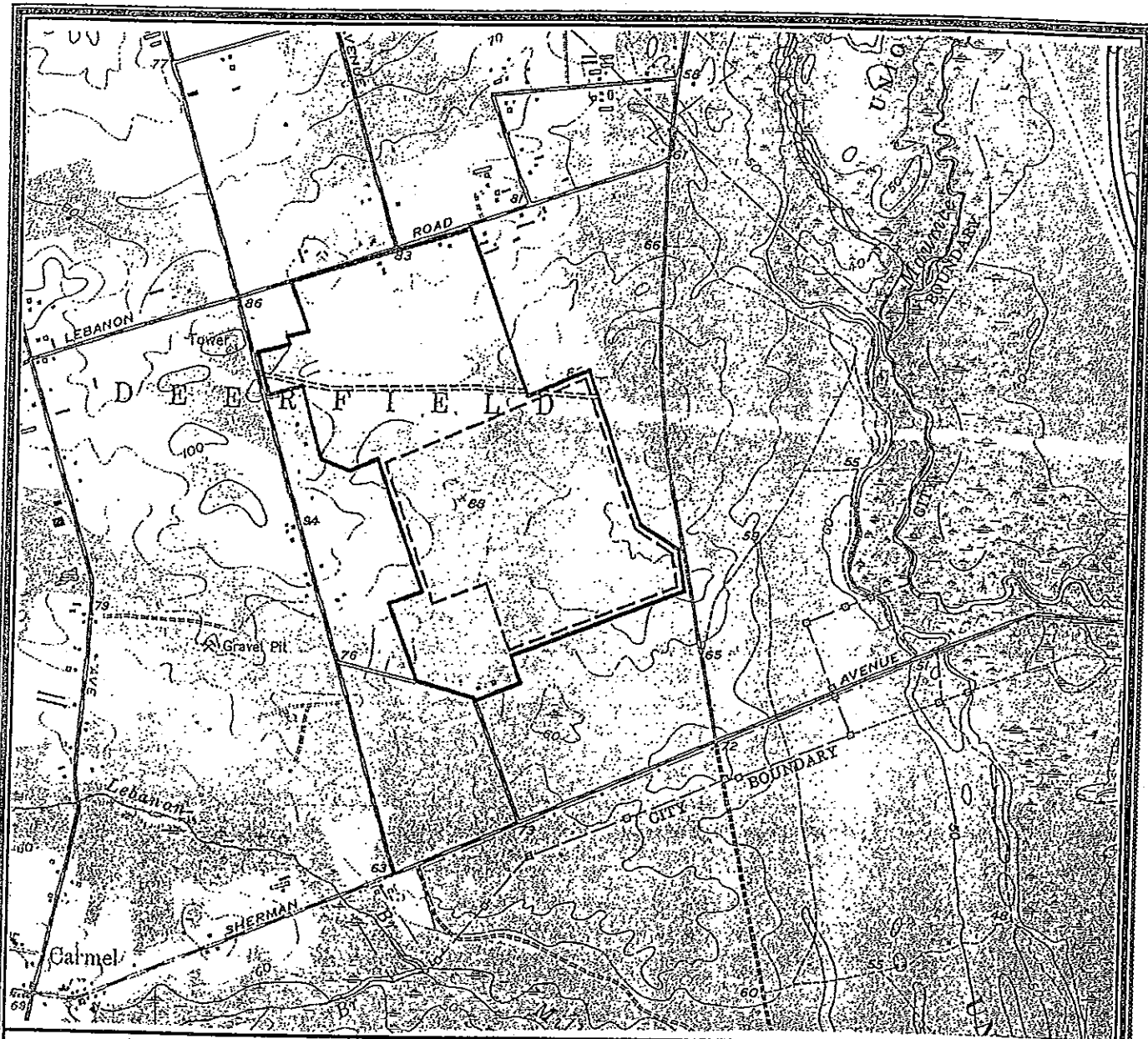
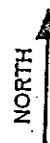


FIGURE 1-1 - SITE LOCATION MAP

SCALE: 1" = 2,000'

CUMBERLAND COUNTY IMPROVEMENT AUTHORITY
 CUMBERLAND COUNTY SOLID WASTE COMPLEX
 JESSE'S BRIDGE ROAD
 DEERFIELD TOWNSHIP
 CUMBERLAND COUNTY, NJ



SOURCE: U.S.G.S. QUADRANGLE, 7.5 MINUTE SERIES
 MILLEVILLE, NJ - PHOTOREVISED 1986

LEGEND

- PROPERTY LINE
- - - EXISTING PERMITTED FACILITY
- - - EASEMENT

9.2.2 Landfill Facility Design

The permitted CCSWC landfill design consists of nine cells to be completed in six phases. Phase I was completed in October 1987 at which time initial landfill operations commenced. Phase I consists of Cells 1A and 1B, covering approximately 11.6 acres. In October 1990 Phase II construction was completed and solid waste disposal operations were transferred from Phase I to Phase II. Phase II consists of Cells 2A and 2B encompassing approximately 12.6 acres. Phase III was completed in November 1992 and began receiving waste in April 1993. Phase IV was certified on December 16, 1996, and began receiving waste on December 20, 1996. Phase IV consists of approximately 12.7 acres and is designated as Cell 4. Current landfill operations are occurring in Phase IV.

9.2.3 Site Structures

The construction of several structures was included as part of the Phase I development. These structures include an office and maintenance building, scalehouse and a convenience center which are located near the entrance of the facility. In response to the mandatory Statewide Source Separation and Recycling Act, funding was provided for construction of a Material Separating Facility (MSF) to process commingled recyclable materials. Operations at the MSF commenced in October 1990.

In accordance with an Administrative Consent Order issued by the NJDEP in April 1992, a leachate pre-treatment facility was designed and constructed at the CCSWC to satisfy the requirements of the New Jersey Clean Water Act and to comply with parameter limits imposed by the Cumberland County Utilities Authority pre-treatment program. Construction of the Leachate Pre-Treatment Facility was completed at which time operations commenced.

9.3 ENVIRONMENTAL IMPACT ANALYSIS

The 1998 Volume Addition proposes several revisions to the landfill design which are described in detail within the Engineering Design Report. In addition other, operational and design changes have occurred since preparation of the 1995 EIS. This EIS addresses the impact of changes which have been implemented or modifications proposed since 1995.

Table 9-1 lists the design/operational changes since 1995 and indicates the areas and type of impact expected. The items are summarized in the following sections along with a discussion of impacts and mitigation.

Table 9-1

Cumberland County Improvement Authority
Cumberland County Solid Waste Complex
Environmental Impact of Design Modifications and Increased Daily Waste Flow

AREAS OF POSSIBLE IMPACT	DESIGN MODIFICATIONS					INCREASED DAILY WASTE FLOW
	Revised Final Grading Plan	Interior Gas Extraction System	Leachate Collection System	Vegetative Buffer	Soil Erosion and Sediment Control Plan	
Ground Water	0	0	0	0	+	0
Surface Water	0	0	0	0	0	0
Soils	0	0	0	0	+	0
Air Quality	0	+	0	+	0	-
Noise	0	0	0	+	0	-
Vegetation	0	0	0	+	0	0
Wildlife	0	0	0	+	0	0
Habitats	0	0	0	+	0	0
Water Supply	0	0	0	0	0	0
Aesthetics	0	0	0	+	0	0
Historical/ Archeological	0	0	0	0	0	0
Transportation	0	0	0	0	0	0
Sensitive Receptors	0	+	0	0	0	0
Demographics	0	0	0	0	0	0

KEY: 0 = No Impact / + = Positive Impact / - = Negative Impact

9.3.1 Revised Final Grading Plan

In order to increase the capacity of the landfill, the design of the landfill cap has been modified to include a revised final grading plan over portions of Cells 4, 5, 6A, and 6B. The revised final grading plan has not increased the maximum final cover elevation, 212 feet, but has increased the surface area above which the 212 feet contour exists. The majority of the revised final grading plan covers Cells 4, 6A, and 6B. Also, the final elevation of the primary drainage layer of cells 6A and 6B were lowered by approximately four feet and the final elevation of the primary drainage layer of cell 5 was lowered by approximately two feet. The volume expansion has effectively increased the capacity of the landfill by 1,367,000 cubic yards. The revised final grading plan redesign will not create any additional environmental impacts.

9.3.2 Interior Gas Extraction System

The interior landfill gas extraction system design is being modified to accommodate the increased volume of waste associated with the volume expansion.

9.3.3 Leachate Collection System

A proposed revision to the present leachate collection system is the installation of a leachate recirculation system. A portion of the leachate generated by Cells 3 and 4 would be recirculated by pumping the leachate up to a drainage field at the top of Cells 1A/1B, 2A, and 2B. Leachate recirculation enhances the solid waste decomposition process, reduces the amount of leachate to be treated, and can accelerate the decrease of contaminant concentrations in leachate. Odor is not anticipated to have any impact because the system will be completely underground.

9.3.4 Vegetative Buffer

Lots 1, 2, 3, 4, 18, and 19 on Block 76 are being added to the CCSWC's Solid Waste Permit. These lots will currently be used to expand the vegetative buffer surrounding the landfill. The increase in vegetative buffer provides positive impacts by creating visual screening in addition to buffering noise by increasing the distance between landfilling activities and adjoining areas.

9.3.5 Soil Erosion and Sediment Control Plan

The Soil Erosion and Sediment Control Plan was revised in order to minimize impacts on soils from erosion and to provide for stormwater storage and sediment removal to mitigate the impact of stormwater off site. Revisions to the plan include: constructing an additional sediment basin, basin C; modifying some of the control structures based on the redesigned slopes of the final landfill cover; reducing the number of final cover waterways from 13 to 8; and altering drainage areas so that final cover stormwater runoff is more evenly distributed to the three basins. Basin C will be located north of cell 2B and will cover approximately 165,000 square feet.

9.3.6 Increased Daily Waste Flow

On behalf of the CCIA, JCA prepared a *Traffic and Transportation Engineering Report* (Appendix 9.A) to determine the impact of the additional solid waste vehicles (heavy vehicles) generated by the CCSWC upon traffic circulation at two(2) local intersections. The additional solid waste vehicles would be a result of increased daily waste flow. The Authority plans to increase the solid waste delivered to the landfill from an average of 148,629 tons/yr (1988-1997) to an average of approximately 195,000 tons/yr (1998-closing). The surveyed intersections include Jesse's Bridge Road and the CCSWC driveway, and Sherman Avenue and Jesse's Bridge Road. Vehicle field counts were made on November 20, 1997. These field counts, along with scale data, were used to develop and calculate observed, baseline, and impacted level of service (LOS) designations for the major roadway and the minor roadway. LOS is defined in terms of delay, generally caused by congestion.

Based on the calculated conditions (observed, baseline, and impacted), the intersections under investigation experienced no change in the LOS with the addition of facility generated traffic. Therefore, the results of this traffic evaluation indicate that the proposed increase to 195,000 tons per year at the CCSWC facility will have a negligible impact on traffic circulation in the area.

Also, the Authority has anticipated that the construction of a new scale house and modifications to the convenience center and the ingress and egress roads will be necessary to accommodate the increase in solid waste delivered to the landfill. The increase in waste flow will generate an increase in traffic which warrants the entrance modifications.

APPENDIX B

July 15, 1999
Public Hearing Fact Sheet

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PUBLIC HEARING FACT SHEET

Facility: Cumberland County Sanitary Landfill (Landfill)

Location: Jesse's Bridge Road, Deerfield Township, Cumberland County
Block: 76 Lot(s): 14, 15, 16, 18 and 19; portions of 2, 3, 4

Applicant: Cumberland County Improvement Authority (CCIA)

Facility No.: 0603B1SP01

Waste Types:	Type 10	Municipal waste (household, commercial and institutional)
	Type 13	Bulky waste
	Type 13C	Construction and demolition waste
	Type 23	Vegetative waste except leaves pursuant to N.J.S.A. 13:1E 99.21
	Type 25	Animal and food processing waste
	Type 27	Dry industrial waste
	Type 27A	Waste material consisting of asbestos and asbestos containing waste
	Type 27I	Waste material consisting of incinerator ash or ash containing waste

The New Jersey Solid Waste Management Act (13:1E-1 et seq.) mandates that each New Jersey county and the Hackensack Meadowlands Development Commission "develop and implement a comprehensive solid waste management plan which meets the needs of every municipality within each such county and within the Hackensack Meadowlands District". The approved Cumberland County District Solid Waste Management Plan requires the County to site, design, construct and operate a landfill to meet this legislative mandate. The permit application, submitted by the Cumberland County Improvement Authority (CCIA), represents Cumberland County's commitment to continue to implement their approved District Solid Waste Management Plan.

The Cumberland County Improvement Authority has submitted an application and supporting documents to the Department of Environment Protection (hereinafter "Department") for the continued construction and operation of the existing sanitary landfill; an expansion of the landfill's solid waste disposal capacity; and, an increase in the amount of acreage regulated under the solid waste facility permit.

The Cumberland County Solid Waste Complex (CCSWC) is located on Jesse's Bridge Road in Deerfield Township, Cumberland County, New Jersey. The site is bounded on the north, south and east by farmland and to the west by residential properties. The original solid waste facility permit was issued on December 14, 1985 for a period of five (5) years. The permit was subsequently revised and renewed on December 31, 1990 and July 28, 1997 for additional five (5) year periods. In accordance with Department rules, the current permit action will result in a solid waste facility permit, which will be effective for a five (5) year period from date of issuance.

The total area owned by the Cumberland County Improvement Authority is approximately 356 acres; the CCSWC comprises 172 acres and consists of a 75.5 acre sanitary landfill, a leachate pretreatment facility, a scale house for weighing the solid waste, a material separation facility, a convenience center for county residents, an administration building, various pump houses and stormwater structures. Lots 2, 3, 4, 18 and 19 are included in the total site acreage. The addition of these lots to the Solid Waste Facility Permit will increase the size of the CCSWC by approximately 68 acres to a total of 240 acres.

The Cumberland County Solid Waste Complex is intended to meet the solid waste disposal needs for the entire county. The landfill is open during the hours of 7:30 a.m. to 3:30 p.m. Monday through Friday and from 8:00 a.m. to 12:00 p.m. on Saturday. It is designed as a six (6) phase sanitary landfill with a total estimated capacity of 7.4 million cubic yards. Currently, Phases I, II, III and IV have been constructed and are operating.

Modifications in the Solid Waste Facility permit for this facility are limited to:

1. Vertical Landfill Expansion
2. Addition of Lot Nos. 18, 19 and portions of 2, 3, 4 to the regulated area of the Solid Waste Facility Permit

Expansion of the landfill will be accomplished by revising the final grades of the landfill to make full use of the available airspace. The expansion will not increase the height or footprint of the landfill. The original landfill configuration rose to an elevation of 212 feet above mean sea level (amsl) and had a design capacity of approximately 7.4 million cubic yards. The expansion will not exceed the original 212 feet amsl but will increase the waste disposal capacity by 2.1 million cubic yards. The total design capacity of the landfill will be about 9.5 million cubic yards. The expansion entails modifications to the final cap grades, landfill gas collection system, stormwater structures and the construction of an additional detention basin to handle the increased stormwater flows. In addition, minor changes to the landfill's entrance and exit, including installation of a second truck scale, will be made.

Lots 18 and 19 have been subjected to extensive clearing and excavation by the CCIA. The excavated material has been used as daily and intermediate cover at the landfill. Their inclusion will provide much-needed additional buffer area for the Solid Waste Complex. It will also allow for future use of the lots for solid waste related activities, subject to the applicable regulations in effect at that time.

The portions of lots 2, 3 and 4 to be added to the Solid Waste Facility Permit comprise a total of about 31 acres. The new stormwater detention basin will be constructed on Lot 3. Those parts of lots 2 and 4, which will be added to the permit, are wooded and will provide additional buffer area for the landfill.

The Department has determined that the above changes in the design and operation of the landfill will upgrade or cause no change in the environmental performance of the facility.

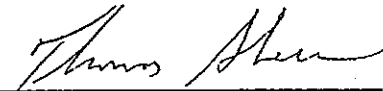
The Department regulates the facility's discharges to ground water under the terms of the New Jersey Pollutant Discharge Elimination System Permits.

Conditions of the permit are taken from the Department's regulations at N.J.A.C. 7:26-1 et seq., and applicable Departmental policy, and are intended to ensure environmentally sound operation of the subject facility. The permit imposes conditions upon the applicant which are intended to regulate, *inter alia*, facility operations and maintenance, noise control, odor control, fire safety, litter control and vector control. The permit also imposes stringent requirements for the construction, testing and certification of various environmental safeguards. The permit is valid for a maximum period of five (5) years from the date of its issuance.

The applicant's engineering designs, facility construction and operational procedures have provided for solid waste management with no significant adverse impact on the environment. The application is fully consistent with the goals and requirements of the New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.). The application is in general conformance with the Division's solid waste regulations set forth at N.J.A.C. 7:26-1 et seq. Based upon its review of the application, the Department has determined that it is technically complete, and therefore, pursuant to N.J.A.C. 7:26-2.4(g) 11, it is **tentatively approved**. The attached draft permit is hereby issued. A final decision regarding this application will be made pending the outcome of the public participation process.

6/10/99

Date



Thomas Sherman

Assistant Director

Office of Permitting and Technical Programs

APPENDIX C

Transcript of July 15, 1999 Public Hearing

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STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
PUBLIC HEARING

IN RE: :

CUMBERLAND COUNTY LANDFILL :

Transcript of proceedings taken at the
Deerfield Township Municipal Building, 736 Landis
Avenue, Rosenhayn, New Jersey, on July 15, 1999,
commencing at 7:30 p.m.

A P P E A R A N C E

1
2 Thomas Sherman, DEP, Hearing Officer
3 Nelson Hausman, Supervising Engineer
4 Mary Anne Goldman, Project Engineer
5 Bernard Germanio, P.E., Chief Engineer
6 Mark Lagatta, P.E., Consulting Engineer
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I N D E X

	<u>SPEAKER</u>	<u>PAGE</u>
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1 MR. SHERMAN: Good evening, ladies and
2 gentlemen, and welcome to this public
3 participation hearing being conducted by the
4 New Jersey Department of Environmental
5 Protection. My name is Thomas Sherman. I
6 am the assistant director of the Office of
7 Permitting and Technical Programs within the
8 Department's Division of Solid and Hazardous
9 Waste. I will be tonight's public hearing
10 officer. With me this evening are Nelson
11 Hausman, supervising environmental engineer
12 and Mary Anne Goldman, project engineer,
13 from the Bureau of Landfill and Recycling
14 Management.

15 Thank you for attending tonight's
16 public hearing. This proceeding is being
17 held to receive comments on the permit
18 application submitted by the Cumberland
19 County Improvement Authority, owner and
20 operator of the Cumberland County Landfill.
21 The application is for the continued
22 construction and operation of the existing
23 landfill; an expansion of the landfill's
24 solid waste disposal capacity; and, an
25 increase in the amount of acreage regulated

1 under the solid waste facility permit.

2 In accordance with Department of
3 Environmental Protection rules, this permit
4 action will result in a solid waste facility
5 permit, which will be effective for a five
6 year period from the date of issuance.

7 About half of the entire 356-acre site
8 owned by the Cumberland County Improvement
9 Authority is devoted to the solid waste
10 complex, 172 acres. The complex houses the
11 75 and a half acre landfill, leachate
12 pretreatment facility, materials separation
13 facility, convenience center, as well as
14 various buildings, pump houses and
15 stormwater structures. Lot numbers 18, 19
16 and portions of 2, 3, and 4 are included in
17 the total site acreage. The addition of
18 these lots to the solid waste facility
19 permit will increase the size of the solid
20 waste complex by approximately 68 acres to a
21 total of 240 acres. A new stormwater
22 detention basin will be constructed on lot
23 three. The remaining lots will provide
24 additional buffer area for the solid waste
25 complex.

1 The landfill is designed to be
2 constructed and operated in six phases. At
3 this time, phases one, two, three and four
4 have been constructed and are operating.
5 The Authority has proposed revisions to the
6 final grading plans for the landfill to
7 fully utilize the airspace up to the
8 approved final elevation of 212 feet above
9 mean sea level. There will be no increase
10 in the height or footprint of the landfill.
11 The resulting increase in capacity comprises
12 the proposed expansion.

13 The Cumberland County Landfill and
14 Cumberland County Improvement Authority is
15 represented here tonight by Bernard
16 Germanio, P.E. Chief Engineer. The
17 Cumberland County Landfill is also
18 represented tonight by Mark Lagatta, P.E.
19 Consulting Engineer with the firm of JCA
20 Associates.

21 The hearing is being held pursuant to
22 N.J.S.A. 13:1E-5.1 and the applicable rules
23 and regulations promulgated by the
24 Department which are contained in the New
25 Jersey Administrative Code Title 7. A fact

1 sheet summarizing the information of the
2 proposed construction and operation of this
3 facility and the issues relevant to this
4 hearing has been prepared by the Department
5 and is available here tonight along with the
6 Cumberland County landfill draft permit.

7 Notice of this hearing was published in
8 the Daily Journal and the Bridgeton Evening
9 News. Copies of the application and
10 supporting documents, fact sheet and the
11 draft solid waste facility permit have been
12 available for inspection during normal
13 business hours at the offices of the
14 Cumberland County Improvement Authority, the
15 Deerfield Township Clerk's office and the
16 Department's Bureau of Landfill and
17 Recycling Management in Trenton. The public
18 comment period will continue for the next 15
19 days until July 30, 1999. As set forth in
20 New Jersey Statutes N.J.S.A. 13:1E-5.1, the
21 Department is hereby providing an
22 opportunity and encouraging the public to
23 ask questions and to comment about your
24 concerns regarding the facility. Your
25 questions and comments may be offered during

1 this hearing or submitted to us in writing
2 at any time throughout the comment period.
3 Written comments may be submitted to my
4 attention at the following address: Thomas
5 Sherman, Assistant Director, New Jersey
6 Department of Environmental Protection
7 Division of Solid and Hazardous Waste, P.O.
8 Box 414, Trenton, New Jersey 08625-0414.

9 The final decision to renew the solid
10 waste facility permit for the Cumberland
11 County Landfill will not be made until the
12 Department has reviewed and responded to all
13 questions and comments that have been raised
14 as a result of these proceedings. A
15 response to comments document will accompany
16 the final decision made by the Department.

17 Anyone who would like to have a copy of
18 the transcript of this hearing should make
19 arrangements directly with the
20 stenographer. Copies of the fact sheet and
21 the draft versions of the solid waste
22 facility permit for this proposed facility
23 are available at the registration desk.

24 Finally, please note that this is a
25 public hearing and not an adversarial

1 proceeding. Commenters will not be sworn in
2 and debate will not be permitted. Any
3 person who wishes to present comments
4 relevant to the issues under consideration
5 will be heard. Commenters who have copies
6 of written statements are requested to leave
7 them with the stenographer. Questions that
8 may be expeditiously answered tonight will
9 be. Otherwise, a written response will be
10 provided in the Department's response to
11 comments document.

12 The regulations require that the
13 applicant attend the public hearing to
14 answer questions from the public. However,
15 I request that you direct all questions to
16 me as the hearing officer. If the question
17 is relevant to the issues of this hearing, I
18 may direct the applicant to respond.

19 Persons who wish to testify should fill
20 out a registration card at the registration
21 desk. When I call your name, please come
22 forward to the microphone and state your
23 name, please spell it for the benefit of the
24 stenographer.

25 At this time I would like to call the

1 first speaker. I have no one registered to
2 speak. Is there anyone who cares to comment
3 on the record on this? I see no one
4 indicating so, and I note that it is now by
5 the wall clock 20 to 8, which is 40 minutes
6 after this hearing was scheduled to start
7 and so I will declare the hearing closed at
8 7:41 p.m.

9 (The hearing adjourned at 7:41 p.m.)

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C E R T I F I C A T E

I, BARBARA L. CALDWELL, Certified
Shorthand Reporter, of the State of New Jersey,
do hereby certify that the foregoing is a true
and accurate transcript of the proceeding.

Barbara L. Caldwell

BARBARA L. CALDWELL, CSR

LICENSE NO. XIO1939

This transcript is not to be copied unless
under the direct control and supervision of the
certifying reporter.

DATE: July 20, 1999

RICHARD A. MERLINO & ASSOCIATES
7 MONTAGUE AVENUE
TRENTON, NEW JERSEY 08628
(609) 883-7707

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APPENDIX D

Estimate of Landfill Utilization

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Appendix D
Cumberland County Improvement Authority
Estimate of Landfill Utilization including Phase V Volume Expansion

Year	Solid Waste Delivered (tons/yr.)	MSF(1) Residue (tons/yr.)	Waste(2) Landfilled (tons/yr.)	Amend No. 15 Waste (tons/yr.)	Total Waste Landfilled (tons/yr.)	Waste Landfilled (cu.yd./yr.)	Cover Soil (cu.yd./yr.)	Volume Consumed (cu.yd./yr.)	Cumulative Volume Consumed (cu.yd.)	Volume at Year Start (cu.yd.)	Volume (3) Added (cu.yd.)	Phase Label	Volume at Year End (cu.yd.)
1987	30,873	0	30,873	0	30,873	36,415	17,975	54,391	54,391	0	710,000	I	655,609
1988	182,159	0	182,159	0	182,159	189,474	76,834	266,308	320,699	655,609			369,301
1989	179,243	0	179,243	0	179,243	291,799	79,183	370,982	691,681	339,301			18,319
1990	157,385	0	157,385	0	157,385	155,986	67,117	223,103	914,784	18,319	1,006,000	II	801,216
1991	136,150	2,942	139,092	0	139,092	185,879	61,230	247,109	1,161,893	801,216			554,107
1992	136,776	1,234	138,010	0	138,010	152,293	65,686	217,979	1,379,872	554,107			336,128
1993	137,548	1,377	139,025	0	139,025	170,502	77,345	247,847	1,627,719	336,128	1,035,000	III	1,123,281
1994	144,721	1,294	146,015	0	146,015	198,194	70,805	268,999	1,896,718	1,123,281			854,282
1995	141,205	1,232	142,437	0	142,437	167,083	57,486	224,569	2,121,287	854,282			629,713
1996	144,564	1,111	145,675	0	145,675	124,392	51,165	175,557	2,296,844	629,713	1,904,000	IV	2,358,156
1997	145,438	452	145,890	0	145,890	178,568	63,088	241,656	2,538,500	2,358,156			2,116,500
1998	138,280	595	138,875	0	138,875	169,982	82,992	252,974	2,791,474	2,116,500			1,863,526
1999	172,123	457	172,580	0	172,580	211,236	65,197	276,433	3,067,907	1,863,526			1,587,093
2000	145,000	457	145,457	50,000	195,457	239,237	73,840	313,077	3,380,984	1,587,093			1,274,016
2001	145,000	457	145,457	50,000	195,457	239,237	73,840	313,077	3,694,061	1,274,016			960,939
2002	145,000	457	145,457	50,000	195,457	239,237	73,840	313,077	4,007,138	960,939	4,948,500	V (Cells 5,6A,6B)	5,596,362
2003	145,000	457	145,457	50,000	195,457	239,237	73,840	313,077	4,320,216	5,596,362			5,283,284
2004	145,000	457	145,457	50,000	195,457	239,237	73,840	313,077	4,633,293	5,283,284			4,970,207
2005	145,000	457	145,457	50,000	195,457	239,237	73,840	313,077	4,946,370	4,970,207			4,657,130
2006	145,000	457	145,457	50,000	195,457	239,237	73,840	313,077	5,259,447	4,657,130			4,344,053
2007	145,000	457	145,457	50,000	195,457	239,237	73,840	313,077	5,572,524	4,344,053			4,030,976
2008	145,000	457	145,457	50,000	195,457	239,237	73,840	313,077	5,885,601	4,030,976			3,717,899
2009	145,000	457	145,457	50,000	195,457	239,237	73,840	313,077	6,198,679	3,717,899			3,404,821
2010	145,000	457	145,457	50,000	195,457	239,237	73,840	313,077	6,511,756	3,404,821			3,091,744
2011	145,000	457	145,457	50,000	195,457	239,237	73,840	313,077	6,824,833	3,091,744			2,778,667
2012	145,000	457	145,457	50,000	195,457	239,237	73,840	313,077	7,137,910	2,778,667			2,465,590
2013	145,000	457	145,457	50,000	195,457	239,237	73,840	313,077	7,450,987	2,465,590			2,152,513
2014	145,000	457	145,457	50,000	195,457	239,237	73,840	313,077	7,764,064	2,152,513			1,839,436
2015	145,000	457	145,457	50,000	195,457	239,237	73,840	313,077	8,077,141	1,839,436			1,526,359
2016	145,000	457	145,457	50,000	195,457	239,237	73,840	313,077	8,390,219	1,526,359			1,213,281
2017	145,000	457	145,457	50,000	195,457	239,237	73,840	313,077	8,703,296	1,213,281			900,204
2018	145,000	457	145,457	50,000	195,457	239,237	73,840	313,077	9,016,373	900,204			587,127
2019	145,000	457	145,457	50,000	195,457	239,237	73,840	313,077	9,329,450	587,127			274,050
2020	145,000	457	145,457	0	145,457	178,038	54,951	232,989	9,562,439	274,050			41,061
Total	5,371,355	20,291	5,391,646	1,000,000	6,391,646	7,194,551	2,367,848	5,562,439	9,603,508				

ASSUMPTIONS:
1.634
27.25%
2,500
1,898
17.8%

NOTES:
(1) The Material Separating Facility became operational in November of 1990. Residue from this facility is disposed of in the landfill. The MSF quantities are based on average rates of existing recycling quantities for years 1991 through 1997. The MSF Residue is 500 tons/yr for the remainder of operations per CCA's request.
(2) The waste quantities for years 1987 through 1997 are actual quantities received by the CCA.
(3) The volume added for Phase IV is calculated from the top of the 5.5 ft. layer of Auto Shredder Fluff which is used as a protective cover over the liner system.

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APPENDIX E

State of New Jersey
Department of Environmental Protection
Letter Dated - January 19, 2000

RE: Cumberland County Landfill
Revised Financial Schedule

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State of New Jersey

Christine Todd Whitman
Governor

Department of Environmental Protection

Robert C. Shinn, Jr.
Commissioner

Office of the Commissioner
P.O. Box 402
Trenton, NJ 08625-0402
Tel. # 609-292-2885
Fax. # 609-292-7695

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 JANUARY 15, 1998
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 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 January 15, 1998, adopted an amendment to its approved County Plan.

The amendment represents the County's response to the May 1, 1997 decision of the United States Court of Appeals for the Third Circuit which declared unconstitutional New Jersey's historic system of solid waste flow control. [See Atlantic Coast Demolition and Recycling, Inc. v. Board of Chosen Freeholders of Atlantic County et al. 112 F.3d 652 (3d Cir. 1997, cert. den., November 10, 1997).] Specifically, each solid waste management district must reevaluate its solid waste disposal strategy in light of this recent court decision and, if necessary, initiate appropriate amendments thereto.

In general, the Department refers the County to the solid waste regulations at N.J.A.C. 7:26-1 et seq. to the extent they relate to specific procedural and substantive issues addressed in this and subsequent plan amendments. In addition, this certification is in no way intended by the DEP to represent a legal determination regarding the effect of the Atlantic Coast decision on any specific contract between public and/or private parties.

The January 15, 1998 amendment proposes a market participant strategy which provides for voluntary delivery of solid waste to the Cumberland County Solid Waste Complex landfill.

The amendment was received by the Department on February 11, 1998, and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this amendment on an expedited basis and has determined that the amendment adopted by the County Freeholders on January 15, 1998 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 January 15, 1998 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 plan amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the issue of concern relative to the January 15, 1998 amendment which is included in Section B.2. below.

In conjunction with the review of the amendment, the Department circulated copies to sixteen 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 Compliance and Enforcement, DEP
Division of Solid and Hazardous Waste, 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
Department of Treasury
U.S. Environmental Protection Agency

1. Agency Participation in the Review of the January 15, 1998 Amendment

The following agencies did not object to the proposed amendment

Division of Compliance and Enforcement, DEP
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Transportation

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

Division of Parks and Forestry, DEP
Division of Fish, Game and Wildlife, 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
Department of Health
Department of Community Affairs
Department of Treasury
U.S. Environmental Protection Agency

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

Division of Solid and Hazardous Waste, DEP

2. Issue of Concern Regarding the January 15, 1998 Amendment

Issue: Market Participant Strategy

Continued access to the Cumberland County Improvement Authority's (CCIA or Improvement Authority) solid waste management system will be made available on a voluntary participation basis through the execution of contracts with the County's fourteen municipalities; private collectors/haulers; and governmental, private or institutional generators of waste.

Upon execution of a contract with a municipality, the CCIA shall offer:

- *disposal capacity;
- *processing and marketing of recyclables;
- *access to a minimum of one annual Household Hazardous Waste Collection event;
- *free disposal of roadside litter, and limited amounts of bulky waste and demolition debris;
- *program support; and
- *pro-rata rebate of revenues from recycling program (as long as no statewide recycling tax is in effect.)

The amendment proposes that municipalities that do not elect to utilize the Cumberland County Solid Waste Complex landfill shall not receive any above noted services of the system. Further, if a municipality does not execute a disposal contract with the CCIA before a date to be specified by the CCIA, and later seeks to utilize the system, the Improvement Authority may assess a fee in excess of the fee charged to municipalities which did execute contracts by the specified date. The CCIA will execute contracts with private collector/haulers and waste generators to provide disposal but no other services. Within Section C. of this certification, the Department approves the County's market participant strategy.

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 district solid waste management plans, I have reviewed the January 15, 1998 amendment to the approved County Plan and certify to the County Freeholders that the January 15, 1998 amendment is approved as further specified below.

The County Plan inclusion of a market participant strategy which provides for voluntary delivery of solid waste to the Cumberland County Solid Waste Complex landfill, as described above in Section B.2., is approved.

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 District 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 waste, sewage sludge, septage, and hazardous waste. 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 the Implementation of the Plan 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 approved amendment to the County Plan contained herein shall take effect immediately.

7. Reservation of Authority

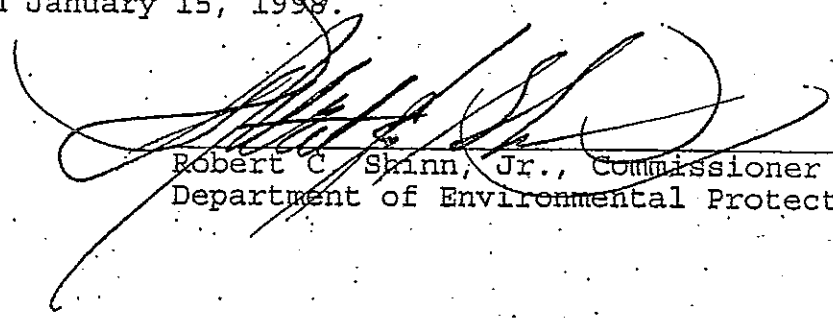
Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan, with appendices, which includes the Department's 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 January 15, 1998.

Date

4/24/98


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

APPENDIX G

Minutes of Cumberland County
Solid Waste Advisory Council Meeting

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Solid Waste Advisory Council Meeting Minutes

April 17, 2000 - 6:00 PM

ATTENDEES

SWAC MEMBERS

Tom Walkup, City of Millville
George Luciano, Jr., Cumberland Recycling Corporation of SJ
Mayor Anthony Campanella, City of Vineland
Mayor George Garrison, Commercial Township
Charles Mistretta, Waste Management of SJ, Inc.
Mayor Elmer Bowman, Lawrence Township
Blake G. Maloney, Cumberland County Utilities Authority
Mayor Carol Musso, Deerfield Township
Mayor Harold Bickings, Hopewell Township
Mayor Les Lupton, Downe Township
Tim Jacobsen, Environmental Task Force
Mayor Howard Scull, Shiloh Borough
Elaine Davis, ACS Services t/a MacKay Disposal
Joseph Giordano, Giordano's Vineland Scrap Material
Delmo Cifaloglio, Cifaloglio, Inc.
Viola Thomas, Fairfield Township
Donna Pearson, Freeholder Liaison
Steven Wymbs, Cumberland County Improvement Authority
Bernard Germanio, Cumberland County Improvement Authority

OTHER INTERESTED PARTIES

Anatol Vasiliev, City of Vineland
Darrell Martin, Waste Management of SJ, Inc.
Francis Reuss, Kavesh, Pancari, Tedesco & Pancari
Steve Mayo, Kennedy Concrete, Inc.
George Luciano, Sr., Cumberland Recycling Corporation
Robert P Luciano, Sr., Federal Disposal
David DeClement
Joann Wiley

Mr. Wymbs opened the meeting by stating that he was pleased to have a large number of SWAC members in attendance to discuss the important issues in Plan Amendment No. 15.

APPROVAL OF MINUTES OF JULY 14, 1999 MEETING

Mr. Wymbs asked for a motion to approve the meeting of July 14, 1999 if there were no changes or corrections to the minutes.

Mr. Germanio made a motion that the minutes be approved.

Mr. Maloney seconded the motion.

The minutes of the July 14, 1999 meeting were approved unanimously.

BY-LAWS

Mr. Wymbs stated that a copy of the By-Laws as amended and approved at the July 14, 1999 meeting was included in the packets sent to the SWAC Members. The By-Laws will now be forwarded on to the Board of Chosen Freeholders for their approval.

UPDATE ON WASTE FLOW DEREGULATION

Mr. Wymbs stated that since waste flow was deregulated in November 1997, the 22 Solid Waste Districts in New Jersey have taken a variety of options in how they handle solid waste in a competitive market place. Cumberland County chose to become a market participant instead of imposing an Environmental Investment Charge (EIC). As a market participant, the tipping fee at the landfill was reduced by the amount of the debt service, which resulted in our receiving 172,000 tons of waste in 1999, instead of the 136,000 tons originally projected and reduced an anticipated loss of \$2.3 million in 1999 to \$300,000.

Mr. Wymbs further indicated that the Volume expansion component of Plan Amendment No. 15 would allow us to accept an increased volume of waste at the landfill while still maintaining sufficient space for waste disposal for Cumberland County until the year 2021.

Mr. Wymbs asked if anyone had questions on waste flow.

DISCUSSION ON PROPOSED PLAN AMENDMENT #15

Mr. Wymbs explained that there are three issues in Plan Amendment #15. First is the Cumberland County Improvement Authority's proposal for a volume expansion and a debt service protection plan. Second is Federal Disposal, Inc.'s application for a recycling and transfer station facility and the third is for Kennedy Concrete's inclusion as recycling facility to be able to crush concrete.

Mr. Germanio commented that along with the volume expansion and the debt service protection plan there are additional property being added to the permitted Solid Waste Facility.

Mr. Wymbs stated that after all presentations are made that the separate votes would be taken on each of the three issues within the plan amendment so as not to exclude any member who has a conflict with one issue from voting on the remaining issues.

Mr. Wymbs asked Mr. Germanio how the issues were listed in the plan amendment.

Mr. Germanio stated that there are five issues listed in the amendment; the volume expansion; multifaceted (debt service protection) plan; the additional properties; the Kennedy Concrete application and; the Federal Disposal application.

Volume Expansion

Mr. Wymbs explained that when the landfill permit was renewed (in 1990) the bottom liner system of the landfill in cells not yet constructed (Cells 3, 4, 5, 6A and 6B) was able to be lowered and still maintain a minimum separation of five feet to the seasonal high groundwater table. At the same time the final elevations in cells 5, 6A and 6B were lowered to keep the volume the same as the originally permitted volume. We are now seeking an increase of 1.4 million tons to the permitted volume by filling to the original final elevations and by using the latest technology to revise the bottom liner system to replace the two-foot clay layer. This latest technology in liner systems gains us 18 inches of air space. This volume increase does not increase the construction cost of the remaining cells and does not exceed the permitted maximum elevation of the landfill.

Debt Service Protection Plan

Mr. Wymbs explained that when the Cumberland County Improvement Authority lowered the tipping fee by the debt service component of \$17.21 per ton, we did not know where the revenue to pay for the debt service was going to come from. We devised a plan in which the first component is to contract out, either in part or in whole, for the disposal rights of 1 million tons of the 1.4 million ton volume increase. The waste is to be disposed of at the rate of 50,000 tons per year over a 20-year period.

The remaining debt service obligation is presently at \$16.6 million.

Mr. Wymbs continued by stating that Landfill Closure Fund would be grossly over funded by the continued payment into the fund at the current rate for an additional 1.4 million tons. Mr. Wymbs explained that we met with NJDEP to show how the Closure Fund would be over funded by \$8 million and that the NJDEP has preliminarily given their approval to the second component of the proposed debt service protection plan, which is to borrow \$5 million from the Closure Fund. There are a few minor questions we are responding to but we do not consider them to be a problem.

These two components will give the Authority approximately \$10 million and along with The Improvement Authority's unreserved-undesignated retained earnings, will be sufficient to pay for almost all the remaining debt service obligations, which are scheduled to be paid off in 2008.

The State of New Jersey has already seen the plan and is in favor of it because Cumberland County has come up with a plan that does not require state subsidies.

Additional Properties

Mr. Wymbs stated that over the years, the Improvement Authority has purchased additional property as a source of daily cover material for use at the landfill and to provide additional buffer to the landfill. These additional properties are not presently included as part of the permitted Solid Waste Facility and we are now want to include these properties as part of the permitted facility to increase our buffer area and expand our storm water detention system.

Mr. Wymbs asked if there were any questions.

Mr. Germanio stated a public hearing was conducted By NJDEP on the Volume Expansion and the addition of property to the permitted facility in July 1999 at the municipal building in Deerfield Township.

Mr. Maloney asked if Deerfield Township agreed to the purchasing of the additional properties. Mr. Wymbs stated that the latest property purchased was in 1992 and that Deerfield Township was aware that we were purchasing the property. Mr. Wymbs advised that it has been the philosophy of the Improvement Authority to purchase property surrounding the landfill, as it becomes available, to

provide additional buffer. Mr. Wymbs further pointed out that there have been seven new homes built adjacent to the landfill in the last 13 years and we have not had one complaint yet.

Mr. Giordano asked what the expected life of the landfill is.

Mr. Wymbs stated that the landfill is projected to serve our needs through the year 2021 at 200,000 tons a year

Mr. George Luciano, Jr. asked if the 18 inches gained by redesign of the liner system was gained by going deeper.

Mr. Wymbs replied no, explaining that the 18 inches gained was by eliminating 2-feet of clay and replacing it with geo-composite liners offering the same or better protection.

Mr. Luciano then asked if this is what gave the Authority the million tons volume increase.

Mr. Wymbs stated no, that the volume increase was a result of lowering the bottom of the landfill a number of years ago.

Inclusion of Kennedy Concrete

Mr. Wymbs asked Mr. Ruess (the attorney for Kennedy Concrete) if he wanted to make a presentation of the application.

Mr. Ruess introduced himself and stated that Kennedy Concrete, Inc. is located on East Avenue in Vineland and would like to establish a concrete recycling business at that location. He indicated that Kennedy Concrete went before the Vineland Zoning Board and received the required use variances and site plan approval. Kennedy Concrete wants to take concrete rubble with minimal amounts of steel and crush the concrete into dense grade aggregate (DGA) which in turn could be used for the base courses for paving as well as for residential driveways.

Currently, the owner of Kennedy Concrete, Inc. has another company located toward the shore, known as Action Concrete, which already operates a concrete recycling facility. The Kennedy Concrete Facility will be similar in nature except that a mobile crushing unit, having a capacity of

800 to 1200 tons per eight hour work day, will come out to the site approximately five days per month to crush concrete. The facility as part of its application with the City of Vineland is limited in its hours of operation to Monday through Friday from 7:00 AM to 4:30 PM and on Saturday 7:00 AM to 11:30 AM.

Mr. Wymbs asked if anyone had any questions.

Mr. Maloney asked if Kennedy Concrete would be taking in outside concrete for crushing.

Mr. Ruess replied that they would be accepting concrete from outside sources and the crushed concrete would be sold for either road base or for residential driveways in lieu of gravel base.

Mr. Maloney asked if Kennedy Concrete has many customers in Cumberland County.

Mr. Ruess stated that Kennedy Concrete has customers in Cumberland County and that they have letters of interest from the City of Vineland, from Harold Brown, Jr., Trucking and R. E. Cummines, Inc. that is located in Vineland.

Mr. Maloney asked if there would be a charge for dumping the concrete.

Mr. Ruess introduced the manager of Kennedy Concrete, Inc., Mr. Steven Mayo who stated that they would charge a fee.

Mr. Maloney asked if it was per ton basis or per truckload.

Mr. Mayo stated that it would be on a per ton basis.

Mr. Ruess asked if there were any other questions.

Mr. Wymbs stated that there are a number of facilities throughout Cumberland County that have an approval to accept concrete and crush it on site and that there are also a number of mobile crushers that are permitted to go from site to site.

Mr. Maloney asked if we had any control over what price they want to charge.

Mr. Wymbs stated that it is competitive in nature and that SWAC does not involve itself in that portion of an application. He further stated that we are here to decide whether or not it is consistent with the County Plan.

Federal Disposal, Inc.

Mr. Wymbs stated that the next portion of the meeting would be a presentation by representatives of Federal Disposal, Inc., for inclusion in the Solid Waste Management Plan as a Class A/Class B recycling facility and a material recovery/transfer station. We have representatives who are here on behalf for them.

Mr. Robert P. Luciano, Sr. introduced himself as the President of Federal Disposal Inc., thanked everyone for coming to the meeting.

Mr. Luciano stated that Mr. David DeClement would make the presentation on Federal Disposal's application and that Mr. DeClement and Ms. Joann Wiley would then answer any technical questions.

Mr. DeClement stated that he is an attorney and an engineer and that he concentrates in representing people in the solid waste industry. He stated that he hoped that everyone was mailed the application and had an opportunity to review it. Mr. DeClement indicated that Federal Disposal's application is for inclusion into the Solid Waste Management Plan for a Class A/Class B Recycling Center and for a Material Recovery Facility/Transfer Station. The site is currently in the B3-Non-Hazardous Waste Reduction Facility Zone. The goal of this facility is to take source separated recyclables that are Class B recyclables into the facility and to take waste types 10, 27 and 13C and remove the recyclables from the waste, which are inappropriate for landfilling or incineration. The non-processable materials would then be taken to their final destination, which is the landfill. Mr. DeClement added that inclusion in the Solid Waste Management Plan would allow Federal Disposal an opportunity to apply to the State of New Jersey for the necessary permits.

Mr. Wymbs asked Mr. DeClement to clarify the location of the proposed facilities.

Mr. DeClement stated that the property is located on West Chestnut Avenue and Mill Road.

Mr. Mistretta asked who would be able to tip at this facility.

Mr. DeClement stated that there are two types of facilities as regards tipping. There is the sole source facility where only the permittee may tip, and a facility that has a third party tariff where haulers other than the permittee may tip. He added that the proposed Federal Facility operation it will be a sole source facility, accepting only Federal Disposal trucks until it reaches sufficient permitted tonnage to be able to have a third party tariff.

Mr. Mistretta asked if Federal Disposal would be able to meet 600 tons per day.

Mr. DeClement stated that there are two parts to the application. The first part is for the Class B facility. The second part is for a 600 ton per day transfer station. Since this is the planning process, 600 ton per day is being requested as the maximum build out so that the applicant does not have to continually come back to SWAC every time it does a permit modification for an increase in tonnage. Every permit modification for an increase in tonnage would actually come back to the implementing authority, which is Cumberland County Improvement Authority for approval.

Mr. Mistretta asked if once the permit is approved will Federal Disposal be the only one to be able to tip.

Mr. DeClement stated that unless they apply for and obtain a third party tariff only Federal Disposal will be able to tip at the facility. He explained that tariff applications are different from the permit application in that a rate would have to be set. He added that the tariff is a non-discriminatory event, which means you would have to allow any one to tip, without exclusion.

Mr. Mistretta asked would they have to come back to this Board for permission for other haulers to tip once they got their third party tariff.

Mr. DeClement stated that it would be up to NJDEP but they would have to give public notice at that point and the Board would be able to voice its opinion through the public notice procedure.

Mr. Maloney asked what percentage do you anticipate coming from the county, the State of New Jersey and outside of the State coming into the facility.

Mr. DeClement stated that the counties are enumerated in the application and that it was his understanding that Gloucester County's waste flow was for Type 10 waste coming from municipalities.

Mr. Wymbs commented that Gloucester County did not control waste flow of commercial waste.

Mr. DeClement continued that Federal Disposal intends to accept Type 10 waste whether it is commercial or municipal at the facility and that they are anticipating taking in waste from Atlantic, Cumberland, Salem and Gloucester. I do not know the percentage at this time.

Mr. Maloney asked if they knew the percentage for the region.

Mr. DeClement stated that he does not anticipate waste coming to the facility from out of state and estimated that approximately 90% of the waste would be from the region.

Mr. Maloney asked where the waste (residue) from the facility would go, and what percentage.

Mr. DeClement stated that 100% of the waste (residue) would go to the Cumberland County Landfill once the recyclable materials are extracted from the waste, which is in keeping with the State's mandate on recycling.

Mr. DeClement asked if the landfill takes C&D waste.

Mr. Wymbs stated that we do accept C&D waste but we are not in the market place to entice construction and demolition debris into our facility.

Mr. DeClement commented that the one nice thing about Type 10 Waste is that it compacts whereas C&D waste will not compact as well. He further commented that the Cumberland County Landfill has a leachate collection system to be able to handle Type 10 Waste.

Mr. Wymbs stated that sister counties have gone out and actively marketed their facilities as construction and demolition debris landfills. One county has been receiving as much as 2,000 tons of waste per day and has severely limited the landfill space they will have for the future. They now have to build new cells at a very rapid rate at a greater cost than anticipated.

Mr. DeClement commented that it is a self-defeating because they are selling off space cheaper than they can the cost to replace it.

Mr. Wymbs stated that in response to one of Mr. Maloney's questions, the plan amendment designates the Cumberland County Solid Waste Complex as the disposal site for the residue waste from the material recovery facility/transfer station, which continues to protect the debt service and revenue stream of the Authority.

Mr. DeClement stated that the theory is to take those materials that are a marketable, recyclable commodity out of the waste stream.

Mr. Wymbs stated that a number of years ago, the Solid Waste Management Plan provided for the construction of a material separating facility and a bulky waste separating facility at the solid waste complex, which have since been removed from the plan. The philosophies of the Improvement Authority have been, and will continue to be; "If the private sector can do it better than we can, then the private sector should do it and we should be there to make up in the areas where the private sector is either not interest or loses money doing it." We believe that this is government's role in any type of activity. When this type of application is proposed and there is a continuation of the State's goals of increased recycling, as long as our revenue streams are protected, facilities of this nature are not against the philosophies of what we continue to try to provide.

Mr. Maloney stated that his next question was since they are taking out recyclables from our waste stream how dependent are we on needing those recyclables for the survival of our facility?

Mr. Wymbs asked Mr. DeClement to give a brief overview about the percentage of recyclables that may come out of that stream, based on his experience.

Mr. DeClement stated that generally less than 10% recyclables are recovered with the main recyclable being cardboard.

Freeholder Pearson questioned the acceptance of tires at the facility.

Mr. DeClement stated that Federal Disposal has no desire to accept tires. He explained that tires are generally a bi-product of the material recovery facility and unfortunately some may be received in a

load of waste. He stated that tires have to be stored in a container and then tarped to prevent mosquitoes.

Mr. Luciano asked what does the Authority have to do to take tires and if they have to be cut.

Mr. Wymbs stated that they do not have to be cut. While we do not like to accept tires, we do accept them for a fee based on whether it is a residential car tire or a truck tire.

Ms. Davis asked Mr. Wymbs how the Authority currently stores tires.

Mr. Wymbs stated that we store them on the transfer pad and load them as quickly as possible into containers and ship them out.

Mr. DeClement stated that under State regulations for a facility such as the material recovery facility/transfer station, that must be stored in containers and tarped.

Mr. Giordano asked if the tires were chipped really fine would they be accepted at the landfill.

Mr. Wymbs stated that if they were chipped up we probably would not recognize them in a load and if there were a load of chips I would ask you not to bring them to the facility to be disposed.

Mr. Luciano asked if there were a load tires that was brought into the facility whole, would the Authority be using them to hold down the tarps.

Mr. Wymbs stated that we have used them in the past to hold down the temporary covers but the number of tires required is a minimal quantity compared to the number that the Authority receives yearly. The Authority receives approximately 9,000 to 10,000 tires yearly.

Mr. Germanio commented that instead of a whole truck tires coming into the Solid Waste Complex, we recommend that they be taken directly to a tire recycling facility.

Mr. Wymbs stated that when we receive a call asking where they can take tires the Authority recommends that they take them directly to a tire recycler and provides them with the names of recyclers.

Mr. Luciano asked Mr. DeClement if the 10% reduction was by weight.

Mr. DeClement replied that it was by weight.

Ms. Davis commented that every little bit of waste that is removed from the waste stream extends the life of the landfill.

Mr. Wymbs stated that that was correct.

Mr. Wymbs commented to Mr. DeClement that he mentioned that the facility would be a sole source facility and that the application does not mentioned anything about an A-901 license associated with the owner of the facility. He asked Mr. DeClement if the license had been applied for.

Mr. DeClement stated that Federal Disposal has applied for the A-901 license and the license has been approved.

Mr. Wymbs commented so there is an actual source that can be referred to.

Mr. DeClement stated that for the transfer station there is a separate A-901 that cannot be applied for until you get to the permitting process. You can be a hauler, but you can't apply for an A-901 for the transfer station until you apply for a transfer station permit.

Mr. Wymbs asked if anyone had any additional questions.

Mr. Wymbs stated that SWAC is looked upon by statute as the advisory board to the Cumberland County Board of Chosen Freeholders. After SWAC votes on the Plan Amendment, The Amendment goes before the Improvement Authority Board, who reviews and the recommendation of SWAC for forwarding to the Board of Chosen Freeholders. Portions of the application as in the Cumberland County Improvement Authority's request for the volume expansion and debt service protection and inclusion of certain properties have required us to advertise an upcoming public hearing. At their May 11th meeting, the Board of Chosen Freeholders will conduct a public hearing of which a transcript will be made.

Mr. Wymbs asked if there were any other questions or discussion points.

Mr. Wymbs suggested voting on the individual issues in the amendment so that every member may vote in the areas in which they do not have a conflict.

Mr. Jacobsen asked if it was in five parts.

Mr. Germanio stated that there are five parts.

Mr. Giordano asked Mr. Wymbs if a motion is needed.

Mr. Wymbs stated that he would like a motion to divide the application.

Mr. Giordano asked if you wanted to singularly or as a whole if everyone is agreeable.

Mr. Wymbs commented that there is one person that has to recuse himself from one portion of Plan Amendment No. 15 because he is related to one of the applicants.

Freeholder Pearson stated that we could vote on Plan Amendment No. 15 as one vote and that the individual with the conflict could vote, excepting the portion that is in conflict.

Mr. Wymbs stated that if we want to incorporate all five issues as one motion as Freeholder Pearson points out, the individual may recuse himself from the issue in conflict.

A motion was made by Mayor Bickings and seconded by Mayor Bowman that all five issues be include in one motion.

The motion was approved unanimously.

Mr. Wymbs asked for a motion for the approval or denial of Plan amendment No 15, which includes the Landfill Volume Expansion, Solid Waste Management Disposal Program, Adding Additional Properties to the Permitted Landfill Area, the Inclusion of Kennedy Concrete, Inc. as a

Class B recycling facility and the inclusion of Federal Disposal, Inc. as a Class A/Class B Recycling Facility and Material Recovery Facility/Transfer Station.

The motion was made by Mayor Campanella and seconded by Mayor Bickings

Mr. Wymbs requested a role call of all SWAC members.

ROLE CALL VOTE:

Mayor Anthony Campanella, City of Vineland	Yes
George Luciano, Jr., Cumberland Recycling Corporation;	Yes (except for the Federal Disposal application on which he abstained due to conflict of interest)
Tom Walkup, City of Millville	Yes
Delmo Cifaloglio, Cifaloglio, Inc.	Yes
Joseph Giordano; Giordano Vineland Scrap Material Co.	Yes
Elaine Davis, ACS Services t/a MacKay Disposal	Yes
Mayor Howard Scull, Shiloh Borough	Yes
Bernard Germanio, Cumberland County Improvement Authority	Yes
Tim Jacobsen, Environmental Task Force	Yes
Mayor Les Lupton, Downe Township	Yes
Mayor Harold Bickings, Hopewell Township	Yes
Mayor Carol Musso, Deerfield Township	Yes
Mayor Elmer Bowman, Lawrence Township	Yes
Charles Mistretta, Waste Management of South Jersey, Inc.	No
Mayor George Garrison, Commercial Township	Yes
Blake Maloney, Cumberland County Utilities Authority	Yes
Steven Wymbs, Cumberland County Improvement Authority	Yes
Viola Thomas, Fairfield Township	Yes

Mr. Wymbs stated that in accordance with the by-laws, a majority consists of a majority of those members present at the meeting, and the motion for the approval of Plan Amendment No.15 carries.

Mr. Wymbs stated that he thanked everyone for their input and for attending.

Adjournment

A motion to adjourn was made by Mayor Scull and seconded by Viola Thomas.

The motion was approved unanimously

APPENDIX H

Improvement Authority Approval

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Cumberland County Improvement Authority

	Yes	No	Abstain	Absent
KELLY	X			
LIPPINCOTT	X			
CURLISS	X			
MILLER	X			
BIONDI	X			

Resolution Number: 2000-033
Dated: April 25, 2000
Offered By: Mr. Biondi
Seconded By: Mrs. Curliss

**RECOMMENDING ADOPTION BY THE CUMBERLAND COUNTY BOARD OF CHOSEN
FREEHOLDERS OF PROPOSED AMENDMENT NO. 15 TO THE CUMBERLAND COUNTY
SOLID WASTE MANAGEMENT PLAN**

WHEREAS, this Authority has been duly appointed by the Board of Chosen Freeholders to recommend amendments to the Cumberland County Solid Waste Management Plan when deemed necessary; and,

WHEREAS, the Authority has prepared proposed Amendment No. 15 to the Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CUMBERLAND COUNTY IMPROVEMENT AUTHORITY, as follows:

1. That this Authority hereby approves proposed Amendment No. 15 to the Cumberland County Solid Waste Management Plan and recommends adoption of the Amendment by the Cumberland County Board of Chosen Freeholders in accordance with the statute.

Passed and adopted at a meeting of the Cumberland County Improvement Authority held at its office at 2 West Vine Street, Millville, New Jersey, on Tuesday, April 25, 2000 at 5 PM prevailing time.

Dated: April 25, 2000

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APPENDIX I

Public Hearing Notice

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LEGAL AFFIDAVIT

State of New Jersey, }
County of Atlantic, } ss.

DORIS D THORNTON

of lawful age, being duly sworn according

to law, doth depose and say that I am an employee of THE PRESS of Atlantic City, a newspaper printed and published in Pleasantville in said County and State, and distributed in the following counties: Atlantic, Camden, Cape May, Cumberland, Gloucester and Ocean County and mailed to all parts of the State of New Jersey, the United States and foreign countries and that the notice of which the annexed is a true copy, has been published in said newspaper on APRIL 17, 24, 2000



Sworn to and subscribed before me this

25th day of

APRIL, 19* 2000

PUBLIC NOTICE

The County of Cumberland proposes to amend the Cumberland County Solid Waste Management Program (SWMP or County Plan) pursuant to the requirements of the New Jersey Solid Waste Management Act (N.J.S.A. 13:15-1 et seq.). The New Jersey Solid Waste Management Act (the Act) designates each county in the State and the Hackensack Meadows District as solid waste management districts, and provides each county and the Hackensack Meadows District with the authority to develop and implement comprehensive solid waste management plans which meet the need of every municipality within each county and within the Hackensack Meadows District. 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 10 year planning period. The Act further provides that a district may review its plan at anytime and, if found inadequate, adopt a new plan.

The Cumberland County Solid Waste Management Plan was adopted by the Cumberland County Board of Chosen Freeholders on December 13, 1979, and approved with modifications by the Commissioner of the New Jersey Department of Environmental Protection (NJDEP) on March 4, 1981. Since 1981, fourteen amendments to the SWMP of Chosen Freeholders, and later approved by the Commissioner.

The purpose of the fifteenth amendment to the Cumberland County Solid Waste Management Plan are as follows:

1. To increase the permitted capacity of the landfill.
2. To implement a multi-faceted plan which will allow the Improvement Authority to change competitive roles in the marketplace and meet all debt service obligations and operating and maintenance expenses, without the imposition of an Environmental Investment Charge. This plan complies with the solid waste disposal program outlined in the fourteenth amendment, which was authored in reaction to the November 10, 1997 decision by the United States Supreme Court, which effectively rendered null and void the State of New Jersey's Interdistrict and Intradistrict Solid Waste Flow Rules of N.J.A.C. 7:26-6.5.



NOTARY PUBLIC OF NEW JERSEY
My Commission Expires JUL. 11, 2004

Notary Public

3. To add Block 76, Lots 18 and 19 and portion of Lots 2, 3, and 4 in Deerfield Township to the permitted solid waste facility to provide for additional buffer and storm water detention facilities.

4. To include Kennedy Concrete, Inc. located at 1283 South East Avenue (Block 968, Lot 11) in the City of Vineland, New Jersey in the Cumberland County Solid Waste Management Plan as a Class B Recycling Facility for the recycling of concrete.

5. To include Federal Disposal, Inc. in the Cumberland County Solid Waste Management Plan as a Class A / Class B Recycling Facility and a Material Recovery / Solid Waste Transfer Station. These facilities will be located at the southwestern corner of West Chestnut Avenue and Mill Road (Block 515, Lot 2) in the City of Vineland.

To ensure the broadest possible participation by the general public in this Plan Amendment process, the Cumberland County Board of Chosen Freeholders has scheduled a public hearing at 7:00 p.m. on May 11, 2000, at the Cumberland County Court House, 3rd Floor Freeholder Meeting Room. All County residents, public officials or organizations interested in Amendment No. 15 to the SWMP are encouraged to attend and offer testimony.

Plan Amendment No. 15 may be reviewed during normal business hours at the offices of the Cumberland County Improvement Authority, the office of the Cumberland County Clerk, and at the office of the Municipal Clerk of each municipality within Cumberland County.

Inquires and/or comments concerning this proposed Plan Amendment may be forwarded in writing to:

Cumberland County Board of Chosen Freeholders
790 East Commerce Street
Bridgeton, NJ 08302

or
Cumberland County Improvement Authority
2 West Vine Street
Millsboro, NJ 08332

Printers Fee: \$165.00 No. A69562
Pub Date: April 17 & 24, 2000

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PROOF OF PUBLICATION

COUNTY OF CUMBERLAND
STATE OF NEW JERSEY SS.

Mrs. Lori Rushlow of full age, being duly sworn on his/her oath saith, that he/she is the Clerk of the Bridgeton Evening News, a Newspaper printed and published at Bridgeton in the County of Cumberland in the State of New Jersey; that the City of Bridgeton is the County Seat of said County and that the notice, of which the annexed is a printed copy, was published in said newspaper, and that the date/dates on which publication was/were so made as aforesaid are 4-17

BRIDGETON EVENING NEWS

PUBLIC NOTICE

The County of Cumberland proposes to amend the Cumberland County Solid Waste Management Plan (SWMP or County Plan) pursuant to the requirements of the New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.). The New Jersey Solid Waste Management Act (the Act) designates each County in the State and the Hackensack Meadowlands District as solid waste management districts, and provides each County and the Hackensack Meadowlands Development Commission with the authority to develop and implement comprehensive solid waste management plans which meet the needs of every municipality within each County and within the Hackensack Meadowlands District. 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 10-year planning period. The act further provides that a district may review its plan at anytime and, if found inadequate, adopt a new plan.

The Cumberland County Solid Waste Management Plan was adopted by the Cumberland County Board of Chosen Freeholders on December 13, 1979, and approved with modifications by the Commissioner of the New Jersey Department of Environmental Protection (NDEP) on March 4, 1981. Since 1981, fourteen amendments to the SWMP have been adopted by the Board of Chosen Freeholders and later approved by the Commissioner. The purposes of the fifteenth amendment to the Cumberland County Solid Waste Management Plan are as follows:

1. To increase the permitted capacity of the landfill.
2. To implement a multi-faceted plan which will allow the improvement Authority to charge competitive rates in the marketplace and meet all debt service obligations and operating and maintenance expenses, without the imposition of an Environmental Investment Charge; this plan compliments the solid waste disposal program outlined in the fourteenth amendment which was authored in reaction to the November 10, 1997, decision by the United States Supreme Court which effectively rendered null and void the State of New Jersey's Interdistrict and Intradistrict Solid Waste Flow Rules at N.J.A.C. 7:26-6.5.
3. To add Block 16, Lots 18 and 19, and portions of Lots 2, 3 and 4 in Deerfield Township to the permitted solid waste facility to provide for additional buffer and storm water detention facilities.
4. To include Kennedy Concrete, Inc. located at 1983 South East Avenue, Block 958, Lot 11, in the City of Vineland, New Jersey at the Cumberland County Solid Waste Management Plan as a Class B Recycling Facility for the recycling of concrete.
5. To include Federal Disposal, Inc. in the Cumberland County Solid Waste Management Plan as a Class A/Class B Recycling Facility and a Material Recovery Solid Waste Transfer Station. These facilities will be located at the southwestern corner of West Chestnut Avenue and Mill Road (Block 515, Lot 2) in the City of Vineland.

To insure the broadest possible participation by the general public in this Plan Amendment process, the Cumberland County Board of Chosen Freeholders has scheduled a public hearing at 7:00 p.m. on May 11, 2000, at the Cumberland County Court House, 3rd Floor Freeholder Meeting room. All County residents, public officials or organizations interested in Amendment No. 15 to the SWMP are encouraged to attend and offer testimony. Plan Amendment No. 15 may be reviewed during normal business hours at the offices of the Cumberland County Improvement Authority, the office of the Cumberland County Clerk, and at the office of the Municipal Clerk of each municipality within Cumberland County. Inquiries and/or comments concerning this proposed Plan Amendment may be forwarded in writing to:

Cumberland County Board of Chosen Freeholders
790 East Commerce Street
Bridgeton, NJ 08302

Cumberland County Improvement Authority
2 West Vine Street
Millville, NJ 08332

Cost: \$155.80

(2081003) 4/17/2000

Subscribed and sworn to before me, this

24th day of April

A.D. 2000

Lori Rushlow
for the Bridgeton Evening News

Camela Williams
Notary Public
My Commission Expires July 8, 2004

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Waste Management Act (N.J.S.A. 13:1E-1 et. seq.) The Environmental Protection Agency (EPA) and the New Jersey Department of Environmental Protection (NJDEP) on March 4, 1981, adopted the Solid Waste Management Act (the Act). Since 1981, the Act has been amended several times. The Act designates each county in the State and the Hackensack Meadowlands District as solid waste management districts, and provides each county and the Hackensack Meadowlands District with the authority to develop and implement comprehensive solid waste management plans which meet the needs of every municipality within each county and within the Hackensack Meadowlands District. The Act requires that all district plans be based on competitive rates in the market place 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 10 year planning period. The Act further provides that a district may review its plan at anytime and, if found inadequate, adopt a new plan.

The Cumberland County Solid Waste Management Plan was adopted by the Cumberland County Board of Chosen Freeholders on December 13, 1979, and approved with modifications by the Commissioner of the State of New Jersey Department of Environmental Protection on March 4, 1981. The plan provides for the development of a solid waste management facility to provide for additional buffer and storm water detention facilities. To include Kennedy Concrete, Inc. located at 1983 South East Avenue (Block 938, Lot 1), in the City of Vineland, New Jersey, in the Cumberland County Solid Waste Management Plan as a Class A/Class B Recycling Facility for the recycling of concrete. To include Federal Disposal, Inc. in the Cumberland County Solid Waste Management Plan as a Class A/Class B Recycling Facility and a Material Recovery/Solid Waste Transfer Station. These facilities will be located at the south westerly corner of West Chestnut Avenue and Mill Road (Block 515, Lot 2) in the City of Vineland. To insure the broadest possible participation by the general public in this Plan Amendment process, the Cumberland County Board of Chosen Freeholders has scheduled a public hearing at 7 pm on May 11, 2000, at the Cumberland County Court House, 3rd Floor Freeholder Meeting Room. All County residents, public officials or organizations interested in the Amendment No. 15 to the SWMP are encouraged to attend and offer testimony. Plan Amendment No. 15 may be reviewed during normal business hours at the offices of the Cumberland County Improvement Authority, the office of the Cumberland County Clerk and at the office of the Municipal Clerk of each municipality within Cumberland County. Inquiries and/or comments concerning this proposed Plan Amendment may be forwarded in writing to: Cumberland County Board of Chosen Freeholders, 790 East Commerce Street, Bridgeton, NJ 08302 or Cumberland County Improvement Authority, 2 West Vine Street, Millville, NJ 08332. April 17, 2000. Priced \$12.70. Acct. 11020124

PUBLIC NOTICE
The County of Cumberland proposes to amend the Cumberland County Solid Waste Management Plan (SWMP or County Plan) pursuant to the requirements of the New Jersey Solid

APPENDIX J

County Freeholder Resolution Adopting
Amendment No. 15 to the
Cumberland County Solid Waste Management Plan

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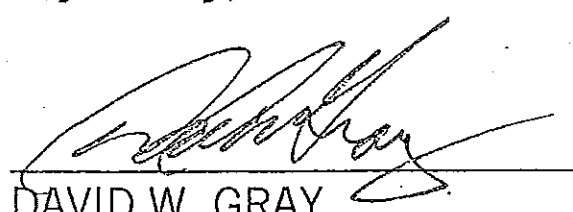
*Cumberland County
Board of Chosen Freeholders*

*Administration Building
790 East Commerce Street
Bridgeton, New Jersey 08302-2286*

I, DAVID W. GRAY, Clerk of the Board of Chosen Freeholders of the County of Cumberland, do hereby certify that the annexed is a true copy of a Resolution, passed at a Regular meeting of the Board of Chosen Freeholders, held on the eleventh day of May, 2000.

In Witness Whereof, I have here-
unto set my hand and the seal of the
County of Cumberland, this sixteenth
day of May, 2000.





DAVID W. GRAY,
CLERK TO THE BOARD

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**BOARD OF CHOSEN FREEHOLDERS
COUNTY OF CUMBERLAND**

MEMBER	AYE	NAY	NOT VOTING	ABSENT
JOHNSON	✓			
MAGAZZU	✓			
PEARSON	✓			
SAURO	✓			
SMITH	✓			
TROUT	✓			
FISHER	✓			

RESOLUTION 2000 - 349

Offered by: Ms. Pearson

Seconded by: Mr. Magazzu

Date: May 11, 2000

**Resolution Approving Amendment No. 15 To The
Cumberland County Solid Waste Management Plan**

WHEREAS, on April 17, 2000, the Cumberland County Solid Waste Advisory Council approved proposed Amendment No. 15 to the Cumberland County Solid Waste Management Plan; and

WHEREAS, on April 25, 2000, the Cumberland County Improvement Authority duly adopted a resolution recommending adoption of proposed Amendment No. 15 to the Cumberland County Solid Waste Management Plan by this Board; and

WHEREAS, Plan Amendment No. 15 incorporates the following changes to the Plan: (1) increasing the permitted capacity of the landfill; (2) implementing a solid waste debt service protection plan; (3) adding certain properties to the permitted solid waste facility creating additional

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buffers between the landfill and surrounding properties; (4) including Kennedy Concrete in the Plan as a recycling facility; and (5) including Federal Disposal in the Plan as a recycling and material recovery/transfer station.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF CUMBERLAND, as follows:

That Amendment No. 15 to the Cumberland County Solid Waste Management Plan (the "Plan"), which will increase the permitted capacity of the sanitary landfill at the Cumberland County Solid Waste Complex, provide implementation of a solid waste debt service protection plan by the Cumberland County Improvement Authority, add certain properties to the permitted solid waste facility at the Cumberland County Solid Waste Complex, include Kennedy Concrete, Inc. as a class B. Recycling Facility in the Plan, and include Federal Disposal as a Class A/Class B Recycling Facility and a Material Recovery Facility/Solid Waste Transfer Station in the Plan, is hereby approved, in the form on file with the Clerk of this Board.

2. That the Clerk of this Board shall forward a certified copy of this resolution to the Executive Director of the Cumberland County Improvement Authority.

Passed and adopted at a regular meeting of the Board of Chosen Freeholders held at the Cumberland County Court House, Broad and Fayette Streets, Bridgeton, New Jersey on Thursday, May 11, 2000 at 7:00 p.m. prevailing time.

DATED: May 11, 2000

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APPENDIX K

Transcript of Public Hearing

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ORIGINAL

CUMBERLAND COUNTY BOARD OF CHOSEN FREEHOLDERS

CUMBERLAND COUNTY BOARD
OF CHOSEN FREEHOLDERS

RE:

RESOLUTION #349 - RESOLUTION
APPROVING AMENDMENT NO. 15
TO THE CUMBERLAND COUNTY
SOLID WASTE MANAGEMENT PLAN.

May 11, 2000

Transcript in the above
captioned matter taken at the Freeholder's Room,
Cumberland County Court House, Broad and Fayette
Streets, Bridgeton, New Jersey, before Mary Q. Ireland,
Certified Shorthand Reporter and Notary Public of the
State of New Jersey, on the above date, commencing at
7:00 p.m., there being present:

- - - -

MARY Q. IRELAND
Certified Shorthand Reporter
1429 East Wheat Road
Vineland, New Jersey 08360
(856) 205-0967

1
2 APPEARANCES:

3
4 CUMBERLAND COUNTY BOARD OF CHOSEN
FREEHOLDERS

5 DOUGLAS H. FISHER, Director
6 DONNA M. PEARSON, Deputy Director
7 HAROLD U. JOHNSON, JR.
8 LOUIS N. MAGAZZU
9 ROBERT G. SMITH
10 JEFFREY M. TROUT
11 JAMES R. SAURO

12
13 RICHARD GEIGER, ESQUIRE,
County Counsel

14 DAVID GRAY
15 Administrator and Clerk
16 GARY SIMMERMAN
17 Treasurer

18
19 CUMBERLAND COUNTY IMPROVEMENT AUTHORITY
20 STEVEN R. WYMBS,
Executive Director
21 BERNARD GERMANIO, P.E.,
Chief Engineer

22 ALSO PRESENT:

23 KAVESH, PANCARI, TEDESCO & PANCARI,
24 ESQUIRES
25 BY: FRANCIS REUSS, ESQUIRE
Attorneys for Kennedy Concrete, Inc.

DAVID M. DECLEMENT, ESQUIRE
Attorneys for Federal Disposal, Inc.

MARY Q. IRELAN, CSR

I N D E X

<u>WITNESS</u>	<u>PAGE</u>
Presentation by Cumberland County Improvement Authority	
By Mr. Wymbs	4
By Mr. Reuss	13
By Mr. DeClement	16
Motion and Vote	35

1
2 DIRECTOR FISHER: We are going to have a
3 public hearing now on Resolution #349. David?

4 MR. GRAY: Yes, sir. Resolution approving
5 Amendment #15 to the Cumberland County Solid
6 Waste Management Plan.

7 MS. PEARSON: Move to proceed with the
8 public hearing.

9 MR. MAGAZZU: Second.

10 DIRECTOR FISHER: Moved and seconded for a
11 public hearing. Is there anyone from the public
12 that wishes to speak on Resolution #349? Please
13 stand and state your name.

14 MR. GEIGER: We want a voice vote on the
15 motion.

16 DIRECTOR FISHER: I'm sorry. All in favor;
17 Aye. Opposed; no. Motion is carried. Is there
18 anyone that wants to address this matter
19 concerning the -- excuse me -- #15 on the
20 Cumberland County Solid Waste Management Plan?

21 MR. WYMBS: Thank you, Director. Steve
22 Wymbs, Executive Director of the Cumberland
23 County Improvement Authority. As part of the
24 Plan Amendment process, a public hearing is
25 necessary any time an amendment is proposed.

MARY Q. IRELAN, CSR

1 That public hearing and transcript must become a
2 part of the record to be sent to Trenton before
3 the approval of any Amendment for a Solid Waste
4 Management Plan is considered so tonight we are
5 here discussing this Solid Waste Management Plan
6 Amendment, a presentation that I will make
7 followed by members of Federal Disposal and
8 Kennedy Concrete who are also interested in
9 coming into the Cumberland County Solid Waste
10 Management Plan so, if you don't mind, I would
11 begin at this point in time by explaining what
12 the Plan Amendment is about.

13 There are five basic steps of the Plan
14 Amendment that is being proposed right now; three
15 concerning the Authority and two are outside
16 interests that are looking to come into the Plan.

17 The first one is a landfill expansion. The
18 second one is a Solid Waste Management Disposal
19 Program. The third is adding additional
20 properties to a permitted landfill area. The
21 fourth is the inclusion of Kennedy Concrete as a
22 Class B Recycling facility. The fifth is the
23 inclusion of Federal Disposal as a Class A/Class
24 B recycling facility and material recovery
25 facility/transfer station.

MARY Q. IRELAN, CSR

1 The Cumberland County Improvement
2 Authority -- Ben, if you would -- the Cumberland
3 County Improvement Authority, as you are aware,
4 owns and operates the County landfill. The
5 landfill proper is permitted to be 79 acres. The
6 area that you see outlined in red is the area
7 that we are proposing for the landfill expansion.
8 Essentially, this is portions of Phase 6 and part
9 of 5 that are under -- not under construction but
10 will be out to bid within the next probably 60
11 days. The ability of the Authority to have this
12 vertical expansion -- if you don't mind -- the
13 second one -- is that in the initial design
14 portions of the landfill were set at a specific
15 height. That height has since been lowered and
16 accepted by the State of New Jersey. That, along
17 with changes in technology, allow us to gain air
18 space so that we have an approximately 1.4
19 million tons of additional waste space available
20 without any additional construction costs or
21 increasing the height of the permitted capacity
22 of the landfill. That 1.4 million tons then
23 becomes a part of the second phase of the Plan
24 Amendment which is our Solid Waste Management
25 Disposal Program. Thank you, Ben.

MARY Q. IRELAN, CSR

1 As you are aware, the State of New Jersey
2 and its waste flow regulations was, basically,
3 deregulated entirely by the Courts on November 17
4 of 1997. Each district of the 22 districts in
5 the State of New Jersey were required to amend
6 their Solid Waste Management Plans to address now
7 a no flow control free market society. The
8 Cumberland County Improvement Authority shows a
9 market participant strategy. That market
10 participant strategy, basically, was not to
11 establish an enviromental investment charge to
12 attempt to place flow control back on the
13 district but to go out and recognize that it has
14 one of the best operations in the State of New
15 Jersey and operates at one of the lowest tipping
16 fees in the State of New Jersey so we knew we
17 could be competitive in any marketplace.

18 The unfortunate aspect of that is since that
19 time other districts have placed environmental
20 investment charges on their solid -- on their
21 customer base and on their tax base along with
22 subsidies from the State of New Jersey in an
23 effort to pay off exorbitant debt service. The
24 debt service of the Cumberland County Improvement
25 Authority at this point in time is approximately

MARY Q. IRELAN, CSR

1 \$16.5 million. That is to be paid off by 2008.
2 We refinanced our bonds approximately a year and
3 a half ago, hit the market right and saved
4 approximately \$144,000.00 a year just in that one
5 effort. Previously, \$144,000.00 a year would
6 have meant a dollar a ton on the tipping fee so
7 you can see what kind of significance that
8 refunding was.

9 In January of 1999, a sister county lowered
10 its tipping fee by an environmental investment
11 charge to its taxpayers and subsidies from the
12 State of New Jersey. That created a situation
13 where the Cumberland County Improvement Authority
14 had to be able to be competitive because waste
15 was leaving our county and going to a subsidized
16 county. At that point in time, we removed our
17 entire debt service component from our tipping
18 fee which was \$17.21 a ton. The tipping fee is
19 now \$43.21 and that is the lowest tipping fee in
20 the State of New Jersey and we began to see an
21 influx of waste.

22 The landfill expansion that I explained
23 earlier allows us to increase the influx of waste
24 into the facility while still protecting the date
25 that the landfill is promised to the constituents

MARY Q. IRELAN, CSR

1 of the County. We will be able to take in an
2 additional 50 to 60,000 tons a year above and
3 beyond County waste to be able to offset our debt
4 service requirements so, essentially, we are
5 making up the debt service component that we
6 removed by volume and yet not changing the life
7 of the landfill. As a matter of fact, the life
8 of the landfill has now under our projections
9 been pushed from 2017 to 2021 so this proposal
10 also adds another four years of life to the
11 landfill. In basic points, the expansion allows
12 us to then go out and contract with outside
13 entities to bring waste in that will be -- that
14 will be sufficient to pay the debt service
15 portion that was originally being collected under
16 our tipping fees.

17 In 1999, we projected at the beginning of
18 the year to lose \$2.3 million which, in, essence,
19 was our debt service payment. We were able to
20 pay that debt service entirely last year by some
21 reserve funds that we have along with the
22 additional volumes that we saw to begin to
23 implement the volume expansion so the volume
24 expansion and the debt service protection program
25 are an integral part of the Solid Waste

MARY Q. IRELAN, CSR

1 Management Plan and the needs of the Improvement
2 Authority to protect its debt service so that
3 \$16.5 million is not jeopardized and does not
4 fall back on the taxpayers of Cumberland County.

5 The third portion that includes the
6 Authority is the addition of certain properties
7 on the landfill. A number of years ago, there
8 were properties that we use as our borrow pits
9 that were included in permits but never got
10 transmitted to that permit document so it's a
11 little bit of a housecleaning issue. There's
12 also additional properties that the Authority
13 purchased that we need now to include because we
14 are creating another sedimentation pond for the
15 drainage off of the site.

16 I will -- I would like to enter into the
17 record an objection that was forwarded to the
18 Board of Chosen Freeholders, specifically,
19 Director Fisher, a copy to myself. As we are
20 responsible for authoring this Solid Waste
21 Management Plan, we are also responsible for
22 taking any objections, whether they be written or
23 oral. This objection comes from the Board of
24 Chosen Freeholders of the County of Cape May and
25 I will read its first paragraph into the record,

MARY Q. IRELAN, CSR

1 if I may.

2 "The purpose of this letter is to provide
3 objection on behalf of the County of Cape May
4 regarding specific provisions of a proposed
5 Amendment to the Cumberland County Solid Waste
6 Management Plan which is currently under
7 consideration by the Cumberland County Board of
8 Chosen Freeholders and which is the subject of a
9 Public Hearing scheduled for Thursday, May 11,
10 2000. Specifically, Cape May County is concerned
11 about an inconsistency between the requirements
12 of a recently adopted Amendment to the Cape May
13 County Solid Waste Management Plan and the
14 provisions of the proposed Plan Amendment
15 currently under consideration by Cumberland
16 County with respect to the disposal of
17 non-recycled solid waste generated within Cape
18 May County." The letter goes on to specify their
19 request and to request a language change.

20 The Authority doesn't necessarily agree with
21 that. I would ask the Board of Chosen
22 Freeholders to pass the Amendment as it is
23 written tonight. The response from Cape May is
24 due to Cumberland County forwarding a verbal
25 objection to the Cape May County Solid Waste

MARY Q. IRELAN, CSR

1 Management Plan so, in response, they are sending
2 one back to us. Essentially, the Cape May County
3 Solid Waste Management Plan is --

4 DIRECTOR FISHER: That's an assumption or an
5 allegation but not necessarily a fact -- you are
6 suggesting; am I correct? You are suggesting
7 that that may be why you received it?

8 MR. WYMBS: I am suggesting that. The State
9 of New Jersey allows each of the 22 Solid Waste
10 Management districts to formulate its own plans...
11 Cape May County recently passed a Solid Waste
12 Management Plan that is up in the New Jersey
13 Department of Environmental Protection. The
14 Cumberland County Improvement Authority is
15 forwarding a letter of objection to the State of
16 New Jersey, copy to Cape May, for that Solid
17 Waste Management Plan. It argues a State
18 planning policy issue that doesn't need to be
19 argued in front of this Board. Essentially, Cape
20 May County is requesting the reimplementation of
21 local flow control and, if the State approves
22 that type of a philosophy along with approving
23 the philosophy of the Cumberland County Solid
24 Waste Management Plan which, basically, states
25 that you are allowed to go out and entice waste,

MARY Q. IRELAN, CSR

1 they are approving us to go out and look to
2 alternate markets but they are removing the
3 ability to go to those markets by stopping the
4 flow so we would not be able to access that
5 potential revenue so we will be arguing that at
6 the State level and the State is already aware of
7 that. I gave verbal testimony in front of the
8 solid Waste Advisory Council of the State of New
9 Jersey yesterday.

10 With that, I will pass the next portion of
11 the Solid Waste Management Plan Amendment to
12 Francis Reuss who is representing Kennedy
13 Concrete this evening and allow him to present
14 what Kennedy is proposing to come into the Plan.

15 DIRECTOR FISHER: Thank you. For the
16 record, your name and who you represent.

17 MR. REUSS: Good evening. For the record,
18 my name is Francis Reuss from the firm of Kavesh,
19 Pancari, Tedesco & Pancari on behalf of Kennedy
20 Concrete, Inc.. I will try to give you a
21 thumbnail sketch of what Kennedy Concrete, Inc.
22 is attempting to do.

23 They currently have a business located on
24 South East Avenue in Vineland and what they plan
25 on doing in which they have received approval at

MARY Q. IRELAN, CSR

1 the municipal level is to have a recycling cent(
2 established, whereby, they would accept concrete
3 rubble and, in turn, crush the concrete rubble
4 into various products that can be used for
5 residential purposes such as a driveway and also
6 to be used as underlay for various paving
7 projects.

8 The site will be open five and a half days
9 per week; Monday through Friday and half a day
10 Saturday. They will be bringing onto the site a
11 portable crushing unit which is currently located
12 at a site towards the shore, whereby, ash and
13 concrete currently operates a similar type of
14 business and that recycling unit will come to the
15 Vineland location approximately four to five days
16 per month. My client has currently received
17 letters of interest from various potential
18 purchasers of the product and believe that it
19 would be a benefit to the community as well as
20 the recycling business.

21 If you have any questions, I would be more
22 than happy to try to answer them for you.

23 MR. SAURO: One question.

24 DIRECTOR FISHER: Freeholder Sauro?

25 MR. SAURO: Is this exclusive?

MARY Q. IRELAN, CSR

1 MR. REUSS: Exclusive to --

2 MR. SAURO: Right. To do -- in other words,
3 only one individual?

4 MR. REUSS: No, this is not an exclusive
5 right.

6 MR. SAURO: Okay. That's all.

7 MR. REUSS: Exclusive meaning that --

8 MR. SAURO: No one else can do it.

9 MR. REUSS: No. I would presume that anyone
10 else could go ahead and seek the same
11 applications that my client has sought and be
12 able to establish a similar business.

13 MR. SAURO: That's fine. Okay. Thank you.

14 MR. REUSS: You are welcome. Any other
15 questions?

16 DIRECTOR FISHER: Any other comments or
17 questions?

18 MR. REUSS: Thank you.

19 MR. WYMBBS: As a point of clarification,
20 there are existing businesses in the Solid Waste
21 Management Plan that are doing what Kennedy is
22 proposing.

23 The next portion of the Solid Waste
24 Management Plan Amendment is for Federal
25 Disposal's inclusion. The owner and consultants

MARY Q. IRELAN, CSR

1 and the attorney representing Federal are here ()
2 for questions. David DeClement will be
3 presenting Federal's application.

4 MR. DeCLEMENT: My name is David DeClement.
5 I am an attorney and an engineer and I represent
6 Federal Disposal in the application --

7 THE COURT REPORTER: Mr. DeClement --

8 MR. DeCLEMENT: The application before you
9 is for a Class A/Class B recycling facility and a
10 material resource facility and transfer station..
11 The purpose of this evening is to able to allow
12 us to apply to the DEP for a permit. That permit
13 would have to show that this facility was in
14 keeping with all of the environmental rules that ()
15 would take place such as waste water, air, noise,
16 traffic, and that process would come back
17 actually to the local municipality for another
18 possible hearing so this evening really is only
19 to allow us to take on and apply to the DEP for a
20 permit. There is a host community fee that is
21 paid by the material received by the transfer
22 station and that fee is paid, in this case, to
23 Vineland, New Jersey. It's unlikely -- well, I
24 shouldn't say that. Strike that. I wish I was
25 more together but I have a horrible cold this

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1 evening but -- so really what it is is that the
2 permit would have to address all the
3 environmental media and this is really an attempt
4 to foster the State's recycling goals. All that
5 happens here is in the transfer facility the
6 recyclable materials are made out of waste flow
7 such as cardboard, aluminum and ferrous metal and
8 taken to the appropriate place and not placed in
9 the landfill. It was never designed for
10 landfills to receive recyclable materials. The
11 residual waste would go on to the Cumberland
12 County landfill and the recyclable materials,
13 such as the cardboard, would then go back to the
14 stream of commerce which would help foster the
15 State's recycling goals which, I believe, are
16 60%.

17 All of the professional studies would have
18 to be a part of the application such as the
19 traffic engineer. The air permit would have its
20 own separate air permit, its own storm water
21 permit. Its own noise consultant would have to
22 be hired and any other professionals so that's
23 really, in a nutshell, what we do.

24 DIRECTOR FISHER: Any questions?

25 MR. SAURO: Just one. In other words --

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1 DIRECTOR FISHER: Freeholder Sauro?

2 MR. SAURO: -- doing this there's a
3 possibility of extending the life of the
4 landfill?

5 MR. DECLEMENT: Yes, sir. The real goal is
6 to remove the recyclables and what is known as
7 unprocessable waste and then it goes on and all
8 that is is a fancy term for the materials that
9 have no recyclable value. In other words, glass,
10 aluminum, milk jug type materials and ferrous and
11 non-ferrous, and cardboard and office paper are
12 pulled out and only those materials that are
13 appropriate to go to the landfill would then go.
14 I will say to the Freeholder Board that the host
15 community benefit fee is based on the gross
16 tonnage and not the tonnage after the removal of
17 the recyclables and that's paid directly to the
18 City of Vineland.

19 DIRECTOR FISHER: Thank you very much.

20 MR. MAGAZZU: Mr. Director, just for the
21 record, Mr. DeClement, you may have said it
22 already but -- I know it's in the application but
23 could you just go over the fact that the property
24 is zoned --

25 MR. DECLEMENT: Yes --

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1 MR. MAGAZZU: -- and the fact that it's
2 suitable and also, if you would, just for the
3 rest of the Board -- Freeholder Pearson and I
4 heard about it -- but if you could also talk
5 about the SWAC approvals for the record and -- or
6 Mr. Wymbs could do it -- thank you, thank you --
7 I just want the record to be little bit more --

8 MR. DECLEMENT: Okay. The zoning of the
9 property right now is for a recycling facility
10 and for auto crushing. This is actually a lesser
11 intensive use and the reason for that is it's a
12 reduction in the number of trucks that would come
13 into the facility. Also, it's more highly
14 regulated. Under this system, the DEP and
15 actually, in this case, because the County has
16 assumed the DEP's duties in the inspection of
17 this facility, it is actually the County who
18 would inspect the property and inspect the
19 facility to make sure that all of the permit
20 conditions were met. Those inspections are
21 unannounced and they are actually paid for by the
22 applicant because you charge them back and so
23 it's really your County that has absolute control
24 with regard to that and -- there's a separate air
25 permit, stock permit, and since this is a

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1 material transfer facility, recycling facility,
2 even the noise is regulated with regard to -- at
3 the boundary of the property it can go no higher
4 in the daytime than 65 decibels. Just to give
5 you a point of reference, that's an idling truck.

6 MR. MAGAZZU: Thank you very much.

7 MR. DeCLEMENT: Sure.

8 MR. WYMBS: Thank you, Freeholder Magazzu,
9 for reminding me of outlining the process that
10 the Plan has been through to date. When the
11 Authority proposes a Plan Amendment, the first
12 stage of that Plan Amendment has to go through
13 the County Solid Waste Advisory Council. The
14 County Solid Waste Advisory Council is appointed
15 by this Board every year and there are
16 approximately 22 members. We had a very, very
17 large turn-out at the SWAC meeting to hear and
18 then possibly move this application onto the
19 Cumberland County Improvement Authority. The
20 Mayor of Vineland actually was the one that moved
21 the Resolution to approve the Plan Amendment in
22 its entirety and the vote was 21 to 1 so, at that
23 point in time, it was moved onto the Cumberland
24 County Improvement Authority Board for
25 consideration. The Cumberland County Improvement

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1 Authority Board heard it and moved the Resolution
2 to bring it to the Board of Chosen Freeholders.

3 MR. MAGAZZU: Director, if I may have the
4 floor, if I may. Mr. Wymbs, if you would also
5 share with the rest of the Board, and I think
6 it's implicit that I would like to put it on the
7 record, that this whole plan was obviously
8 approved by the engineering staff and there is a
9 view that it would not only not have a
10 detrimental effect but would have a positive
11 effect and also with respect to the debt
12 reduction that there's been an analysis by the
13 Comptroller as to the financial benefit that it
14 will accrue.

15 MR. WYMBS: Can I just say I agree --

16 MR. MAGAZZU: That's fine.

17 MR. WYMBS: -- because you just outlined the
18 entire aspect of what the process has been
19 through. Part of the volume expansion that
20 allows us to extend the life of the landfill has
21 not only been through Engineering and designed by
22 our engineering consultants and staff but has
23 gone up to the New Jersey Department of
24 Environmental Protection. There was an open
25 public hearing held on that volume expansion in

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1 Deerfield Township, at which time, the public w(
2 invited to comment on the volume expansion. The
3 only people that showed up were the officials
4 from Deerfield Township and they only expressed
5 to the Department that their relationship with
6 the Improvement Authority and this administration
7 has been the most wonderful it has been and has
8 done a 180 degree turn-around from years ago when
9 the landfill was sited so everyone was very happy
10 at that meeting and everything passed and we have
11 a preliminary approval for volume expansion.

12 The Debt Service Protection Plan has been
13 proposed to the Department of Environmental
14 Protection and members of the Treasury. We have
15 a preliminary approval on that. Essentially,
16 what it does is the additional waste that we will
17 contract in will only cover portions of our debt
18 service but the additional waste also makes our
19 closure and post-closure funds overfunded so the
20 Department is giving us the ability to remove the
21 overfunded potential dollars from the closure,
22 post-closure account and use those monies to pay
23 off our debt service.

24 MR. MAGAZZU: I'm sorry. Just one other
25 point. Just a technical question that I would tr

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1 review, for the record, of the Solicitor. Is it
2 satisfactory for Mr. Wymbs to read the first and
3 last paragraph of the letter? Should the Board
4 hear the whole letter or see the whole letter?
5 Is it germane?

6 MR. GEIGER: Has it been distributed, do you
7 know, to the entire Board?

8 MR. WYMBS: I don't think it has been
9 distributed to the entire Board. As we have done
10 with objections in the past, it will become a
11 part of the record and submitted to the State as
12 the original letter.

13 MR. MAGAZZU: But does it matter in terms of
14 our vote is what I am concerned about?

15 MR. WYMBS: I don't believe so.

16 MR. MAGAZZU: With all due respect,
17 Mr. Geiger?

18 MR. GEIGER: I would feel a little bit more
19 comfortable if every member of the Board had an
20 opportunity to see it since it was addressed to
21 the Board.

22 MR. WYMBS: It was addressed to Director
23 Fisher.

24 MR. GEIGER: I am trying to see -- do you
25 have --

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1 MR. SAURO: I would feel a lot better if I
2 at least saw the letter.

3 MR. GEIGER: I just think --

4 MR. MAGAZZU: How many pages is it?

5 MR. WYMBS: Three. It's three pages. I
6 could read the whole thing, if you would like me
7 to.

8 MS. PEARSON: Go ahead and read it.

9 DIRECTOR FISHER: I think you are going to
10 have to read it.

11 MR. MAGAZZU: Director, my concern is -- I
12 don't want to belabor it but my concern is --
13 particularly, since it came from Cape May County
14 in the event they are thinking about doing
15 anything adverse, I want to make it clear that
16 this Board had all documents that are relative to
17 the Board before it cast its vote.

18 DIRECTOR FISHER: Mr. Wymbs?

19 MR. WYMBS: As I had read the first
20 paragraph already, I will skip right to the
21 second.

22 "As you know, the New Jersey Solid Waste
23 Management Act designates each county in the
24 State and the Hackensack Meadowlands Development
25 Commission as solid waste management "districts"

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1 and requires each district to develop and
2 implement comprehensive Solid Waste Management
3 Plans which satisfy the long-term disposal
4 requirements for all solid waste generated within
5 the district. The Mandatory Source Separation
6 and Recycling Act further requires that mandatory
7 source separation programs be established within
8 each district and also established
9 mandatory/minimum recycling goals. As each solid
10 waste management district proceeded to develop
11 comprehensive Solid Waste Management Plans in
12 response to these statutory requirements,
13 repayment of the district's investment in
14 planning, designing, permitting and constructing
15 any required solid waste and/or recycling
16 facilities was assured by the revenue derived
17 from the disposal of non-recycled waste which was
18 directed to a facility designated by the district
19 for disposal of the district's solid waste (i.e.,
20 solid waste flow control authority.)

21 Following the May 1, 1997 Decision in
22 Atlantic Coast Demolition & Recycling, Inc, vs.
23 Board of Chosen Freeholders, et al, the New
24 Jersey Department of Environmental Protection
25 directed each solid waste management district to

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1 review its Solid Waste Management Plan and rev
2 said Plan, as appropriate, in response to this
3 Federal Court Ruling which invalidated the
4 State's waste flow control rules insofar as they
5 discriminate against Interstate Commerce.

6 The County of Cape May has amended its Solid
7 Waste Management Plan on three occasions in
8 response to this requirement and its continuing
9 obligation to address the solid waste disposal
10 and recycling needs of the residents, visitors,
11 businesses and municipalities of Cape May County.
12 The most recent Amendment, which was adopted by
13 the Cape May County Board of Chosen Freeholders,
14 on April 25, 2000, requires that all non-recycled
15 solid waste generated within Cape May County be
16 disposed of at either the Cape May County
17 Municipal Utility Authority's Sanitary Landfill
18 or a permitted out of state solid waste disposal
19 facility. Upon Certification by the NJDEP, this
20 Plan Amendment will no longer authorize Cape May
21 County generated solid waste to be disposed of at
22 other solid waste disposal facilities within the
23 State of New Jersey. The County of Cape May
24 adopted this recent amendment to the County Solid
25 Waste Management Plan in an effort to preserve

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1 the essential elements of this County's
2 extensive -- or existing comprehensive Solid
3 Waste Management Plan in a manner which is
4 consistent with the requirements of the
5 Interstate Commerce Clause of the United States
6 Constitution. By limiting the disposal options
7 for Cape May County generated solid waste to
8 either disposal at an out of state facility or
9 the solid waste disposal facilities provided by
10 this County's designated Solid Waste Management
11 Plan implementing agency and by not accepting
12 solid waste for disposal from other solid waste
13 districts in the State, Cape May County seeks to
14 address its statutory and financial obligations,
15 with respect to solid waste, without affecting
16 other solid waste management districts.

17 The County of Cape May recognizes the
18 objectives of the proposed 15th Amendment to the
19 Cumberland County Solid Waste Management Plan,
20 and, in general, we do not object to its basic
21 provisions. We do, however, request that the
22 Cumberland County Solid Waste Management Plan
23 specifically address the disposal requirements
24 for any non-recycled solid waste which is
25 generated within Cape May County that is

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1 processed through any Class A/Class B recycling
2 facility or at a Materials Recovery
3 Facility/Transfer Station, such as the facilities
4 proposed by Federal Disposal, Inc. for inclusion
5 in the Cumberland County Solid Waste Management
6 Plan.

7 The residue disposal required -- the residue
8 disposal requirements as set forth in Section 7.0
9 of the proposed 15th Amendment to the Cumberland
10 County Solid Waste Management Plan are
11 inconsistent with the Cape May County Solid Waste
12 Management Plan, as amended, to the extent that
13 the Cumberland County Solid Waste Management Plan
14 requires that all residual waste from the type of
15 facilities described in said Section 7.0 is
16 designated for disposal at the Cumberland County
17 Solid Waste Management Complex under a "right of
18 first refusal" agreement as set forth.
19 specifically in Section 7.2.2. The Cape May
20 County Solid Waste Management Plan mandates that
21 all such solid waste originating in Cape May
22 County is to be disposed of at either a properly
23 permitted out of state disposal facility or the
24 Cape May County Municipal Utility Authority's
25 Sanitary Landfill in Cape May County. This

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1 inconsistency must be corrected by Cumberland
2 County since the right of Cape May County to
3 implement intrastate flow control with respect to
4 all non-recycled solid waste generated within
5 Cape May County is paramount to the right or
6 authority of any other solid waste management
7 district.

8 Hence, it is suggested that Cumberland
9 County modify the last paragraph of the proposed
10 15th Amendment to the Cumberland County Solid
11 Waste Management Plan by an addition to the text
12 which is to be read as follows:

13 "All residual waste from both the Class
14 A/Class B Recycling Facility and the Materials
15 Recovery/Transfer Station, owned and operated by
16 Federal Disposal, Inc., its heirs or assigns, is
17 designated by this amendment to be disposed of at
18 the Cumberland County Solid Waste Complex under a
19 "right of first refusal" agreement -- and this is
20 the requested add -- except that all residuals
21 originating from a solid waste district which
22 requires all solid waste to be disposed of at its
23 facilities, or out of state, shall be governed by
24 that district's Solid Waste Management Plan."

25 The above noted comments are offered in

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order to avoid any uncertainty or confusion (regarding the proper disposal of non-recycled solid waste which is generated within Cape May County. I am sure that you can understand and appreciate the need to have this matter addressed during the solid waste management planning process in order to avoid any future litigation, with solid waste haulers and/or processors, with respect to the transportation and/or processing of any solid waste which is generated within Cape May County in a manner which is inconsistent with the provisions of the Solid Waste Management Plan, as adopted by the County of Cape May.

Please include this letter as part of the public record for the hearing of May 11, 2000.

Yours very truly, Daniel Beyel, Freeholder
Director.

DIRECTOR FISHER: All right.

MR. SAURO: Director Fisher --

DIRECTOR FISHER: Freeholder Sauro?

MR. SAURO: So, in other words, what Cape May is -- I am trying to get this straight. In other words, Cape May is saying that they can only put their trash in theirs or out of state but not in ours.

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1 MR. WYMBS: Right.

2 MR. SAURO: Good.

3 MR. WYMBS: The --

4 MR. SAURO: That's all I wanted to know. In
5 other words, it can go out of state but it can't
6 go in state --

7 MR. WYMBS: Right.

8 MR. SAURO: -- unless it is theirs.

9 MR. WYMBS: Correct.

10 MR. JOHNSON: And if one of our recycling
11 facilities receives something from Cape May they
12 should turn it away.

13 MR. WYMBS: Correct.

14 MR. MAGAZZU: Director, if I may, and Mr.
15 Wymbs -- you certainly know this as well as a
16 lawyer -- I am going to ask you a legal question.
17 Don't you think that the effect of the Cape May
18 letter is trying to find a way to, in effect, get
19 around the federal case ruling that you described
20 earlier? Is that --

21 MR. WYMBS: The federal ruling was silent on
22 intrastate flow control. Intrastate flow control
23 has not been argued to the Supreme Court level in
24 this district. The State of New Jersey has
25 passed a Plan Amendment for Monmouth County that

1 does include an intrastate flow control
2 provision. That provision has not been
3 challenged to date. The efforts of Cape May --
4 and by reading their letter you would assume that
5 their plan is entirely approved. It is approved
6 at their Freeholder level. It is not approved by
7 the State of New Jersey as of yet. Their
8 provisions and their attempts and their
9 statements are all wonderful. The reality is
10 that Cape May County is a peninsula and the waste
11 that is generated in Cape May County, unless
12 there is a transfer station and transfer trailers
13 available, will not go out of state. Cape May
14 County does not have the ability to receive much
15 waste from out of state or out of area districts
16 so their provision that states that they only
17 want to protect Cape May for Cape May's waste is,
18 again, a bit of an overstatement. We have placed
19 on the record that we will be challenging the
20 Plan Amendment and not only challenging the Plan
21 Amendment in Cape May but challenging the State
22 planning process that would remove the ability of
23 the Cumberland County Improvement Authority to
24 receive waste or revenue from other districts.

25 DIRECTOR FISHER: Didn't they say in that

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1 letter that they have no problem with the Plan as
2 presented but they are really -- they are also
3 saying that they are concerned that some of their
4 waste flow might be leaving their County for this
5 facility?

6 MR. WYMBS: Yes.

7 MR. JOHNSON: Do you --

8 MR. WYMBS: There's a slight contradiction
9 in their letter.

10 MR. JOHNSON: Do you have an opinion as to
11 whether or not it would be in the best interests
12 of this Board to add the language that they are
13 requesting that we add to our Plan or to not add
14 the language?

15 MR. WYMBS: I would ask that the Freeholder
16 Board consider leaving the Plan Amendment as
17 written. If the language is added, it would give
18 credence to the Cape May Plan Amendment that we
19 would be arguing at the State level.

20 MR. SAURO: Wouldn't that affect our County?

21 MR. WYMBS: Yes.

22 DIRECTOR FISHER: I assume that if this Plan
23 Amendment 15 is adopted, the item that they are
24 discussing would be for another matter at the
25 State level concerning the entire solid Waste

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1 Plan within the State of New Jersey for intra
2 state waste.

3 MR. WYMBS: My conversations with the powers
4 to be in Trenton in the Department of
5 Environmental Protection are specific to the
6 planning process. The Cumberland County Solid
7 Waste Management Plan and the Cape May County
8 Solid Waste Management Plan will be reviewed
9 together. The effects of each of those Solid
10 Waste Management Plans on each other may create
11 new State policy because of the arguments that
12 Cumberland County will put forth.

13 DIRECTOR FISHER: Are there any other
14 questions?

15 MR. MAGAZZU: One other question as a
16 follow-up to Freeholder Johnson's. Do you have
17 an opinion as to whether the adoption of this
18 plan in its entirety would better serve the
19 residents and taxpayers of Cumberland County than
20 to adopt it with the Amendment as suggested by
21 Cape May?

22 MR. WYMBS: Yes. I honestly believe that if
23 any potential revenue stream for our Debt Service
24 Protection proposal is removed from us the long
25 term effects of that may have a detrimental

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1 effect on the taxpayers and constituents of
2 Cumberland County.

3 MR. MAGAZZU: Thank you. Thank you,
4 Director.

5 DIRECTOR FISHER: Any further questions? If
6 not, I would ask for a motion to close the public
7 hearing.

8 MR. GEIGER: Is there anyone else that would
9 like to address this Board regarding Amendment
10 #15, the Solid Waste Management Plan? Let the
11 record reflect no one else came forward.

12 DIRECTOR FISHER: Thank you.

13 MS. PEARSON: Move that the public portion
14 of these hearings be closed.

15 MR. MAGAZZU: Second.

16 DIRECTOR FISHER: Moved and second.

17 MR. GRAY: Voice vote.

18 DIRECTOR FISHER: Voice vote. Any
19 discussion? All in favor? I'm sorry. It's a
20 motion. I'm sorry. All in favor; aye. Opposed;
21 no. The public portion is now closed and I would
22 now ask the Clerk to read Resolution #349.

23 MR. GRAY: #349 is a Resolution Approving
24 Amendment No. 15 to the Cumberland County Solid
25 Waste Management Plan.

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1 MS. PEARSON: Move the Resolution for
2 adoption.

3 MR. MAGAZZU: Second.

4 DIRECTOR FISHER: It's been moved and
5 seconded. Any discussion on Resolution #349? If
6 not, roll call.

7 MR. GRAY: Freeholder Johnson?

8 MR. JOHNSON: Yes.

9 MR. GRAY: Freeholder Magazzu?

10 MR. MAGAZZU: Yes.

11 MR. GRAY: Freeholder Pearson?

12 MS. PEARSON: Yes.

13 MR. GRAY: Freeholder Sauro?

14 MR. SAURO: Yes.

15 MR. GRAY: Freeholder Smith?

16 MR. SMITH: Yes.

17 MR. GRAY: Freeholder Trout?

18 MR. TROUT: Yes.

19 MR. GRAY: Director Fisher?

20 DIRECTOR FISHER: Yes.

21 MR. GRAY: Motion is carried.

22 MR. WYMBBS: Thank you.

23 *****

24

25

C-E-R-T-I-F-I-C-A-T-I-O-N

STATE OF NEW JERSEY :

COUNTY OF CUMBERLAND :

I, MARY Q. IRELAN, Certified Shorthand Reporter and Notary Public of the State of New Jersey, do hereby certify that I reported the above captioned matter; that the foregoing is a true and correct transcript of the stenographic notes taken by me in the above-captioned matter.

I further certify that I am not an attorney or counsel of any of the parties, nor a relative or employee of any attorney or counsel connected with this action, nor financially interested in the action.

Mary Q. Irelan
MARY Q. IRELAN, C.S.R.

#1515

May 18, 2000

DATE

MARY Q. IRELAN, CSR

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APPENDIX L

Kennedy Concrete, Inc.
Application for Plan Inclusion

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KENNEDY CONCRETE, INC.
APPLICATION FOR A CLASS B LICENSE

7:26A-3.2 (a) 1. The name, address and telephone number of the proposed applicant/owner-operator of the proposed recycling center is:

Kennedy Concrete, Inc., a corporation of the State of New Jersey, 1969-83 South East Avenue in the City of Vineland, County of Cumberland, (telephone number (856) 692-8650.

7:26A-3.2 (a) 2. The property is located on the east side of South East Avenue between Elmer Road and Grant Avenue in the City of Vineland. The property is known as Block 968, Lot 1 (formerly Lots 1 and 28 of Block 968) as shown on the City of Vineland Tax Map. The property is zoned R-3; however, the owner has obtained the necessary variances for the operation of a concrete recycling facility as confirmed by Resolutions granting those approvals, copies of which are attached hereto as Schedule A.

The Tax Map and Zone Map are set forth on the cover page of the approved site plan for the property prepared by Albert A. Fralinger, Jr., P.A., dated April 29, 1998, last revised June 23, 1998, a copy of which site plan is being submitted herewith.

7:26A-3.2 (a) 3. Mr. Thomas Tower is the sole owner of the stock of Kennedy Concrete, Inc., and may be contacted at 1969-83 South East Avenue, Vineland, New Jersey 08360 (telephone number (856) 692-8650). He is also the sole owner of a similar company known as Action Concrete located in Seaville, New Jersey. The Action Concrete Company has an existing concrete recycling facility and is a licensed Class B concrete recycling facility. The Action Concrete recycling facility is included in the Cape May County Solid Waste Management Plan. As a result of Mr. Tower's ownership and operation of Action Concrete, he has experience in and is familiar with the use and operation of the equipment utilized in the concrete recycling business.

7:26A-3.2 (a) 4. The Kennedy Recycling facility will receive all concrete rubble for recycling, including some percentage of steel in the concrete. The concrete should contain, however, no more than ten percent of steel particles for recycling. The concrete crusher which is proposed to be utilized at the Kennedy Recycling facility is a mobile unit currently in use at the Seaville site and also having been used at various construction sites throughout New Jersey. It is estimated that the mobile unit will be operating at the Kennedy Recycling facility approximately 5 days per month.

7:26A-3.2 (a) 5. The mobile unit to be utilized at the Kennedy Recycling facility would not constitute a permanent structure and would not be located at the Kennedy facility full time as its use would be shared by various companies. It is estimated that the mobile unit will be operating at the Kennedy Recycling facility approximately 5 days per month.

7:26A-3.2 (a) 6. The material to be derived from this recycling operation will be primarily dense graded aggregate (fill). The recycling operations will produce negligible quantities of 3/4" stone (driveway stone, concrete stone), and 1" to 3" stone (driveway stone and drainage stone). For each day of operations that the mobile unit is located at the Kennedy facility, it is estimated that 800 tons of dense graded aggregate will be produced together with the negligible quantities of the 3/4" and 1" to 3" stone.

7:26A-3.2 (a) 7. The material to be derived from the operation, dense graded aggregate (DGA), is useful and is one of the most successful end products of recycling programs. Currently, the City of Vineland utilizes crushed concrete instead of gravel for its roadbeds. Accordingly, the dense graded aggregate is expected to be used by various paving contractors as base coarse for the paving of roads, both public and private, drives, and parking lots. The product is also useable in lieu of fresh concrete for various non-commercial or industrial paving applications. It can be used for residential driveways because in its crushed form it still has the potential to bond to itself, creating a relatively strong surface material resistant of water and the weather. The use of this material in lieu of gravel also serves to eliminate or minimize the necessity for gravel or similar borrowed pits which have resulted from the use of gravel when this product was not available. Therefore, end market users will be home owners and various contractors who can utilize this product.

Similarly, the 3/4" stone and 1" to 3" stone is frequently utilized as a top coarse in lieu of paving with the larger 3" stone being used in the construction of drainage systems. For example, where asphalt or concrete is either impractical or cost prohibitive, "crushed stone" is often and frequently utilized in lieu of those paving materials for private drives and some private, commercial or industrial parking or other circulation areas. The larger 3" stone is frequently utilized in the construction of drainage basins and rip wrap aprons leading to drainage basins.

There are no end market contracts or agreements in place. Attached hereto as Schedule B are copies of letters of interest from prospective end market users.

7:26A-3.2 (a) 8. As previously stated, the concrete crusher which is proposed to be utilized at the Kennedy Recycling facility is a mobile unit. It is the Eagle Ultra-Max 500-05 Portable Recycling Plant. A copy of the diagram of the mobile unit, together with its specifications, is attached hereto as Schedule C.

The mobile unit is already in the ownership of the applicant and its related company. Neither the mobile crushing unit nor any Class B recyclable material will be

received, stored, processed, or transferred at the Kennedy Recycling facility until the necessary site improvements for the placement of the existing mobile unit have been installed. The property for which this application is made is currently being used as a ready-mix concrete facility. The municipal license obtained for recycling is limited to the recycling of concrete products. The ready-mix concrete facility already produces Class B recyclable concrete which is being stored on the premises and is entirely within the existing permits and approvals. The processing and transfer of the waste concrete being produced at the ready-mix facility already occurs and the operator of that facility is under the obligation to process and remove that waste concrete from time to time. The site plan approval granted by the City of Vineland requires various site improvements to receive the mobile crushing unit. In light of all of the foregoing, the applicant acknowledges that no Class B recyclable material other than concrete will be received, stored, processed, or transferred at this center at any time. No Class B recyclable concrete generated from outside sources will be received, stored, processed, or transferred at this center until the necessary site improvements for the placement of the existing mobile unit have been installed.

7:26A-3.2 (a) 9. See submitted copy of the Fralinger site plan dated April 29, 1998, last revised June 23, 1998.

7:26A-3.2 (a) 10. The USGS Quadrangle map is located on the cover sheet of the copy of the Fralinger site plan dated April 29, 1998, last revised June 23, 1998.

7:26A-3.2 (a) 11. A copy of the deed of record establishing ownership of the recycling center to Kennedy Concrete, Inc. is attached hereto as Schedule D.

7:26A-3.2 (a) 12. The design capacity for this center must be considered in light of the fact that the recycling license granted by the City of Vineland is for the recycling of concrete only, that waste concrete is being produced by the ready-mix concrete facility already located on the site, and that the recycling will utilize a mobile unit to be shared with other locations and is not intended to be a full time operation. As such, truck traffic for the recycling operations (as distinguished from the ready-mix concrete facility) will be as low as zero trucks per day to an estimated maximum of ten trucks per day. The maximum quantity of recyclable concrete both pre and post processing combined is estimated not to exceed 20,000 tons. It is estimated that the processed recycled concrete that will be stored on site will approximate 5,000 to 10,000 tons.

The practical crushing capacity of the mobile unit is approximately 800 to 1,200 tons per eight-hour day. The design capacity of the entirety of the Kennedy Recycling facility will be limited by the storage capacity of 20,000 tons. It is, however, not anticipated that the facility will be operating at design capacity in light of the mobile nature of the crushing unit and the sharing of that unit with the Action Concrete facility. Rather, it is estimated that the mobile unit will be operating at Kennedy Recycling facility approximately 5 days per month.

The site is shared with the Kennedy Concrete ready mix concrete plant which in its own right generates its own traffic with various types of vehicles. With regard to the recycling facility only, it is anticipated that the types of vehicles delivering and receiving concrete to be recycled and recycled concrete product would be limited to various forms of dump trucks including straight trucks and tractors with dump trailers.

7:26A-3.2 (a) 13. A copy of the New Jersey Air Pollution Control permit application is attached hereto as Schedule E.

7:26A-3.2 (a) 14. The Kennedy Recycling facility operation will be as follows: trucks will enter the yard and pull onto a scale. The truck will be weighed and inspected. A notice will be posted at the weigh scale that all vehicles shall be inspected by Kennedy Concrete personnel. Qualified persons will site inspect each load. Any unacceptable load will be rejected and unloading of material will be denied. If found acceptable, driver will be required to sign a recyclable material receipt form as to the contents and origin of materials. The vehicle will then be directed to the proper holding area to unload. Material will be stacked and downsized in preparation for crushing. Front end loaders will be used to place materials into crusher for processing. End market materials will then be moved to a storage area until sold.

7:26A-3.2 (a) 15. See copy of letter from Cumberland County Improvement Authority, attached hereto as Schedule F.

7:26A-3.2 (a) 16 i. The hours of operation for the recycling center will be as follows: Monday through Friday from 7:00 A.M. to 4:30 P.M., Saturday from 7:00 A.M. to 11:30 A.M. Crushing operations will vary. Kennedy Recycling may crush for a week, but then not crush again for a month. Again, the mobile crusher unit will be utilized by various recycling facilities.

7:26A-3.2 (a) 16. ii. See copy of the Materials Specification Sheet attached hereto as Schedule G.

7:26A-3.2 (a) 16. iii. See copy of the Recyclable Materials Receipt Form, attached hereto as Schedule H.

7:26A-3.2 (a) 16. iv. The Kennedy Recycling facility will process recyclable waste concrete. When a truck filled with recyclable material enters the facility, it must stop at the weigh scale. Notice will be posted at the scale that all vehicles shall be inspected by qualified Kennedy Recycling personnel. Each load will be meticulously inspected for contaminants. If the inspector determines that the incidents of or extent of contaminants in the truck load exceeds the allowable standard, then that load will be rejected and the unloading of the material will be denied.

7:26A-3.2 (b). I, as President of Kennedy Concrete, Inc., certify that under penalty of law that I have personally examined and am familiar with the information

submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I understand that in addition to criminal penalties, I may be liable for a civil administrative penalty pursuant to N.J.A.C. 7:26-5 and that submitting false information may be grounds for denial, revocation or termination of any solid waste facility permit or vehicle registration for which I may be seeking approval or now hold.

WITNESS/ATTEST:

KENNEDY CONCRETE, INC.

Secretary

By _____
President

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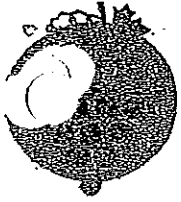
SCHEDULE A

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City of

Vineland

New Jersey

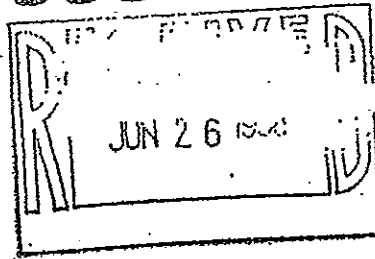
ZONING BOARD OF ADJUSTMENT

640 E Wood St.

PO Box 1508

Vineland, NJ 08362-1508

(609) 794-4118



June 22, 1998

Rocco Tedesco, Esq.
727 Landis Ave
PO Box 127
Vineland, NJ 08362-0127

RE: Appeal of **KENNEDY CONCRETE INC.**
Heard: May 20, 1998

Dear Mr. Tedesco:

WHEREAS, the applicant, **KENNEDY CONCRETE, INC.**, a corporation of the State of New Jersey being the owner of certain property located at 1983 S. East Avenue in the City of Vineland, County of Cumberland, State of New Jersey and also known as Block 968 Lot 1 and Block 969 Lot 28, on the City of Vineland Tax Map in an R-3 Zone, has made application to the City of Vineland Zoning Board of Adjustment for the following relief:

1. A variance pursuant to N.J.S.A. 40:55D-70d(2) for an expansion of the ready mix concrete facilities and related operations specifically to permit the construction of a new ready mix concrete plant and office structure;
2. A variance pursuant to N.J.S.A. 40:55D-70d(1) to permit a portion of the property to be used as a concrete recycling facility in conjunction with the pre-existing non-conforming use;
3. Site plan approval, including variances pursuant to N.J.S.A. 40:55D-C1 and C-2 for relief from the requirements of various zone standards and waivers of design criteria set forth in the City of Vineland Municipal Land Use Ordinance.

WHEREAS, the applicant's application was deemed complete and the Board conducted a hearing on the application on May 20, 1998 and the Board having heard the



presentation made by the applicant, by and through its attorney, and having heard the witnesses produced on evidence offered in support of the application and also having heard the presentation of the attorney for neighboring property owners appearing in opposition to the application and having heard the testimony of those neighboring property owners; and

WHEREAS, the Board after carefully considering the evidence, the presentation of counsel and testimony of witnesses in favor of and opposed to the application, has made the following findings.

1. Notice of the application was duly published in the appropriate newspaper and the applicant has served the property owners as required by Municipal Land Use Law, thereby vesting jurisdiction in this Board.
2. The property which is the subject of the application for development is located in an R-3 zone as shown on the Zoning Map of the City of Vineland.
3. The property which is the subject matter of this application consists of Blocks 968 Lot 1 and Block 969 Lot 28 as shown on the City of Vineland Tax Map having frontage on East Ave. of 647/± with a depth of 590 ft. ±.
4. The property is owned by applicant.
5. The property is currently being used as a ready mix concrete facility and related business activities including the manufacture of ready mix concrete, pre-cast concrete items, the storage of sand, stone, aggregate and other materials utilized in the manufacture of ready mix concrete, pre-cast concrete items, related trucking activities, the wholesale and retail sale of ready mix concrete, pre-cast concrete items and sand, stone and other aggregates.
6. As indicated by the testimony of Clifford Kennedy, a prior owner and operator of the Kennedy Concrete Company, the property was first devoted to use for the manufacture of masonry items such as brick, block and other similar items dating to approximately 75 years ago when the business was first started by his grandfather. In or above 1950, the masonry business commenced by Clifford Kennedy's grandfather was expanded to include the use of the property for ready mix concrete continuing the prior business activities and including the storage of the aggregates and other mixing materials necessary for the fabrication of the masonry products and ready mix concrete as well as the sale of sand, stone and related products at wholesale and retail, the use of concrete mixer trucks for the delivery of the ready mix concrete and the use, storage and parking of the vehicles and equipment required for those operations. The portion of the property devoted to this pre-existing use was the approximate northerly half of the property.



7. The applicant's use of the property as described pre-dated all land use regulation in the City of Vineland and as such is a valid pre-existing non-conforming use.
8. Applicant's application to expand the pre-existing non-conforming use seeks to add a second concrete mixing plant to be located in that portion of the property previously devoted to these activities and for the construction and use of a modular office building also to be located on that portion of the property previously devoted to the non-conforming use.
9. The new mixing plant as proposed by applicant is to become the primary mixing plant with the previously existing plant utilized as a back up.
10. Applicant also seeks to utilize the subject property as a concrete recycling facility employing the use of a mobile concrete crushing machine to receive concrete debris from the demolition of construction projects to process that debris by crushing it into recyclable aggregate and to sell and distribute the recycled concrete product for use in various forms of new construction.
11. The recycling operation sought to be approved for this property requires the issuance and receipt of a recycling license from the City of Vineland.
12. The number of recycling licenses available in the City of Vineland is controlled under the Municipal Land Use Ordinance.
13. Previously, there were no available recycling licenses in the City of Vineland based upon the limited number of such licenses authorized by the City of Vineland Land Use Ordinance.
14. Prior to the filing of this application, applicant commenced the process with the Zoning Committee of the Planning Board seeking an amendment to the City of Vineland Land Use Ordinance to increase the number of available recycling licenses specifically for the use by Kennedy Concrete, Inc. at the property which is the subject matter of this application.
15. As a result of applicant's request of the Zoning Committee to the City of Vineland Planning Board, the Planning Board of the City of Vineland after investigation and study adopted Resolution Number 4316, a copy of which is attached hereto, recommending to the governing body of the City of Vineland that the City of Vineland Land Use Ordinance be amended to increase the number of recycling licenses.
16. Resolution Number 4316 of the City of Vineland Planning Board specifically found there to be a number of benefits to the City of Vineland from having a concrete recycling facility located within the municipality.



17. Among the benefits to the City of Vineland is the entitlement to State recycling grant funds which returns money to the city of Vineland for products recycled within the municipality.
18. Currently, there exists no concrete recycling facility located within the City of Vineland and concrete debris generated from various construction projects performed by the City of Vineland is transported outside of the City to neighboring municipalities. AS a result, the City of Vineland does not receive the State recycling grant funds from the concrete debris which it generates and which is recycled outside of the City limits.
19. As a result of the recommendation of the Planning Board to the governing body as more specifically set forth in Resolution Number 4316, the governing body of the City of Vineland amended the Municipal Land Use Ordinance to increase the number of available recycling licenses by one.
20. The applicant has made application for the recycling license. AS a condition to obtaining the license, applicant is required to obtain site plan approval as required by the City of Vineland Land Use Ordinance.
21. Since applicant's property is located in an R-3 Zone and the concrete recycling operations proposed by applicant are not a permitted use in that Zone, applicant also seeks the necessary use variance to conduct the concrete recycling operation.
22. Applicant presented the testimony of Tom Towers, owner and operator of Kennedy Concrete, Inc. who is also the owner and operator of a similar company known as Action Concrete located in Seaville, New Jersey. The Action Concrete Company facility includes the operation of a ready mix concrete plant similar to that which is the valid pre-existing non-conforming use of this property and also is used as a concrete recycling facility as proposed by applicant in this application.
23. As a result of Mr. Tower's ownership and operation of Action Concrete, he has experience in and is familiar with the use and operation of the equipment utilized in the concrete recycling business and in fact is a licensed Class B recycler at the Seaville facility.
24. The concrete crusher which is proposed to be utilized at the subject property is a mobile unit currently in use at the Seaville site and also having been used at various construction sites located in various cities.
25. The mobile crusher unit to be utilized at the subject property as proposed by the applicant would not constitute a permanent structure and as indicated by the testimony of Mr. Tower would not be located on the subject property full time as its use would be shared by the various companies.



26. The applicant has indicated that the hours of operation of the concrete recycling facility shall be limited to 8:00 A.M. to 4:30 P.M. Monday through Friday and has consented to a limitation on the hours of operation as a condition of any approval which this Board may grant.
27. As a result of Mr. Tower's ownership and operation of the Action Concrete Company and his experience and use with the mobile crushing equipment as well as having been licensed as a Class B recycling facility, he is familiar with the necessary permits and licenses required for the operation of the concrete recycling facility including but not limited to NJDEP permits for air quality control and noise regulation.
28. The Board is cognizant of and finds that the issues of noise and dust are regulated and controlled by the New Jersey Department of Environmental Protection with noise being regulated by the New Jersey State Noise Control Regulations, and dust being regulated by Air Pollution Control Permits within the jurisdiction of the New Jersey Department of Environmental Protection Bureau of Air Pollution Control.
29. The testimony of Mr. Tower has indicated that the mobile crushing unit is equipped with dust control features including a spray bar and that the soil conservation permit application has proposed dust control on the site generally by the application of water through the use of water trucks which equipment is in the ownership possession and control of the applicant.
30. The applicant has defined the proposed location of the mobile crushing unit by a rendering offered to the Board as prepared by Albert A. Fralinger, Jr., P.A., dated May 20, 1998.
31. Based upon Mr. Tower's experience in operating the mobile crushing unit at other locations, and his having previously tested the equipment by a consultant certified by the State of New Jersey for noise testing, the proposed location of the mobile crushing unit will comply with the applicable noise regulations enforceable through NJDEP.
32. As a further precaution to protect from a violation of the noise regulations, the application has proposed to extend the existing masonry wall pre-existing and currently located along the property line, to a height of 12 ft. for a distance equal to the length of the crushing unit plus 20 ft. at either end.
33. Although the property is located within an R-3 Zone, the vast majority of the properties surrounding the subject property and fronting on East Ave. between the nearest intersecting streets is currently devoted to uses other than residential. Specifically, there are two residential structure located along East Ave. between Elmer Rd. and Grant Ave. The first of those residential structures is located on the corner of East Ave. and Elmer Rd.



34. Aside from the one other residential structure located along the entirety of the frontage of East Ave. between Elmer Rd. and Grant Ave. are: farmlands; property acquired by the City of Vineland for use as a water tower; property acquired by the City of Vineland used exclusively as a drainage basin in conjunction with the City's storm water drainage system; Russo Farms produce, Packing & Trucking Facility; Russo Farms Chemical Sales Co.; RFC Containers, a company engaged in the manufacture and fabrication of paper boxes and similar items; the industrial/commercial building formerly utilized by Stern Produce and packaging, currently vacant and the property owned by Louis Smaniotti and John Olivio currently used as a pallet business for the manufacturing, repair and storage of pallets, a large number of which are stored outdoors.
35. The portion of this property known as Block 969 lot 28 was formerly utilized as a gravel pit.
36. Frank Gorsen, Esq. Appeared on behalf of several neighboring property owners in opposition to the application, specifically indicating his representation of James Bringer, the owner of Block 968, Lot 3, Olivio, Smaniotti and Olivio, the owners of Lot 2.01, Block 968, Nathan Malat, the owner of Lot 4, Block 968 and Joseph Montresor, the owner of a five acre parcel across East Ave. and fronting on Elmer Rd. known as Block 966, Lot 15. The position of the objectors was primarily directed to the portion of the application seeking the approval to use the property as a concrete recycling facility.
37. Testimony was taken from Joseph Montresor, the owner of the five acre parcel located on the other side of East Ave. which is currently devoted to farming operation. Mr. Montresor testified regarding his concern of the potential for damage to his crops from the dust generated from the recycling operations.
38. Testimony was taken from Joseph Bringer, the owner of Lot 3 whose property abuts the northerly property line and which is used for residential purposes. The residential structure is located closest to Elmer Rd., a distance of some 1000 ft. or more from the subject property's northerly property line. Mr. Bringer testified as to his concerns regarding noise and the generalized impact on the surrounding residential properties.
39. Testimony was taken from Louis Smaniotti one of the owners of Block 968, Lot 2.01 who testified to his concerns regarding noise and dust and the effect of this industrial activity on the residential zoning of his property. The Board notes that Mr. Smaniotti's property was that which was being used for a pallet business also an industrial type use.
40. In addition to their concerns respecting noise, dust and effect on the residential zoning of the surrounding properties, the various objectors and their counsel expressed concerns over the additional traffic generated by the proposed use, asserting that the traffic conditions along Elmer Rd. and in particular at the intersection of East and



Elmer which is some 1000 ft. or more away from the subject property, was a dangerous intersection.

41. The Board notes that this application was review by the Planning and Engineering Department as well as the Site Plan Review Advisory Board. The review process by the Engineering Department, Planning Department and Site Plan Review Advisory Board results in the requirement for the presentation of a traffic impact study only where the proposed use or site plan indicates the need for such study. The Board notes that the Site Plan Advisory Board Report did not require the preparation and submission of a traffic impact study and accordingly the Board concludes that the additional operations proposed by the applicant does not implicate any particular adverse traffic conditions which would be of concern to the Board in the consideration of this application.
42. The Board finds that sufficient special reasons exist for the granting of the variance pursuant to N.J.S.A. 40:55D-70d(2) for the expansion of the valid pre-existing non-conforming concrete plant facilities in that the portion of the property previously devoted to that use is not reasonable suited for residential purposes. The Board further finds that the application for the variance pursuant to N.J.S.A. 40: 55D-70d(2), for the expansion of the valid pre-existing non-conforming use can be granted without substantial detriment to the general welfare and without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance in that the expansion by the addition of the second concrete mixing plant and office facilities is not a substantial expansion of the pre-existing use, that the addition of the second concrete mixing plant is essentially a replacement for the previously existing plant with the prior plan continuing to serve solely in the capacity of a back up plant and that the proposed modular office building will not serve to increase or intensify the use but rather is simply a matter of providing more efficient and attractive facilities for office purposes.
43. The Board finds that the applicant has demonstrated sufficient special reasons for the granting of the variance pursuant to N.J.S.A. 40:55D-70d(1) for the addition of the concrete recycling facility to the subject property. Specifically, the Board finds that the concrete recycling facility furthers the purposes of the Municipal Land Use Act, specifically that purposes found at N.J.S.A. 4:-55D-2o promoting the maximum practicable recovery and recycling of recyclable materials and as such could be considered to be an inherently beneficial use. The Board however does not find the need to determine that the use as proposed is inherently beneficial inasmuch as additional special reasons have been established by the applicant. The Board finds that the property is not reasonably suitable for its zoned residential purposes in light of the pre-existing non-conforming concrete plant facility operations validly and legally existing and in light of the use of the surrounding properties fronting along East Ave. The Board further finds that the subject property is particularly suited for the proposed use as a concrete recycling facility in that the proposed recycling operation is a complimentary, compatible and related to the pre-existing use of this property. The



Board further finds that the application for use of this property as a concrete recycling facility can be granted without substantial detriment to the public good and without substantially impairing the intent purpose of the Zone Plan and Zoning Ordinance. In particular, the Board finds that the public good will be advanced by the provision of a concrete recycling facility within the City of Vineland and that there is no detriment to the public good by approving this use at the subject property. The Board further finds that the granting of this variance will not substantially impair the intent and purpose of the Zone Plan and the Zoning Ordinance in light of the characteristic of the surrounding properties; the vast majority of which are dedicated to non-residential uses notwithstanding the fact that the entirety of this area is zoned residential R-3. The residential structures occupied by the neighboring property owners who appeared in objection to this application are located a distance of 1000' or more from the subject property and as such are sufficiently distant from the proposed operation so as not to be detrimentally affected by it. The Board further finds that the siting of the mobile crusher equipped with dust control features and most importantly together with the applicable NJDEP regulations regarding sound control and the regulations and permits regarding air pollution control and the control of dust are more than adequate safeguards to avoid any detrimental impact to the surrounding property owners and certainly are sufficient to eliminate any substantial detrimental impact.

44. With regard to Block 969, Lot 28, the Board specifically finds that the prior use of this property as a gravel pit and its proximity to the adjoining concrete plant facility does not render it reasonably suitable for use for residential purposes and that the use of this property as proposed by applicant being limited to drainage facilities, constitutes sufficient special reasons for the granting of the requested relief as to that property which relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the City of Vineland that applicant's application for variance pursuant to N.J.S.A. 40:55D-70d(2) for the expansion of the pre-existing non-conforming use and applicant's application for variance pursuant to N.J.S.A. 40:55D-70d(1) permitting the use of the property for concrete recycling facilities be and the same is hereby **GRANTED** subject to the following conditions:

1. The hours of operation for the concrete recycling facility shall be limited to the hours of 8:00 A.M. to 4:30 P.M. Monday through Friday.
2. The applicant shall construct the 12 ft. high concrete wall as more particularly described in the Board's findings set forth above.
3. Site plan approval and compliance with all conditions of site plan approval
4. Any and all other necessary outside agency approvals.

BE IT FURTHER RESOLVED, that applicant's application for site plan approval shall be the subject matter of a separate resolution to be adopted by this Board.



Building permits must be obtained prior to May 20, 1999.

Sincerely,
ZONING BOARD OF ADJUSTMENT

A handwritten signature in cursive script that reads "Sharon Paterno".

Sharon Paterno, Secretary

/sp

cc: Robert Blough, Zoning Officer
Kevin J. Kirchner, Construction Official
Joseph Perella, Tax Assessor
Diane Fagerlund, Planning
Anatol Vasiliev, City Engineer
Paul VanEmbden, Esq.
KENNEDY CONCRETE INC.

VOTING: Mr. Fuentes - Denied
Mr. Finley - Approved
Mrs. Ashton - Approved
Mr. Ricci - Approved
Mr. Smaniotto - Approved
Mr. Bergamo - Denied
Dr. Trivellini - Approved

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SCHEDULE B

(To be supplied)

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SCHEDULE B

(To be supplied)

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SCHEDULE C

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Team Eagle's New

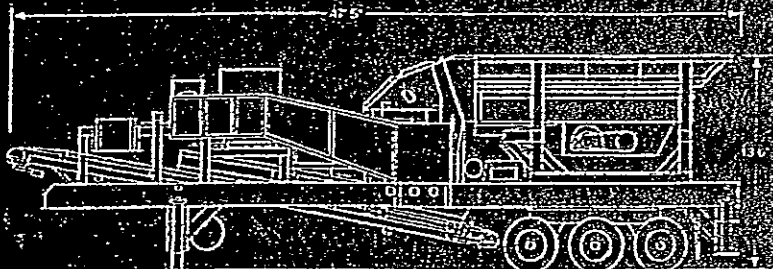
Low-cost, 3-Stage Reduction!



**Eagle's UltraMax 500-05
Portable Crushing Unit**

The most compact and powerful portable plant of its kind, the super efficient UltraMax 500-05 "Mighty Max" does not exceed standard weight or size limitations. It's easily towable over any roadway with no disassembly or special road permits. Total standard weight...only 65,000 lbs.

Equipped with Eagle's advanced 05 UltraMax 3-Bar Impactor with exclusive sculptured solid-steel rotor, the highly mobile "Mighty Max" is perfect for virtually any small to medium-sized crushing or recycling applications, including reinforced concrete & concrete wash-out...C&D wood & rubble...asphalt...limestone...other light aggregates and soil remediation.



UltraMax 05 three-stage, Fixed Blow Bar Impact Crusher with positive hydraulic shim adjustment and crusher housing access.

Large 16' 8" x 7' Receiving Hopper of heavy-duty steel with reinforced side & back plates.

Efficient 14' Vibrating Grizzly Feeder with 5 tapered step grizzly and Vari-Speed drive.

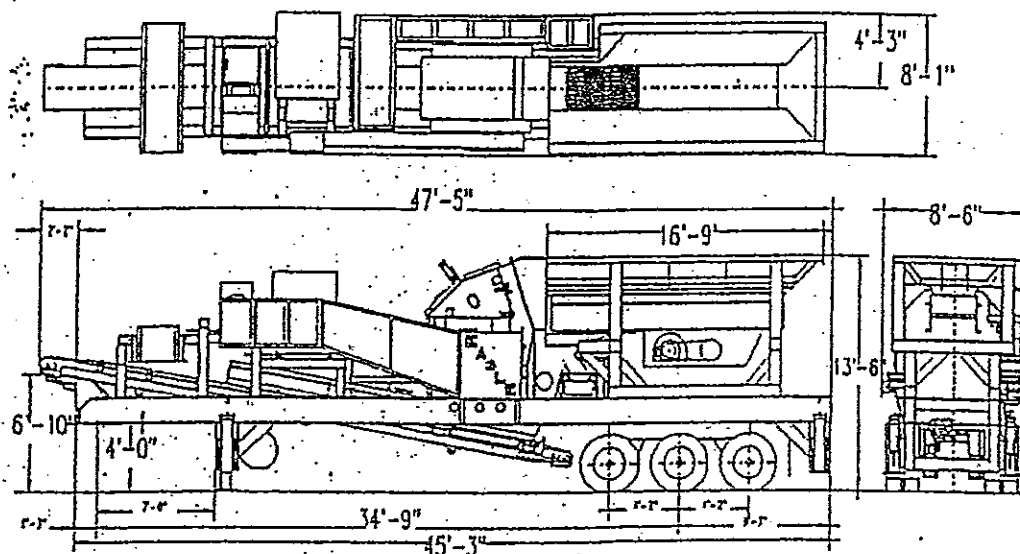
Powerful 245 Continuous Hp CAT diesel engine & 75 kW Lima Mac-R generator set.

Gas-powered, independent Hydraulic Lift/Leveling System with in-line load controls. "Stiff-leg" type system requires no cribbing...simply level & pin.

Heavy-duty steel Under Crusher Conveyor Discharge with full length rubber

TEAM EAGLE

MODEL 500 - 05 Portable Recycling Plant



"STEALTH"

SPECIFICATIONS

• Height -		
Operating	.....	13' - 6"
Travel	.....	13' - 6"
• Weight -		
Operating	.....	65,000 #
w/ Options	.....	73,000 #
• UltraMax Model	.....	UM - 05
Feed Opening	.....	33" x 35"
Rotor	.....	Solid Steel
Bars (3)	.....	Med. Chrome
Total Weight	.....	20,000 #
• Vibrating Grizzly	.....	33" x 14"
• Hydraulic System	.....	Independent Gas/Hyd.
• Hydraulic Lift/Level	.....	(4) Stiff Leg
• Running Gear	.....	Triple Axle Suspension
• Power Standard	.....	250 Hp Diesel
• Generator	.....	75 KW MACR
• Elec. Control Panel	.....	Nema 4

OPTIONAL EQUIPMENT

Electronic Variable Speed Feeder Drive ♦ Wood Kit ♦ Portable Screening Units
All Electric Drive ♦ Radial Stackers ♦ Dust Control and Collection Systems ♦ Magnetic Separator

EAGLE CRUSHER COMPANY

4250 State Route 309 ♦ Gallon, Ohio 44833 ♦ Call TEAM EAGLE SALES

1 (800) 25 - EAGLE

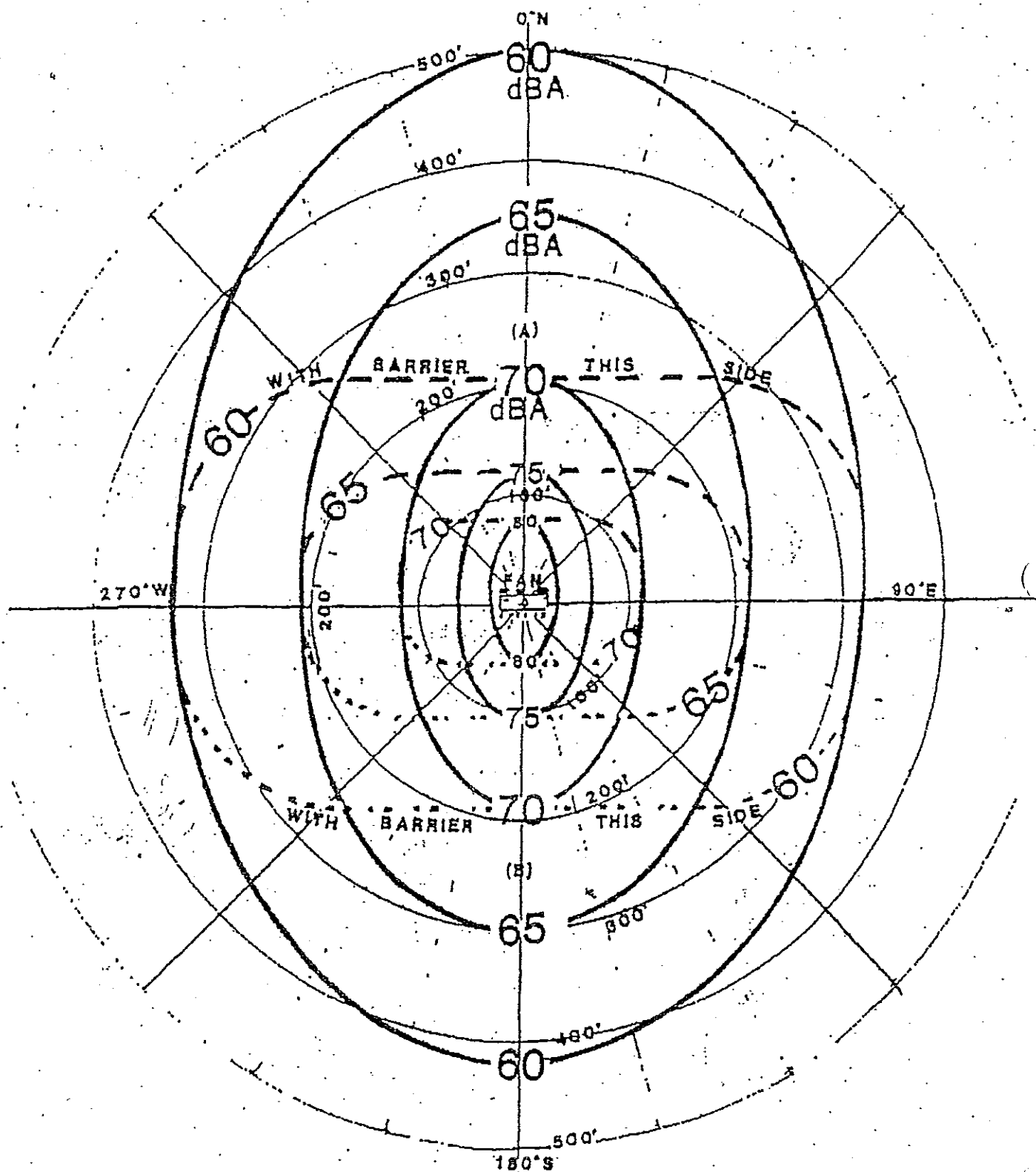


Fig. 3A: ISODECIBEL CONTOURS for the Eagle UltraMax # 500-05 Portable Crusher Plant; without ——— and with (— — — — and) a full height absorptive noise barrier.

SCHEDULE D

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Prepared by:

Rocco J. Tedesco, Esquire

Deed

This Deed is made on June 23, 1998.

BETWEEN KENNEDY CONCRETE, INC., a corporation of the State of New Jersey, having its principal office at 1969-83 South East Avenue, Vineland, NJ 08360, referred to as the Grantor,

AND KENNEDY CONCRETE, INC., whose post office address is 1969-83 South East Avenue, Vineland, NJ 08360, referred to as the Grantee.

The word "Grantee" shall mean all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of One Dollar (\$1.00). The Grantor acknowledges receipt of this money.

Tax Map Reference. (N.J.S.A. 46:15-1.1) Municipality of Vineland
Block No. 968, Lot 1 and Block No. 969, Lot 28 Account No.
☐ No property tax identification number is available on the date of this Deed
(Check box if applicable).

Property. The property consists of the land and all the buildings and structures on the land in the City of Vineland, County of Cumberland and State of New Jersey. The legal description is:

BEGINNING at a concrete monument set in the Easterly line of East Avenue (50 feet wide) where the same is intersected by the division line between Lot 1 and Lot 2.01 in Block 968 on the Tax Map of the City of Vineland and; extending thence

- 1) North 88°48'05" East, along the division line between Lot 1 and Lot 2.01, Lot 1 and Lot 3, Lot 1 and Lot 4, Lot 1 and Lot 5, Lot 1 and Lot 8 in said Block, a distance of 700.78 feet to a concrete monument set in the Westerly line of Lot 9 in said Block; thence
- 2) South 22°30'54" West, along the said line of Lot 9 in said Block, a distance of 660.37 feet to a concrete monument found in the division line between Lot 9 in said Block and Lot 28 in Block 969 on the Tax Map of the City of Vineland; thence
- 3) North 88°50'56" East, along said division line, a distance of 266.28 feet to a concrete monument found in the same; thence
- 4) North 87°56'25" East, along the division line between Lot 10 in Block 968 and Lot 28 in Block 969, a distance of 98.55 feet to a concrete monument found in the same; thence
- 5) South 01°05'29" East, along the division line between Lot 1 and Lot 28 in Block 969, a distance of 146.61 feet to a point; thence
- 6) South 89°10'00" West, a distance of 850.56 feet to a concrete monument set in the Easterly line of East Avenue; thence

Consideration : \$

1.00 Exempt Code: E

County	State	N.P.N.S.F	Total
0.00	0.00	0.00	

- 7) North 01°06'41" West, along the said line of East Avenue, a distance of 128.27 feet to a pin and cap found at the point of curvature in the said line of East Avenue; thence
- 8) Northeastwardly, continuing along the said line of East Avenue on a curve bearing to the right, said curve having a radius of 3,745.06 feet, a central angle of 07°54'46" and an arc distance of 517.21 feet to a point in the same; thence
- 9) North 06°48'05" East, still along the said Easterly line of East Avenue, a distance of 101.75 feet to the Point of Beginning.

Containing 11.13± acres.

Subject to any easements or restrictions of record.

Above legal description prepared in accordance with a survey by Aqua Terra, Inc., Ocean View, New Jersey, dated July 31, 1997.

BEING FORMERLY Lot 1 in Block 968 and Lot 28 in Block 969, and NOW KNOWN AS LOT 1, BLOCK 968 as shown on the City of Vineland Tax Map.

The purpose of this deed is to combine Lot 1, Block 968 and Lot 28, Block 969 pursuant to the Resolution adopted by the City of Vineland Zoning Board on May 20, 1998.

TITLE OF RECORD vested in Kennedy Concrete, Inc., a NJ Corporation, by the following Deeds: by Deed from Ruth Ida Fitzpatrick, formerly Ruth Ida Kennedy and John E. Fitzpatrick, her husband, dated July 5, 1972 and recorded July 7, 1972 in Deed Book 1196, Page 185, and by Deed from Stanker & Galetto, Inc. dated August 27, 1997 and recorded August 29, 1997 in Deed Book 2253, Page 337.

Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

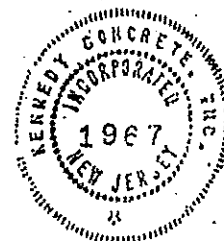
Signatures. This Deed is signed and attested to by the Grantor's proper corporate officers as of the date at the top of the first page. Its corporate seal is affixed.

WITNESS/ATTEST:

KENNEDY CONCRETE, INC.

Thomas Tower
Thomas Tower Secretary

By Thomas Tower
Thomas Tower President



BK2302PG175

NC1645 - Affidavit of Consideration
RTF-1 (Rev. 1/1/83)
Print Date 2/97

STATE OF NEW JERSEY
AFFIDAVIT OF CONSIDERATION OR EXEMPTION
(c. 49, P.L. 1968)

ALL-STATE® Legal
A Division of ALL-STATE International, Inc.
903-272-0800

or
PARTIAL EXEMPTION
(c. 176, P.L. 1975)

To be recorded with Deed pursuant to c. 49, P.L. 1968, as amended by c. 225, P.L. 1985 (N.J.S.A. 46:15-5 et seq.)

STATE OF NEW JERSEY
COUNTY OF CUMBERLAND SS.

FOR RECORDER'S USE ONLY
Consideration \$
Realty Transfer Fee \$
Date 6-24-98 By

* Use symbol "C" to indicate that fee is exclusively for county use.

(1) PARTY OR LEGAL REPRESENTATIVE (See Instructions #3, 4 and 5 on reverse side.)

Deponent Rocco J. Tedesco, being duly sworn according to law upon his/her oath
(Name)

deposes and says that he/she is the Legal representative in a deed dated 6/23/98
(State whether Grantor, Grantee, Legal Representative, Corporate Officer, Officer of Title Co., Lending Institution, etc.)

transferring real property identified as Block No. 968 Lot No. 1

located at East Avenue, City of Vineland, Cumberland County
(Street Address, Municipality, County)

and annexed hereto.

(2) CONSIDERATION (See Instruction #6.)

Deponent states that, with respect to deed hereto annexed, the actual amount of money and the monetary value of any other thing of value constituting the entire compensation paid or to be paid for the transfer of title to the lands, tenements or other realty, including the remaining amount of any prior mortgage to which the transfer is subject or which is to be assumed and agreed to be paid by the grantee and any other lien or encumbrance thereon not paid, satisfied or removed in connection with the transfer of title is \$ 1.00

(3) FULL EXEMPTION FROM FEE Deponent claims that this deed transaction is fully exempt from the Realty Transfer Fee imposed by c. 49, P.L. 1968, for the following reason(s): Explain in detail. (See Instruction #7.) Mere reference to exemption symbol is not sufficient.

For a consideration of less than \$100.00

(4) PARTIAL EXEMPTION FROM FEE

NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption. (See Instructions #8 and #9.)

Deponent claims that this deed transaction is exempt from the increased portion of the Realty Transfer Fee imposed by c. 176, P.L. 1976 for the following reason(s):

A) SENIOR CITIZEN (See Instruction #8.)
☐ Grantor(s) 62 yrs. of age or over. *
☐ One or two-family residential premises.
☐ Owned and occupied by grantor(s) at time of sale.
☐ No joint owners other than spouse or other qualified exempt owners.

B) BLIND (See Instruction #8.)
☐ Grantor(s) legally blind. *
☐ One- or two-family residential premises.
☐ Owned and occupied by grantor(s) at time of Sale.
☐ No joint owners other than spouse or other qualified exempt owners.

DISABLED (See Instruction #8.)
☐ Grantor(s) permanently and totally disabled. *
☐ One or two-family residential premises.
☐ Receiving disability payments.
☐ Owned and occupied by grantor(s) at time of sale.
☐ Not gainfully employed.
☐ No joint owners other than spouse or other qualified exempt owners.

* IN THE CASE OF HUSBAND AND WIFE, ONLY ONE GRANTOR NEED QUALIFY.

C) LOW AND MODERATE INCOME HOUSING (See Instruction #8.)
☐ Affordable According to HUD Standards.
☐ Meets Income Requirements of Region.
☐ Reserved for Occupancy.
☐ Subject to Resale Controls.

D) NEW CONSTRUCTION (See Instruction #9.)
☐ Entirely new improvement.
☐ Not previously used for any purpose.
☐ Not previously occupied.

Deponent makes this Affidavit to induce the County Clerk or Register of Deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of c. 49, P.L. 1968.

Subscribed and sworn to before me
this 23rd day of June, 1998

(Name of Deponent (sign above line))

727 Landis Avenue
Vineland, NJ 08360
Address of Deponent

Kennedy Concrete, Inc.

(Name of Grantor (type above line))

1969 S. East Avenue
Vineland, NJ 08360
Address of Grantor at Time of Sale

SANDRA J. ROUSSEAU
Notary Public for New Jersey
My Commission Expires May 14, 2002

FOR OFFICIAL USE ONLY This space for use of County Clerk or Register of Deeds.
Instrument Number 139558 County Cumberland
Deed Number 2402 Book 2402 Page 123 of
Deed Dated June 23, 1998 Date Recorded June 24, 1998

IMPORTANT - BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE HEREOF.
This format is prescribed by the Director, Division of Taxation in the Department of the Treasury, as required by law, and may not be altered without the approval of the Director.

ORIGINAL - White Copy To be retained by County.
DUPLICATE - Yellow Copy To be retained by County.

WHITE AND YELLOW COPIES MUST BE SUBMITTED WITH DEED TO COUNTY RECORDING OFFICER

STATE OF NEW JERSEY, COUNTY OF CUMBERLAND

SS:

I CERTIFY that on June 23, 1998, Thomas Tower personally came before me and stated under oath to my satisfaction that:

(a) this person was the subscribing witness to the signing of the attached deed;

(b) this deed was signed by Thomas Tower, who is President of Kennedy Concrete, Inc., the entity named in this deed and was fully authorized to and did execute this deed on its behalf;

(c) this deed was made for \$1.00 as the full and actual consideration paid or to be paid for the transfer of title (Such consideration is defined in N.J.S.A. 46:15-5); and

(d) the subscribing witness signed this proof under oath to attest to the truth of these facts.

Thomas Tower Sec.
Secretary

THOMAS TOWER

Signed and sworn to before
me on June 23, 1998.

Sandra J. Rougeau Notary
Notary Public of New Jersey
My Commission Expires 5/14/02

Deed

Dated: June 23, 1998.

KENNEDY CONCRETE, INC.,

Grantor,

TO

KENNEDY CONCRETE, INC.,

Grantee.

Record and return to:

Ch. Muel
KAVESH, PANCARI, TEDESCO
AND PANCARI, P.C.
727 Landis Avenue
P.O. Box 127
Vineland, NJ 08362-0127

In compliance with the statute I
have presented an abstract of the
within deed to the Assessor of the
taxing district therein mentioned.

GLORIA NOTO
Cumberland County Clerk

139558
98 08330

ADMITTED TO RECORD
CUMBERLAND COUNTY, N.J.

98 JUN 24 PM 2:54

Gloria Noto
COUNTY CLERK

DEED BK 2302 PAGE 176

SCHEDULE E
(to be supplied)

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SCHEDULE F
(to be supplied)

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SCHEDULE G

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RECYCLABLE MATERIALS RECEIPT FORM

Driver Name:

Address:

City:

State:

Company Name:

Address (If different from above)

Vehicle License Plate Number:

N.J.D.E.P. Number:

E.P.A. Number:

Material Specifications:

Amount Received: _____ tons

Municipality of Origin:

I, _____, certify that the information contained on the
(Print Name)
Recyclable Materials Receipt Form is complete, true, and accurate.

(Signature)

(Print Name)

KENNEDY RECYCLING CENTER
KENNEDY CONCRETE, INC.
1969-89 South East Avenue
Vineland, NJ 08360

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SCHEDULE H

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INCOMING MATERIALS SPECIFICATION SHEET

1. The Kennedy Recycling facility will only accept and is licensed to accept concrete recyclable materials. We will not accept any other recyclable material, including but not limited to metal, glass, paper, plastic containers, corrugated or other cardboard, tires, tree stumps, tree parts or wood waste recycling material. Any material other than waste concrete will be rejected.

2. We will accept some contaminants in the waste concrete. For example, we will accept some steel in waste concrete, but not more than ten percent steel particles in the concrete will be accepted.

3. Vehicles delivering materials to the Kennedy Recycling Center will be inspected and, if found to contain more than allowable amounts of contaminants as specified per N.J.A.C. 7:26A-3.5 (e) 3 I, will be barred from off-loading vehicle payload. N.J.A.C. 7:26A-3.5 (e) 3 I is a limitation on the commingling of Class B, Class C or Class D materials at a licensed recycling center.

4. Individuals bringing materials to the Kennedy Recycling Center shall certify the amount of material per load, the municipality of origin of that material, and other information contained on the recyclable materials receipt form.

KENNEDY RECYCLING CENTER
KENNEDY CONCRETE, INC.
1969-89 South East Avenue
Vineland, New Jersey 08360

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APPENDIX M

Federal Disposal, Inc.
Application for Plan Inclusion

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APPLICATION

TO

**SOLID WASTE ADVISORY COUNCIL
OF CUMBERLAND COUNTY**

FROM

FEDERAL DISPOSAL, INC.

presently located at

**702 SOUTHWEST BOULEVARD
VINELAND, NEW JERSEY**

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TABLE OF CONTENTS

- A. Narrative accompanying Application
- B. - Acknowledgement of Receipt from Cumberland County Solid Waste Coordinator
- Application Instructions from Cumberland County Solid Waste Coordinator
- C. Owner and Operator Information
- D. Geographic and Zoning Information: State Map, County Map, Tax Map,
Zoning Map and Insert: From the CODE of the City of VINELAND, LAND
USE, Chapter 300
- E. Real Estate Owner Information
- F. Lists of Materials Received, Stored, Processed or Transferred
- G. Map of Anticipated Sources of Materials
- H. Maximum Amounts of Material, Per Day, Per Week
- I. Estimated Contaminants or Residual List
- J. End Market Index with Letters of Interest
- K. Routing Map
- L. Compliance with N.J.A.C. 7:26A-4.1
- M. Other Information Requested at this Time:
Plot Plan For
Cumberland Recycling Corp. of S.J.
Mill Road
Lot No. 2, Block 515, Sheet No. 34, Tax Map
City of Vineland
County of Cumberland
State of New Jersey

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A. Narrative:

- SOLID WASTE ADVISORY COUNCIL APPLICATION

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SOLID WASTE ADVISORY COUNCIL

Federal Disposal Inc.'s application before the Cumberland County Solid Waste Advisory Council: Location described as Lot 2, Block 515, located at the southwesterly corner of West Chestnut Avenue and Mill Road, Vineland, to be designated or included in the Cumberland County Solid Waste Management Plan as a possible Site for a Class A and Class B Recycling Facility and a Material Recovery Facility/Transfer Station. The proposed facility land is zoned Industrial 4. The CODE of the City of VINELAND, LAND USE, Chapter 300 includes B(3) NONHAZARDOUS WASTE REDUCTION FACILITY under permitted uses. The applicant intends to retain the natural buffers on the site. (See Appendix D, Geographic and Zoning Information.)

The site is owned by Cumberland Recycling Corporation of South Jersey, (See Appendix E, Real Estate Owner Information). The site is leased to the applicant, Federal Disposal, Inc. which is solely owned and will be operated by Robert P. Luciano, Sr. (See Appendix C, Owner and Operator Information). Federal Disposal Inc.'s offices presently are located at 702

Southwest Boulevard, Vineland, NJ and will be relocated upon permitting of the facility.

The Material Recovery Facility/Transfer Station is intended to accept Municipal Solid Waste (MSW) Type-10 Waste, Construction and Demolition Waste (Type 13) and Dry Non hazardous Industrial Waste (ID-27). The purpose of the facility is to receive waste and remove the recyclable material contained in the incoming loads, such as paper, cardboard, aluminum, light iron, wood, concrete and plastics.

Recyclable materials will be accumulated and stored until enough materials are shipped to end markets, a positive activity – helping to meet the State of New Jersey's recycling goals. All residual materials (waste) will be disposed of at the Cumberland County Landfill.

The applicant is requesting inclusion in the Cumberland County Solid Waste Management Plan for 600 tons a day for the Material Recovery Facility/Transfer Station. Any operation(s) of the Facility is/are subject to prior review and approval by the New Jersey Department of Environmental Protection.

As for the Class B Recycling Center, the facility will be permitted separately but work in concert with the Material Recovery Facility/Transfer Station. The facility will be both a Class A and a Class B Facility, accepting common Class A Materials such as glass, aluminum, cardboard, paper and plastic, (the common curbside recyclables), and Class B Materials to be accepted are as follows: Asphalt, Concrete, Brick, Block, Clean Wood, Tile and assorted Masonry, Tree Stumps, Tree Parts and Tires (which will be stored in covered roll-offs).

The applicant is requesting inclusion in the Cumberland County Solid Waste Management Plan for the Class B Facility in the amount of 300 tons a day. Due to the fact that both the Material Recovery Facility/Transfer Station and Class B Facilities require Department of Environmental Protection approval, the requirements of N.J.A.C. 7:26 - 4.1 will be adhered to. The materials intended to be brought to the Facilities (to both the Material Recovery Facility/Transfer Station and Class B Facility) will be primarily from Atlantic, Cape May, Cumberland, Salem and Gloucester Counties. See Appendix G Map of Anticipated Sources of Materials. (See Appendix J End Market Index with Letters of Interest.) (See Appendix K Routing Map.)

Due to the fact that the applicant proposes both Material Recovery Facility/Transfer Station and a Recycling Center, incoming loads to the Class A and Class B Facility with greater than diminutive levels will be directed to the Material Recovery Facility/Transfer Station.

B.

- Acknowledgement of Receipt from Cumberland County Solid Waste Coordinator
- Application Instructions from Cumberland County Solid Waste Coordinator

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PROOF OF RECEIPT
APPLICATION FOR OPERATION OF
CLASS A AND CLASS B RECYCLING FACILITY

On March 24, 2000, Cumberland County Improvement Authority received from Federal Disposal, Inc., 30 copies of its Application to the Solid Waste Advisory Council of Cumberland County.

Received by:

Cheryl Pence

Date:

3/24/00

Delivered by:

Muf

Date:

03/24/00



CUMBERLAND COUNTY IMPROVEMENT AUTHORITY

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Dave DeClement	Steven R. Wymbs
COMPANY:	DATE:
	12/22/99
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(856) 582-6544	4
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE:	YOUR REFERENCE NUMBER:

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Attached please find the information that you requested.

If you have any questions, please contact me.

The documents accompanying this facsimile transmission contain information for the Cumberland County Improvement Authority, which is confidential and/or privileged. The information is intended only for the use of the individual or entity named in this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and that the documents should be returned to the Cumberland County Improvement Authority immediately. In this regard, if you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at no cost to you.

8.2 Policy for Approval of Recycling Centers Accepting Class A Recyclable Materials

The policy of the Cumberland County Solid Waste District is that any application for a recycling center accepting Class A recyclable material (as defined above) is consistent with the Cumberland County Solid Waste Management Plan and no further plan modification is required to include the facility or site, provided that each of the following requirements are satisfied by the applicant:

1. The applicant has held a pre-application meeting with the County Solid Waste Coordinator.
2. The host municipality and the County Solid Waste Coordinator are notified in writing of the request to be included in the Cumberland County Solid Waste Management Plan and each receives a full copy of the application which includes the following:
 - a. The name, address and telephone number of the person or persons to own and operate the recycling center and the address of the proposed recycling center if different from the above;
 - b. A description of the geographic location of the recycling center identified by the name of the municipality in which the recycling center is located, by a tax map showing the lot and block numbers of the recycling center site and of all adjoining properties, and by a zoning map showing the current land use of the recycling center site and of all adjoining properties;
 - c. The owner or owners of the property, if different from the owner of the recycling center;
 - d. A listing of the materials, including contaminants, to be received, stored, processed, or transferred at the recycling center;
 - e. The geographic location of where these materials are generated, by municipality and state;

- f. The maximum amount of each material expected to be processed at the facility per day or per week;
 - g. Estimated amount of contaminants or residue material requiring disposal;
 - h. The name, address, and telephone number of planned end markets for materials received, stored, processed or transferred by the recycling center;
 - i. Indicate the routing of vehicles between the recycling center and all nearby roadways serving the site;
 - j. Demonstrate how the applicant will comply with N.J.A.C. 7:26A-4.1 which provides operational standards and general rules for recycling centers which receive, store, process or transfer Class "A" recyclable material; and
 - k. Or any information deemed necessary by the County Solid Waste Coordinator to make a complete review of the application.
3. An application fee is submitted to the CCIA in accordance with an application fee schedule adopted by the CCIA.
4. The applicant shall publish a notice in a newspaper of general circulation within the host municipality which indicates that the applicant will apply to the County for inclusion of a recycling center in the Cumberland County Solid Waste Management Plan. The notice shall include the following:
- a. The name of the proposed recycling center, the name of the owner or operator of the proposed recycling center and the nature of the project;
 - b. The generally recognized address of the proposed recycling center as well as the block and lot of the proposed recycling center;
 - c. An indication that a copy of the application for County Plan inclusion may be examined at the office of the County Solid Waste Coordinator or at the applicable municipal clerk's office; and

- d. All comments regarding the application for County Plan inclusion must be submitted within 30 days of the last public notice. Comments must be submitted to the County Solid Waste Coordinator at the following address:

Cumberland County Improvement Authority
2 West Vine Street
Millville, New Jersey 08332

The applicant will publish two (2) notices of the proposed application, once each week for two (2) consecutive weeks.

5. The applicant shall forward a copy of the notice to the Clerk of the Board of Chosen Freeholders, the County Solid Waste Coordinator, and the DEPE, Division of Solid Waste Management, Office of Recycling, and to the municipality in which the recycling center will be operating, upon its publication.
6. No objections to the site location are raised by the host municipality, the Solid Waste Management District, the Pinelands Commission, if applicable, or any other person; provided further however, that if any such objection be raised, the proposed site and facility must be subject to the formal plan amendment process pursuant to N.J.S.A. 13:1E-23 and 24, including notice, public hearing, approval by the Board of Chosen Freeholders, and subsequent DEPE approval.
7. Once the applicant has satisfied the procedural requirements, (submission requirements, newspaper notice, etc.) outlined in items 1 through 6 above and there are no objections raised, the CCIA will submit a letter to DEPE stating the proposed recycling center is approved and is consistent with the County Plan. The CCIA may notify DEPE that the proposed application is approved, or approved with conditions, or rejected.

DEPE requires that all recycling centers accepting Class A recyclable materials comply with operational standards set forth in N.J.A.C. 7:26A-4.1. Any applicant requesting inclusion in the County Plan for a recycling center for Class A recyclable materials should be familiar with these operational standards and how the applicant will comply with these standards prior to submitting an application to the County Solid Waste Coordinator.

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C. Owner and Operator Information:

• Robert P. Luciano, Sr.

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Robert Paul Luciano, Sr. – Owner/Operator Information

Mr. Robert Paul Luciano, Sr. is the sole shareholder of Federal Disposal, Inc. He will be in charge of operations at the proposed Facility.

Mr. Luciano has, over the course of a quarter of a century, been a part of and a formulator of every operational aspect of Cumberland Recycling Corporation's business. He has directed and monitored the collection, storage, processing and sale of recyclable materials. His employees are unskilled and skilled laborers. Office personnel do payables and receivables, other employees weigh-in and out, tracking tonnage. CRC's drivers handle routes and spot business. In short, Mr. Luciano's life has been spent in the recycling business, particularly in a recycling business that has been recognized by the State of New Jersey and by Cumberland County for fine business standards. His family's recycling company has many of the same or similar requirements necessary for a successful solid waste business: correct materials' handling, consistent scheduled equipment maintenance, efficient routing, safety policies and procedures, employee relations, customer service and, reporting and regulatory responsibilities and obligations.

Mr. Luciano started at the bottom and worked his way up." His historical manner of business demonstrates clearly his working knowledge of the operation of a solid waste collection operation. As further indication of Mr. Luciano's awareness of the importance of operations, reporting and regulatory procedure, Mr. Luciano and Federal Disposal, Inc.'s counsel and its Registered Agent is an attorney very familiar with the solid waste industry, David DeClement, Esq.

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D. Geographic and Zoning Information:

- State Map with Location Indicated
- County Map with Location Indicated
- Tax Map: Block 515 Lot 2 with Location Indicated
- Zoning Map Information: Industrial Zone with Location Indicated
- Inserts from the Code of the City of Vineland, LANDUSE Chapter 300 and Definitions, Section 300-316.I-4 Industrial Zone standards

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D. Conditional uses. Conditional uses in the I-4 Industrial Zone shall be as follows:

- (1) Recreational facility.
- (2) Resource extraction.

E. (Reserved)

F. Special zone standards. In addition to any other standards contained within this chapter, the following special zone standards shall be applicable within the I-4 Industrial Zone:

- (1) Outdoor storage shall be screened from public view (from any public street, road or sidewalk; from any adjoining property; or from any portion of the site accessible to the public) by a screening fence, 10 feet high.
- (2) The developed portion of the site of any permitted use, with the exception of a public purpose use, shall be a minimum of 100 feet away from any zone boundary line. This expanded buffer area shall be kept free of weeds and debris.
- (3) An auto wrecking yard, a nonhazardous waste reduction facility, a junkyard or a recycling operation shall be subject to the regulations contained in Article XII, which by reference is made a part of this article.
- (4) Shrubbery, bushes or hedges shall be installed along all public street frontages, planted 10 feet in from the right-of-way line to enhance the aesthetics of the streetscape.
- (5) All access drives and parking areas shall be paved.

§ 300-317. B-1 Business Zone standards.

A. Purpose. It is the purpose of this zone to recognize and preserve the character of the city's historic downtown or

- (1) An indoor recycling operation, where all activities are conducted indoors, shall be subject to the licensing provisions contained in Article XII.

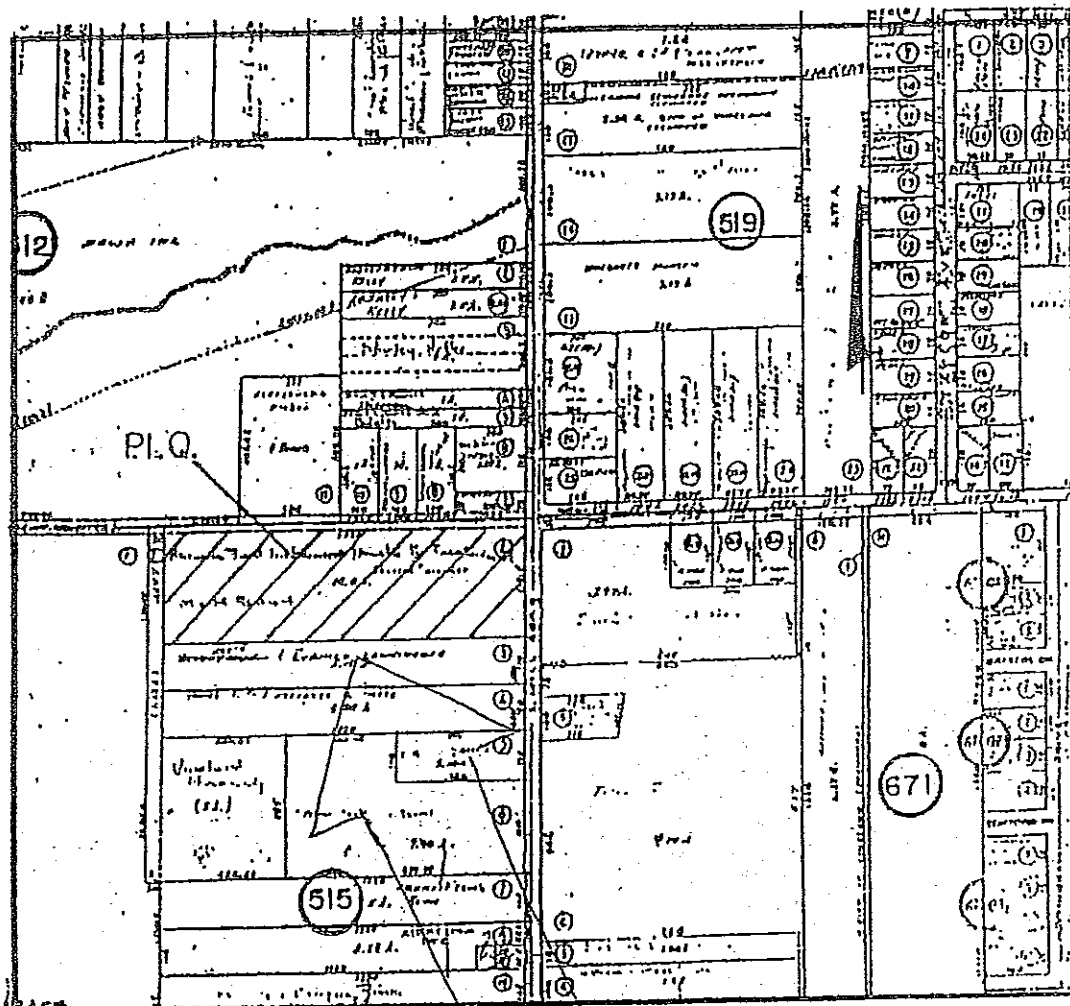
§ 300-316. I-4 Industrial Zone standards.

- A. Purpose. It is the purpose of this zone to preserve areas exclusively for heavier industrial uses within the city. It is important that zone regulations and design standards not be sacrificed to allow overdevelopment of properties, as this would negatively impact upon the utility of the industrial areas and upon the quality of life of adjoining residential areas. Strict adherence to design standards is deemed important, as is the absolute integrity of these zones, because of the difficulty in siting and because of the limited supply of land available.
- B. Permitted uses. Permitted uses in the I-4 Industrial Zone shall be as follows:
 - (1) Sewerage treatment plant.
 - (2) Auto wrecking yard.
 - (3) Nonhazardous waste reduction facility.
 - (4) Junkyard.
 - (5) Recycling operation.
 - (6) Composting facility.
 - (7) Public purpose uses:
 - (a) Child-care center.
 - (b) Governmental or public utility facility.
 - (c) Governmental or public utility yard.
- C. Accessory uses. Accessory uses in the I-4 Industrial Zone shall be as follows:
 - (1) All accessory uses permitted in the I-1 Zone.

LAND USE
Chapter 300

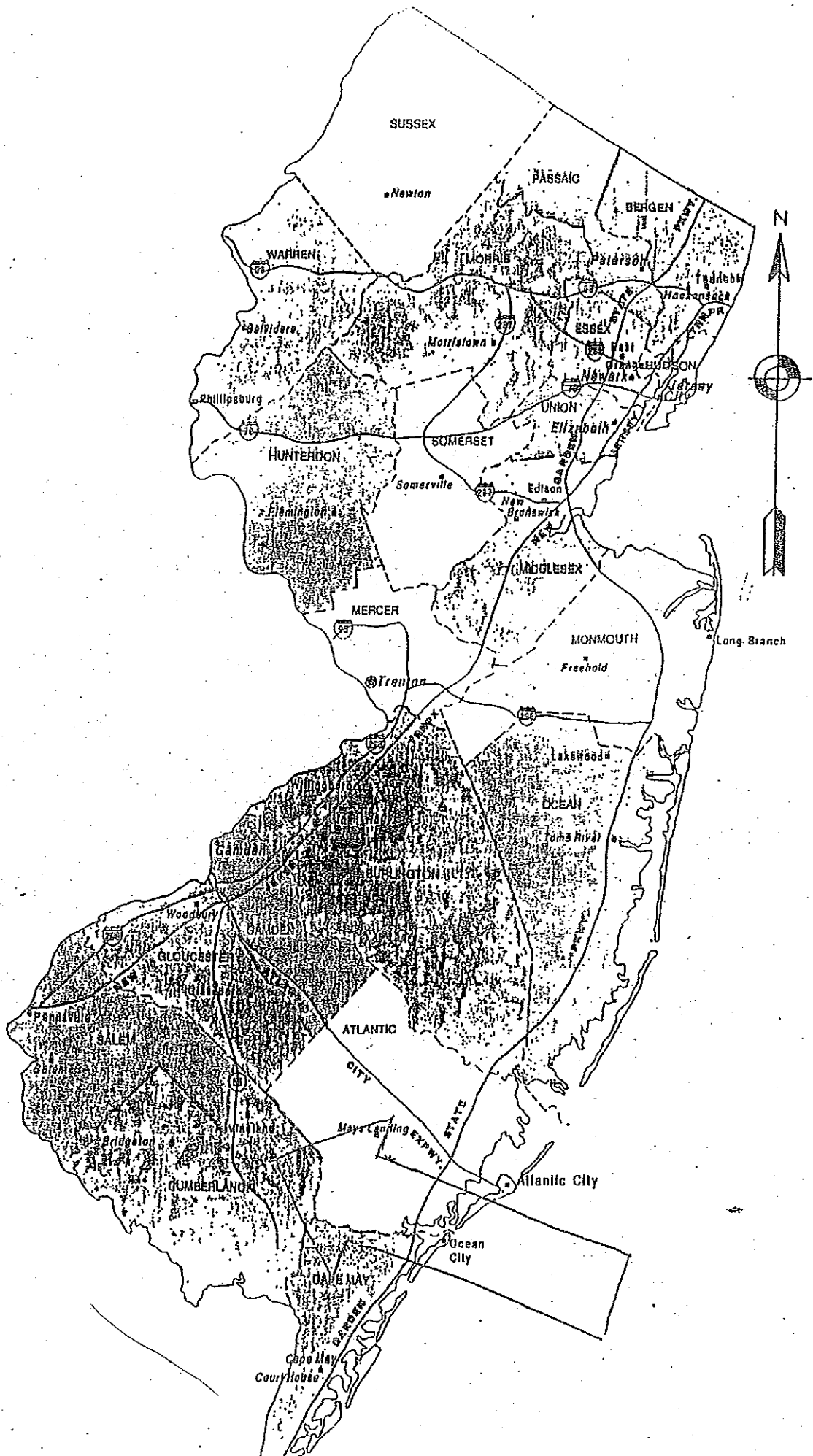
From the
CODE
of the
City of
VINELAND





CITY OF VINELAND TAX MAP - SHEET No. 34

N.T.S.



requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

NONCONFORMING USE — Any use or activity which was lawful prior to the adoption, revision or amendment of this zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of, such adoption, revision or amendment.

NONHAZARDOUS WASTE REDUCTION FACILITY — Any facility where a nonhazardous waste material is separated into component parts, those that can be and those that can not be recycled. For purposes of this chapter, a sewerage treatment plant, auto wrecking yard, junkyard, recycling operation or composting facility shall not be considered a "nonhazardous waste reduction facility."

OFFICE — Any room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

ON-SITE WASTE DISPOSAL — Any utilization of property for the on-site disposal of solid or hazardous waste.

ORNAMENTAL CORNICE — Any decorative, rather than structural, top course that crowns a wall.

OTHER USE — Any permitted use allowable in a zoning district which is explicitly enumerated under the heading of "other uses."

OUTDOOR AMUSEMENT — Any outdoor facility intended to provide amusement or pleasurable diversion. Such facilities shall include, but not be limited to, miniature golf courses and driving ranges.

OUTDOOR STORAGE — Maintaining materials or equipment outside of a building or structure.

OUTDOOR TELEPHONE BOOTH — Any telephone made available to the public in a booth, rather than in a

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E. Real Estate Owner Information:

- Cumberland Recycling Corporation of South Jersey is the owner of the real estate upon which the applicant is proposing its Facility.

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Real Estate Owner Information

Founded in 1974, Cumberland Recycling Corp. of South Jersey's superior business practices were recognized when it received the State of New Jersey's first OUTSTANDING ACHIEVEMENT IN RECYCLING AWARD, presented by the Departments of Energy and Environment, dated September 25, 1980. Further recognition of Cumberland Recycling Corp.'s continuing outstanding business practices, is the RECYCLING EXCELLENCE AWARD presented by Cumberland County in August, 1996. The company's high standards have been formally recognized by the State and by the County from which it takes its name.

Mr. Robert Paul Luciano, Sr, is one third (1/3) owner of his family's recycling business, Cumberland Recycling Corporation of South Jersey. His business career has been spent in the daily operations of CRC that has two divisions: the Millville Metal Shredding Division, Millville, New Jersey and the Vineland Paper Division, Vineland, New Jersey. Millville shreds on average three thousand tons per week of ferrous and non-ferrous metals, including vehicles and white goods that are frequently abandoned on back streets and in woods. The Vineland operation purchases, grades, collects and prepares many grades of waste paper for marketing to primary and secondary processors of recyclables.

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F. Lists of Materials Received, Stored, Processed or Transferred:

• Class A Materials:

Glass

Aluminum

Cardboard

Paper and Plastic, (the common curbside recyclables)

• Class B Materials:

Asphalt

Concrete

Brick

Block

Clean Wood

Tile and assorted Masonry

Tree Stumps

Tree Parts and Tires (which will be stored in covered roll-offs)

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G. Map of Anticipated Sources of Materials

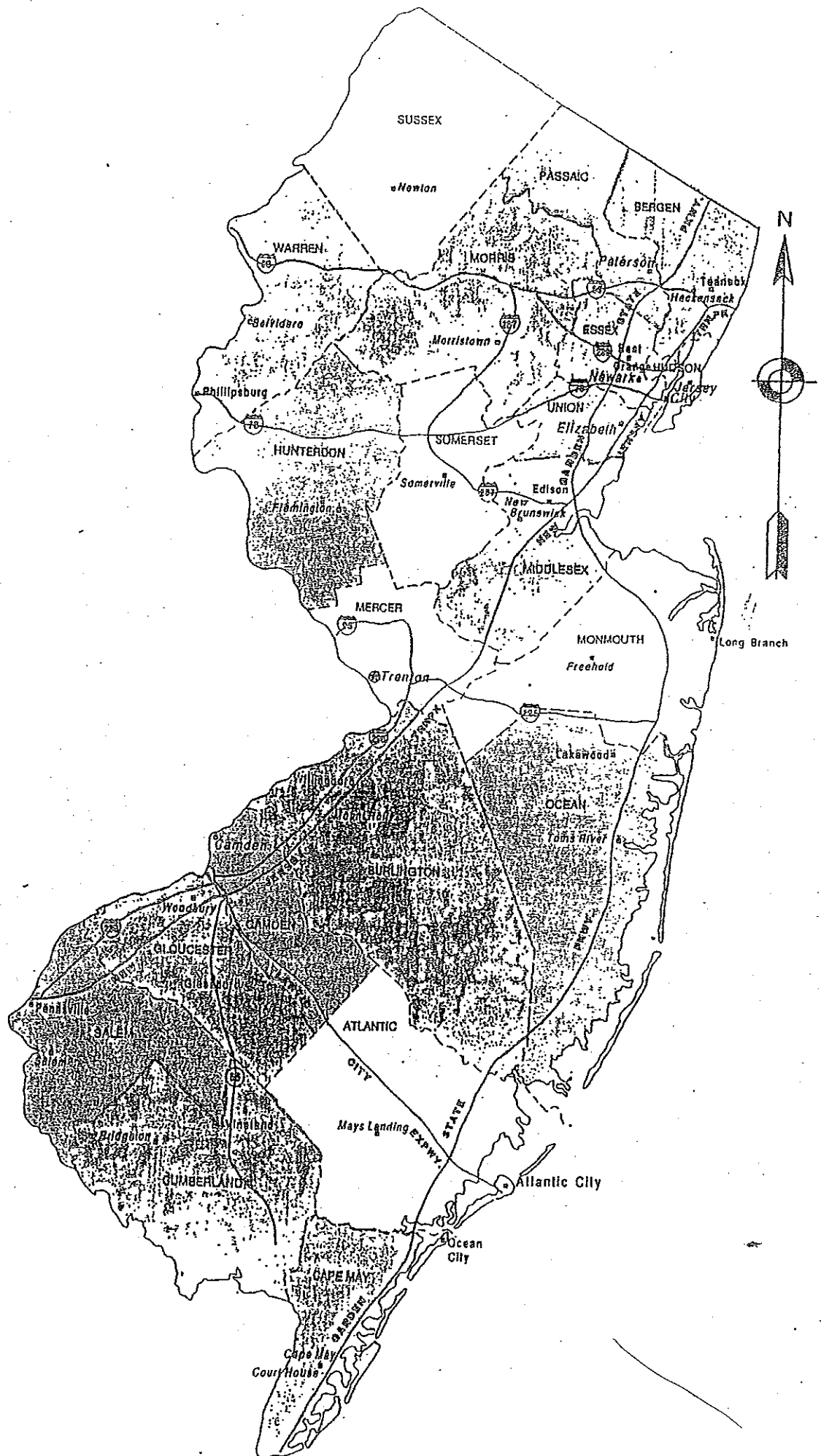
- Any and All Municipalities Contained with Atlantic, Cape May, Cumberland, Salem and Gloucester Counties are potential sources of Materials.

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H. Maximum Amount of Material, Per Day, Per Week:

- See Narrative: Pages 2 and 3
- Class A Material Recovery Facility/Transfer Station
600 Tons/Day x 7 Days = 4,200 Tons Per Week
- Class B
300 Tons/Day x 7 Days = 2,100 Tons Per Week
- The above amounts are maximums to be accepted by the Facility.
- It should be noted for the Class A Facility:
 - All materials must be removed within 24 hours of acceptance at the Material Recovery Facility/Transfer Station.
 - No material may remain on the tipping floor overnight unless containerized and covered.
- As for the Class B Facility it should be noted:
 - No material can be accepted after the facility limits have been reached unless prior material has been removed.
 - Stockpiles are physically limited by height, width and length. All three parameters are specially made a condition of permit approval. There is also a six (6) month limitation on storage elevation.

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I. Estimated Contaminants or Residual List:

- It is estimated that 5% of the total volume of the incoming material to the Class B Facility will be contaminants in nature
- If any incoming load of recyclable material is contaminated, then the load will either be refused, or transferred to the Material Recovery Facility/Transfer Station operation, or be directed to that facility of the County.
- Definition of contaminants in this context:
Contaminants are defined as putrescibles or nonprocessibles, exclusive of recyclables. Examples of contaminants are, food waste, Styrofoam cups.

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J. End Market Index with Letters of Interest

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FEDERAL DISPOSAL, INC.
End Market Index

Camden Iron and Metal, Inc. P.O. Box 496 1500 South Sixth Street Camden, New Jersey 08104	Iron, metals
AWI/Garden State Recycling 605 Ryan Avenue Westville, New Jersey 08097	Paper, metals, aluminum cans, cardboard and plastics
Giordano's Vineland Scrap Material Co. 110 North Mill Road Vineland, New Jersey 08360	Office paper, cardboard, newspaper, aluminum cans, ferris and non-ferris metals
Action Supply 1413 Old Stagecoach Road Seaville, New Jersey 08230	Asphalt and concrete

609-365-7500
1-800-SCRAP IT
FAX: 609-342-7488

CAMDEN IRON AND METAL, INC.

Scrap Iron, Steel and Metals

P.O. BOX 496 • 1500 SOUTH SIXTH STREET • CAMDEN, NEW JERSEY 08101

February 22, 2000

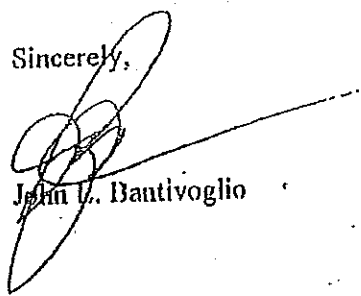
David M. DeClement, Esquire
P.O. Box 217
55 Simpson Avenue
Pitman, New Jersey 08071

Re: Federal Disposal, Inc.
Application for Class B Recycling Center

Dear Mr. DeClement:

This firm engages in the purchase of and accepts iron, metals, cars and may serve as an end market for Federal Disposal, Inc.

Sincerely,


John L. Bantivoglio

JLB/td



YARD LOCATION
605 RYAN AVENUE
WESTVILLE, NJ

LIEZE ASSOCIATES, INC. T/A
GARDEN STATE RECYCLING
2905 PENNSYLVANIA AVENUE
DEPTFORD, NEW JERSEY 08096

YARD (609) 845-4422
FAX (609) 845-1166

January 20, 2000

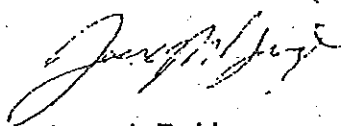
David M. DeClement, Esq.
P.O. Box 217
55 Simpson Avenue
Pitman, New Jersey 08071

Re: Federal Disposal, Inc.
Application for Class B Recycling Center

Dear Mr. DeClement:

This firm engages in the purchase of and accepts paper, metals, aluminum cans, cardboard and plastics and may serve as an end market for Federal Disposal, Inc.

Sincerely,



Joseph P. Lieze
AWI/Garden State Recycling
605 Ryan Avenue
Westville, New Jersey 08097
Ph: (856) 845-4422
Fax (856) 845-1166



110 NORTH MILL ROAD
VINELAND NJ 08360

PHONE NO. 856-696-2068
FAX NO. 856-794-3348

GIORDANO'S VINELAND SCRAP MATERIAL COMPANY

January 20, 2000

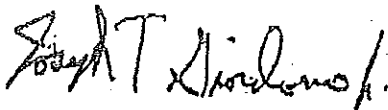
David M DeClement, Esq.
P O BOX 217
55 Simpson Avenue
Pitman, New Jersey 08071

Re: Federal Disposal, Inc.
Application for Class B Recycling Center in Bridgeton

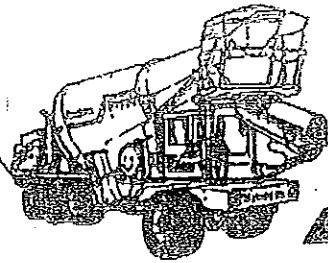
Dear Mr. DeClement:

This firm engages in the purchase of and accepts office paper, cardboard, newspaper, aluminum cans, ferrous, and non-ferrous metals and may serve as an end market for Federal Disposal, Inc.

Sincerely,

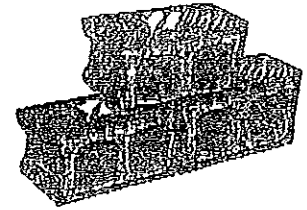


Joseph T. Giordano
Partner



Action

Supply



January 21, 2000

David M. DeClement, Esq.
P.O. box 217
55 Simpson Avenue
Pitman, New Jersey 08071

RE: Federal Disposal, Inc.
Application for Class B Recycling Center

Dear Mr. DeClement:

This firm engages in the purchase of and accepts asphalt and concrete and may serve as an end market for Federal Disposal, Inc.

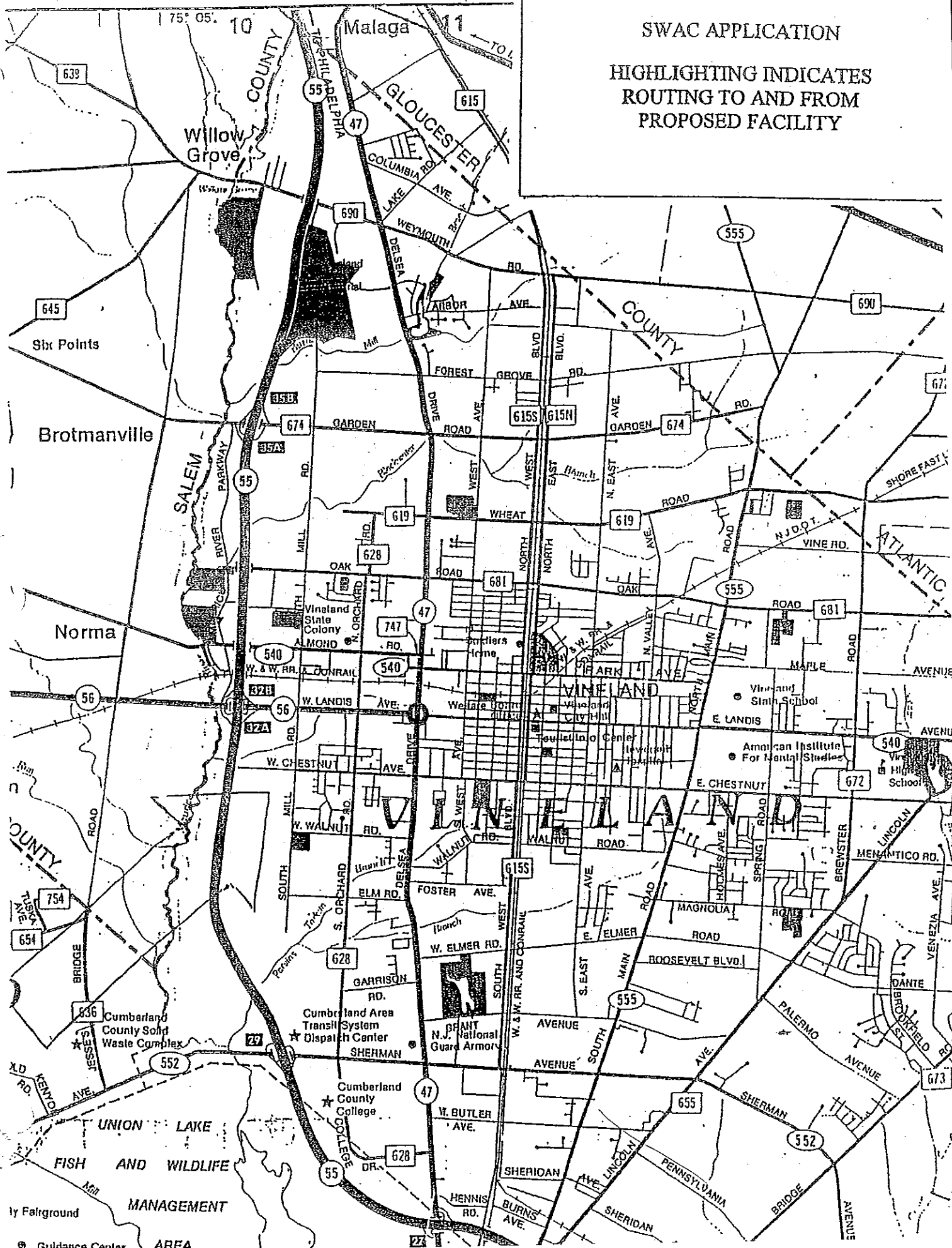
Sincerely,

Mr. Frank Carpino

K. Routing Map with Location and Routing Highlighted:

SWAC APPLICATION

HIGHLIGHTING INDICATES
ROUTING TO AND FROM
PROPOSED FACILITY



L. Compliance with N.J.A.C. 7:26A-4.1:

- Compliance with N.J.A.C. 7:26A-4.1 is assured because the overall facilities (both A and B) are under the Class B permit.
- All permitted Class B and Material Recovery Facility/Transfer Station facilities are inspected periodically by the N.J.D.E.P. for compliance to both the permit conditions and other State Regulations.
- In addition to the above, the County Health Department has the right to enter onto the property by virtue of its position and by condition of the State's permit.

M. Other Information Requested at this Time by the Cumberland County Solid Waste Coordinator:

- Plot Plan For
Cumberland Recycling Corp. of S.J.
Mill Road
Lot No. 2, Block 515, Sheet No. 34, Tax Map
City of Vineland
County of Cumberland
State of New Jersey

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APPENDIX N

Written Comments Regarding Proposed 15th Amendment
Cumberland County Solid Waste Management Plan

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BOARD of CHOSEN FREEHOLDERS
COUNTY of CAPE MAY

4 Moore Road
Cape May Court House, N.J. 08210-1601
(609) 465-1065 ☐ Fax: 465-6189

RALPH E. SHEETS, JR., Vice-Director
Director of Emergency Management
and Public Safety

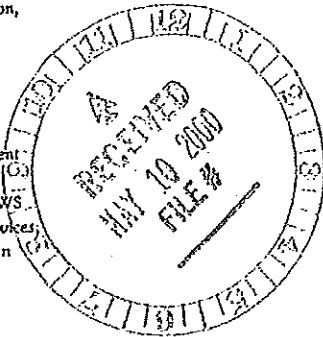
GERALD M. THORNTON
Director of Health and
Human Services

DIANE E. RUDOLPH
Clerk/Administrator

ANIEL BEYEL, Director
Director of Administration,
Revenue & Finance
and Public Works

MARK A. VIDETTO
Director of Planning
and Economic Development

ROBERT C. MATTHEWS
Director of Facilities & Services,
Tourism, Transportation
and Education



May 9, 2000

OVERNIGHT MAIL

Mr. Douglas Fisher, Director
CUMBERLAND COUNTY
BOARD OF CHOSEN FREEHOLDERS
790 Commerce Street
Bridgeton, NJ 08302

RE: Comments Regarding Proposed 15th Amendment
Cumberland County Solid Waste Management Plan

Dear Freeholder Director Fisher:

The purpose of this letter is to provide objection on behalf of the County of Cape May regarding specific provisions, as set forth in Section 7.0, of a proposed Amendment to the Cumberland County Solid Waste Management Plan which is currently under consideration by the Cumberland County Board of Chosen Freeholders and which is the subject of a Public Hearing scheduled for Thursday, May 11, 2000. Specifically, and as explained in greater detail below, Cape May County is concerned about an inconsistency between the requirements of a recently adopted Amendment to the Cape May County Solid Waste Management Plan and the provisions of the proposed Plan Amendment currently under consideration by Cumberland County with respect to the disposal of non-recycled solid waste generated within Cape May County.

As you know, the New Jersey Solid Waste Management Act designates each county in the State and the Hackensack Meadowlands Development Commission as solid waste management "districts" and requires each district to develop and implement comprehensive Solid Waste Management Plans (SWMP) which satisfy the long-term disposal requirements for all solid waste generated within the district. The Mandatory Source Separation and Recycling Act further requires that mandatory source separation programs be established within each district and also established mandatory/minimum recycling goals. As each solid waste management district proceeded to develop comprehensive SWMPs in response to these statutory requirements, repayment of the district's investment in planning, designing, permitting and constructing any required solid waste and/or recycling facilities was assured by the revenue derived from the disposal of non-recycled waste which was directed to a facility designated by the district for disposal of the district's solid waste (i.e., solid waste flow control authority).

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CAPE MAY COUNTY BOARD OF CHOSEN FREEHOLDERS

Mr. Douglas Fisher, Director
May 9, 2000
Page 2

Following the May 1, 1997 Decision in Atlantic Coast Demolition & Recycling, Inc. vs. Board of Chosen Freeholders, et al. 112F.3d 652, 663 (3d Cir 1997), the New Jersey Department of Environmental Protection directed each solid waste management district to review its Solid Waste Management Plan and revise said Plan, as appropriate, in response to this Federal Court Ruling which invalidated the State's waste flow control rules insofar as they discriminate against Interstate Commerce.

The County of Cape May has amended its SWMP on three occasions in response to this requirement and its continuing obligation to address the solid waste disposal and recycling needs of the residents, visitors, businesses and municipalities of Cape May County. The most recent Amendment, which was adopted by the Cape May County Board of Chosen Freeholders on April 25, 2000, requires that all non-recycled solid waste generated within Cape May County be disposed of at either the CMCMUA's Sanitary Landfill or at a permitted out-of-State solid waste disposal facility. Upon Certification by the NJDEP, this Plan Amendment will no longer authorize Cape May County generated solid waste to be disposed of at other solid waste disposal facilities within the State of New Jersey. The County of Cape May adopted this recent Amendment to the County SWMP in an effort to preserve the essential elements of this County's existing comprehensive Solid Waste Management Plan in a manner which is consistent with the requirements of the Interstate Commerce Clause of the United States Constitution. By limiting the disposal options for Cape May County generated solid waste to either disposal at an out-of-State facility or the solid waste disposal facilities provided by this county's designated Solid Waste Management Plan implementing agency (i.e., the Cape May County Municipal Utilities Authority) and by not accepting solid waste for disposal from other solid waste districts in the State, Cape May County seeks to address its statutory and financial obligations, with respect to solid waste, without affecting other solid waste management districts.

The County of Cape May recognizes the objectives of the proposed 15th Amendment to the Cumberland County Solid Waste Management Plan and, in general, we do not object to its basic provisions. We do, however, request that the Cumberland County SWMP specifically address the disposal requirements for any non-recycled solid waste which is generated within Cape May County that is processed through any Class A/Class B recycling facility or at a Materials Recovery Facility/Transfer Station, such as the facilities proposed by Federal Disposal, Inc. for inclusion in the Cumberland County SWMP.

The residue disposal requirements as set forth in Section 7.0 of the proposed 15th Amendment to the Cumberland County SWMP are inconsistent with the Cape May County SWMP, as amended, to the extent that the Cumberland County SWMP requires that all residual waste from the type of facilities described in said Section 7.0 is designated for disposal at the Cumberland County Solid Waste Complex under a "right of first refusal" agreement as set forth specifically in Section 7.2.2. The Cape May County SWMP mandates that all such solid waste originating in Cape May County is to be disposed of at either a properly permitted out-of-State disposal facility

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CAPE MAY COUNTY BOARD OF CHOSEN FREEHOLDERS

Mr. Douglas Fisher, Director
May 9, 2000
Page 3

or the CMCMUA's Sanitary Landfill in Cape May County. This inconsistency must be corrected by Cumberland County since the right of Cape May County to implement intrastate flow control with respect to all non-recycled solid waste generated within Cape May County is paramount to the right or authority of any other solid waste management district.

Hence, it is suggested that Cumberland County modify the last paragraph of Section 7.2.2. of the proposed 15th Amendment to the Cumberland County SWMP by an addition to the text (boldface addition) to read as follows:

"All residual waste from both the Class A/Class B Recycling Facility and the Materials Recovery/Transfer Station, owned and operated by Federal Disposal, Inc., its heir or assigns, is designated by this amendment to be disposed of at the Cumberland County Solid Waste Complex under a "right of first refusal" agreement except that all residuals originating from a solid waste district which requires all solid waste to be disposed of at its facilities, or out-of-State, shall be governed by that district's Solid Waste Management Plan."

The above-noted comments are offered in order to avoid any uncertainty or confusion regarding the proper disposal of non-recycled solid waste which is generated within Cape May County. I am sure that you can understand and appreciate the need to have this matter addressed during the solid waste management planning process in order to avoid any future litigation, with solid waste haulers and/or processors, with respect to the transportation and/or processing of any solid waste which is generated within Cape May County in a manner which is inconsistent with the provisions of the SWMP, as adopted by the County of Cape May.

Please include this letter as part of the public record for the Hearing of May 11, 2000.

Very truly yours,

CAPE MAY COUNTY
BOARD OF CHOSEN FREEHOLDERS

Daniel Beyel

Daniel Beyel
Freeholder Director

cc: Mr. John Castner, NJDEP
Mr. George Marinakis, P.E., CMCMUA
Mr. Stephen Wymbs, CCIA
Thomas S. Higgins, Esquire

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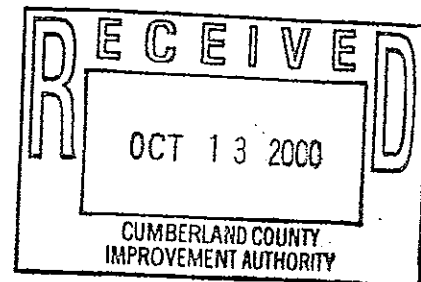
State of New Jersey

Christine Todd Whitman
Governor

Department of Environmental Protection
Office of the Commissioner
P.O. Box 402
Trenton, NJ 08625-0402
Tel. # 609-292-2885
Fax. # 609-292-7695

Robert C. Shinn, Jr.
Commissioner

October 9, 2000



Honorable Douglas Fisher, Director
Cumberland County Board of Chosen Freeholders
County Administration Building
790 East Commerce Street
Bridgeton, New Jersey 08302

Dear Director Fisher:

Enclosed is the certification of the solid waste management plan amendment which the Cumberland County Board of Chosen Freeholders adopted on May 11, 2000. The amendment, which proposes a multi-faceted strategy for managing Cumberland County's solid waste, is approved.

I look forward to working with Cumberland County in the continued refinement of its solid waste management plan.

Sincerely,

Robert C. Shinn, Jr.
Commissioner

RCS:KS
Enclosure



State of New Jersey

Christine Todd Whitman
Governor

Department of Environmental Protection
Office of the Commissioner
P.O. Box 402
Trenton, NJ 08625-0402
Tel. # 609-292-2885
Fax. # 609-292-7695

Robert C. Shinn, Jr.
Commissioner

**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 MAY 11, 2000
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 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 May 11, 2000, adopted an amendment to its approved County Plan.

The May 11, 2000 amendment is multi-faceted and proposes to include in the County Plan:

- * A revised solid waste disposal strategy;
- * An increase in the permitted capacity of the Cumberland County Solid Waste Complex (CCSWC) landfill;
- * The addition of lots to the existing permitted CCSWC landfill site to provide additional buffer and storm water detention;
- * The addition of Kennedy Concrete, Inc., City of Vineland, as a recycling center for Class B material;
- * The addition of Federal Disposal, Inc., City of Vineland, as a recycling center for Class A and Class B materials, and as a transfer station/materials recovery facility (TS/MRF)

The amendment was considered administratively complete on May 25, 2000, 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 11, 2000 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 May 11, 2000 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 are notified of the issues of concern relative to the May 11, 2000 which are included in Section B.2. below.

In conjunction with the review of the amendment, the Department circulated copies to fifteen 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 Compliance and Enforcement, DEP
Division of Water Quality Management, DEP
Division of Solid and Hazardous Waste, 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 and Senior Services
Department of Transportation
Department of Community Affairs
U.S. Environmental Protection Agency

1. Agency Participation in the Review of the May 11, 2000 Amendment

The following agencies did not object to the proposed amendment:

Division of Parks and Forestry, DEP
Division of Fish, Game and Wildlife, DEP
Division of Compliance and Enforcement, DEP
Green Acres Program, DEP
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Transportation

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

Division of Water Quality Management, DEP
Office of Air Quality Management, DEP
Land Use Regulation Element, DEP
Department of Health and Senior Services
Department of Community Affairs
U.S. Environmental Protection Agency

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

Division of Solid and Hazardous Waste, DEP

2. Issues of Concern Regarding the May 11, 2000 Amendment

Issue: Revised Solid Waste Disposal Strategy

In a previous amendment dated January 15, 1998, and certified as approved by the Department on April 24, 1998, Cumberland County set forth its initial response to the May 1997 decision of the courts which declared unconstitutional New Jersey's historic system of solid waste flow

control. The County adopted and implemented a market participant strategy which provides for voluntary delivery of solid waste to the CCSWC landfill.

In the May 11, 2000 amendment, the County proposes a multi-faceted plan to allow it to continue to charge competitive rates and meet all of its debt obligations and operating expenses without the imposition of any additional service charges. The County proposes a volume expansion of the CCSWC landfill by increasing the average tons per year disposed at the landfill from 149,000 tons per year to 200,000 tons per year. The County further proposes to negotiate contracts for disposal at the landfill for up to 1 million tons of the 1.4 million tons of additional disposal capacity by soliciting proposals from the private sector to contract for disposal rights. The anticipated 1 million tons so contracted will equate to an annual disposal of 50,000 tons. Since Cumberland County disposes approximately 150,000 tons per year at the CCSWC landfill, the 400,000 tons of capacity remaining in the volume expansion will extend the life of the landfill from its current projection of 2018 to 2020. Therefore, the County will comply with its statutory requirements of providing disposal capacity for Cumberland County residents for the 10 year planning period while also meeting its debt obligations. Finally, the County proposes to utilize approximately \$5 million of its own funds from its BPU Escrow Account for closure/post closure expenses.

Issue: Historical Background of the CCSWC landfill

The CCSWC landfill was initially included in the County Plan via an amendment dated March 15, 1984, and certified as approved by the Department on July 30, 1984. The facility was identified in the March 1984 amendment as located on Lots 34-37, Block 42, in Deerfield Township. A 1990 permit renewal allowed the bottom liner elevations of the landfill to be lowered which resulted in the lowering of the final contours in Cells 5, 6A and 6B. The subject amendment proposes to increase the capacity of the landfill by 2.2 million cubic yards (from 7.4 million to 9.6 cubic yards) to make up for the loss of permitted capacity lost by the lowering of the contours. According to the County, after allowing for the volume consumed by cover material, this will provide space for an additional 1.4 million tons of solid waste. Additionally, the subject amendment proposes to include Lots 18 and 19 and portions of 2, 3 and 4 in Block 76 to the permitted area of the landfill for additional buffer and storm water detention facilities.

Issue: Conditions of Operation for Federal Disposal, Inc. Recycling Center and TS/MRF

The May 11, 2000 amendment, in addition to including the Federal Disposal Inc. recycling center and TS/MRF in the County Plan, specifies a condition of operation for this facility. Specifically, the amendment states that all residual waste from the facility's operation is to be disposed of at the CCSWC under a "right of first refusal" agreement between Federal Disposal and the CCIA. As noted in Section C. of this certification, the Department approves the County Plan inclusion of the Federal Disposal, Inc. facility. The Department notes, however, that any provisions of the agreement between Federal Disposal and the CCIA remain subject to N.J.A.C.

7:26-6.12(b), which requires that a TS/MRF operate in compliance with any applicable district solid waste management plan as well as any amendments to a district plan and/or any administrative actions concerning such a plan.

Issue: Objections to the Amendment Submitted by Cape May County

The Department was provided a copy of a letter dated May 9, 2000 from Daniel Beyel, Cape May County Freeholder Director, to Douglas Fisher, Cumberland County Freeholder Director, objecting to specific provisions of the proposed Cumberland County Plan amendment which was subsequently adopted on May 11, 2000. On April 25, 2000, Cape May County adopted an amendment to its County Plan which limits the disposal options for waste generated within Cape May County to either disposal at an out-of-state facility or the Cape May County landfill. Specifically, Cape May County objects to Cumberland County's proposed residual disposal requirements for material that was generated outside of Cumberland County but processed through a Cumberland County facility, such as Federal Disposal's recycling center or transfer station/materials recovery facility (TS/MRF). Cumberland County has proposed that such residual material must be disposed at the CCSWC landfill under a "right of first refusal" agreement. Regardless of what contractual provisions to which Federal Disposal may have agreed, pursuant to N.J.A.C. 7:26-6.12(b), a TS/MRF must operate in compliance with any applicable district solid waste management plans as well as any amendments to and/or approved administrative actions concerning such plans, including the Cape May County Plan, as amended.

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 district solid waste management plans, I have reviewed the May 11, 2000 amendment to the approved County Plan and certify to the County Freeholders that the May 11, 2000 amendment is approved as further specified below.

The County Plan inclusion of the revised solid waste disposal strategy is approved. Specifically, the proposed volume expansion of the CCSWC landfill (from 7.4 million to 9.6 cubic yards) is approved. The County's proposed increase in the average tons per year disposed at the landfill from 149,000 tons per year to 200,000 tons per year is also approved. Finally, the inclusion in the County Plan of Lots 18 and 19 and portions of 2, 3 and 4, Block 76 in Deerfield Township, Cumberland County to the permitted area of the CCSWC landfill for additional buffer and storm water detention facilities, is approved. The County intends to negotiate contracts for disposal at the landfill for up to 1 million tons of the 1.4 million tons of additional disposal capacity resulting from the expansion.

The County Plan inclusion of the Kennedy Concrete, Inc., facility, located at 1983 South East Avenue (Block 968, Lot 1), in the City of Vineland, Cumberland County, as a recycling center

for Class B material, specifically concrete, is approved.

The County Plan inclusion of the Federal Disposal, Inc. facility, located at the southwest corner of West Chestnut Avenue and Mill Road (Block 515, Lot 2), in the City of Vineland, Cumberland County, as a recycling center for Class A and Class B recyclable material, and as a TS/MRF, is approved. Specifically, the Class A operation will accept source separated or commingled recyclable material including: glass, aluminum, paper, plastic and cardboard. The Class B operation will accept: asphalt, concrete, brick, block, clean (untreated) wood, tile and assorted masonry, tree stumps, tree parts and tires. The Class A and B operations will accept a combined total of 300 tons per day of material. The TS/MRF operation will accept up to 600 tons per day of solid waste consisting of waste types 10, 13C, and 27. The TS/MRF will remove Class A and B recyclable material from the solid waste for transfer to the on-site Class A and B recycling facility for further processing prior to shipping to end markets. As noted in Section B., the contractual provisions of the "right of first refusal" agreement with the CCIA does not relieve Federal Disposal of its obligation to comply with N.J.A.C. 7:26-6.12(b), which requires a TS/MRF to operate in compliance with any applicable district solid waste management plans as well as any amendments to and/or approved administrative actions concerning such plans.

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 Department 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.

The applicant (CCIA) must apply to the Department for a modification of its existing solid waste facility permit to authorize a capacity expansion and the facility's continued operation. This certification shall not be construed as an expression of the Department's intent to issue a solid waste facility permit modification for any proposed facility or operation.

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 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 B recyclable materials may be commingled only with other Class B recyclable materials and only to the extent authorized in the general approval issued by the Department.

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 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 the Implementation of the Plan 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 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.

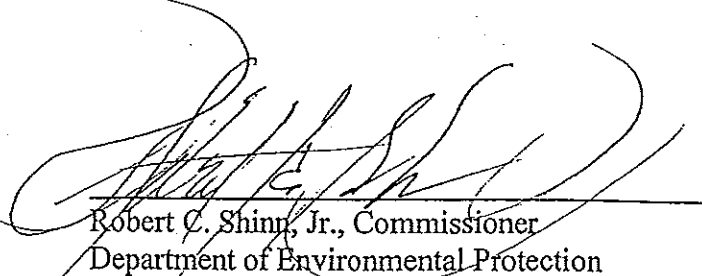
7. Reservation of Authority

Nothing contained herein shall be construed as a limitation on any other action taken by the 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 May 11, 2000.

10/9/00
Date


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