



[njhome](#) | [my new jersey](#) | [people](#) | [business](#) | [government](#) | [departments](#)









[new jersey](#)
 department of environmental protection

[njdep home](#) | [about dep](#) | [index by topic](#) | [programs/units](#) | [dep online](#) | [dshw home](#)


 An unzipping utility is required to decompress these files:
 You may download a shareware version of Pkunzip to extract the files by clicking the icon above.


 Adobe Reader is required to view files with the icon. Download a freeware version of Adobe Reader by clicking the icon above.

CUMBERLAND COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN ADMENDMENTS, CERTIFICATION AND ADMINISTRATIVE ACTIONS

CERTIFICATION OF THE APRIL 24, 1998 AMENDMENT TO THE CUMBERLAND COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN	HTML
CERTIFICATION OF THE MAY 11, 2000 AMENDMENT TO THE CUMBERLAND COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN	HTML
CERTIFICATION OF THE DECEMBER 23, 2003 AMENDMENT TO THE CUMBERLAND COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN	
CERTIFICATION OF THE MARCH 10, 2005 AMENDMENT TO THE CUMBERLAND COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN	
CERTIFICATION OF THE MARCH 10, 2005 AMENDMENT TO THE CUMBERLAND COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN	
CERTIFICATION OF THE NOVEMBER 17, 2005 AMENDMENT TO THE CUMBERLAND COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN	
CERTIFICATION OF THE OCTOBER 25, 2007 AMENDMENT TO THE CUMBERLAND COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN	
CERTIFICATION OF THE MARCH 27, 2008 AMENDMENT TO THE CUMBERLAND COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN	
RESPONSE TO THE SEPTEMBER 5, 2008 REQUEST FOR ADMINISTRATIVE ACTION TO THE CUMBERLAND COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN	
RESPONSE TO THE APRIL 15, 2009 REQUEST FOR ADMINISTRATIVE ACTION TO THE CUMBERLAND COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN	

[contact us](#) | [privacy notice](#) | [legal statement](#) 

department: [njdep home](#) | [about dep](#) | [index by topic](#) | [programs/units](#) | [dep online](#) | [dshw home](#)
 statewide: [njhome](#) | [my new jersey](#) | [people](#) | [business](#) | [government](#) | [departments](#) | [search](#)

Copyright © State of New Jersey, 1996-2002
 Department of Environmental Protection
 P. O. Box 402
 Trenton, NJ 08625-0402

Last Updated: February 24, 2010

This is a copy of the Certification of the January 15, 1998 Admendment to the Cumberland County District Solid Waste Management Plan signed by Commissioner Robert C. Shinn Jr. on April 24, 1998.

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.

April 24, 1998

Date

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

This is a copy of the Certification of the May 11, 2000 Amendment to the Cumberland County District Solid Waste Management Plan signed by Commissioner Robert C. Shinn Jr. ,.

**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 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.

Date

Robert C. Shinn, Jr., Commissioner

Department of Environmental Protection

**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 DECEMBER 23, 2003
AMENDMENT TO THE CUMBERLAND COUNTY
DISTRICT SOLID WASTE MANAGEMENT PLAN**

BY ORDER OF THE COMMISSIONER:

A. Introduction

The New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) established a comprehensive system for the management of solid waste in New Jersey. The Act designated all twenty-one (21) of the state's counties, and the Hackensack Meadowlands District, as Solid Waste Management Districts, and mandated that the Boards of Chosen Freeholders and the Hackensack Meadowlands Development Commission (now the New Jersey Meadowlands 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 December 23, 2003, adopted an amendment to its approved County Plan.

The December 23, 2003 amendment proposes County Plan inclusion of:

1. The following facilities to be located at the Cumberland County Solid Waste Complex, which is located on Jesse's Bridge Road, in Deerfield Township: a transfer station for Class A recyclable materials; a Class B recycling center for tires and clean wood; a Class C recycling center for the composting of leaves; and a permanent household hazardous waste/universal waste collection facility;
2. An additional four acres to the Mid-Atlantic Recycling Technologies, Inc. Class B recycling facility, located at Block 89, Lot 14, in the City of Vineland; and,
3. The Maurice Township exempt leaf composting facility on Block 250, Lot 5, 3790 Delsea Drive, Port Elizabeth.

The amendment was considered administratively complete for review by the Department on February 10, 2004 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this amendment, and has determined that the amendment adopted by the County Freeholders on December 23, 2003 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 December 23, 2003 amendment to the County Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that the amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the issues of concern relative to the December 23, 2003 amendment which are included below.

In conjunction with the review of the amendment, the Department circulated copies to sixteen administrative review agencies and solicited their review and comment. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various bureaus, divisions, and agencies within the Department. All agencies contacted are as follows:

Division of Water Quality, DEP
Division of Parks and Forestry, DEP
Division of Fish and Wildlife, DEP
Division of Compliance and Enforcement, DEP
Division of Solid and Hazardous Waste, DEP
Office of Air Quality Management, DEP
Office of Local Environmental 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

Elements of the December 23, 2003 Amendment

Background

Cumberland County Solid Waste Complex

The Cumberland County Solid Waste Complex (CCSWC) was included in the County Plan via an amendment adopted by the County Freeholders on March 15, 1984. The amendment was certified as approved by the Department on July 30, 1984. The complex is located on Block 76, Lots 2 (Part), 3 (Part), 4 (part), 14, 15, 16, 18, and 19, on Jesse's Bridge Road, in Deerfield Township.

The Cumberland County Freeholders adopted an amendment to the County Plan on December 14, 1989, that was certified as approved by the Department on June 1, 1990. This amendment included in the County Plan a material separating facility at the CCSWC for commingled Class A recyclables (glass, aluminum and tin cans, plastic bottles, etc.) generated throughout the County. The operations of the separation facility commenced in October of 1990 and continued until June of 2001. The facility ceased operations due to a lack of funding. The materials separation facility now operates as a transfer station where commingled Class A recyclables are simply collected and then shipped to the Cape May County Intermediate Processing Facility in Woodbine Borough, Cape May County.

Due to the fact that the separation facility ceased operating a number of years ago and the transfer facility has taken its place, the December 23, 2003 amendment includes in the County Plan a transfer station for Class A commingled recyclables, including paper, which is located on Block 76, Lot 14 of the CCSWC, in Deerfield Township. The transfer station will receive 60 tons per day of commingled Class A recyclables and mixed paper. The commingled recyclables will be delivered to the Cape May County Intermediate Processing Facility, and paper will be delivered to appropriate markets.

Due to the Scrap Tire Management Fund allocation, the Cumberland County Improvement Authority (CCIA) was able to purchase a tire shredder. This will allow the County to assist in the implementation of measures to reduce the health risk associated with the West Nile Virus posed by the storage of scrap tires. The resulting tire chips will be beneficially reused on-site at the CCSWC. Furthermore, unpainted and untreated wood debris, and untreated wood pallets are

landfilled at the CCSWC; and tree trunks, branches and stumps are not accepted at the CCSWC. Therefore, the December 23, 2003 includes in the County Plan a Class B recycling center to be located on Block 76, Lot 14 of the CCSWC. The Class B recycling center would be allowed to accept up to 60 tons per day of scrap tires and source separated clean wood debris, pallets, tree trunks, branches and stumps.

On May 11, 2000, the County Freeholders adopted the County Plan inclusion of the addition of Block 76, Lots 18 and 19 and portions of Lots 2, 3 and 4 to the existing permitted landfill site at the CCSWC to provide additional buffer areas and a storm water detention area. This amendment was certified as approved by the Department on October 9, 2000. The December 23, 2003 plan amendment includes in the County Plan a Class C leaf composting facility to be located on Block 76, part of Lot 2 of the CCSWC that would be allowed to accept up to 15,000 cubic yards of leaves annually.

The CCIA conducts three household hazardous waste events annually. And, in addition to household hazardous waste, the CCIA also collects at these events universal wastes as defined at N.J.A.C. 7:26A-1.3, which include any of the following hazardous wastes that are subject to the universal waste requirements of N.J.A.C. 7:26A-7: batteries; pesticides; thermostats; lamps; mercury-containing devices; oil-based finishes; and consumer electronics. Universal wastes may also be considered Class D recyclable materials, if they are destined for recycling. The success of the collection events, along with the fact that these wastes are prohibited from landfill disposal, has led to the December 23, 2003 County Plan inclusion of a permanent household hazardous waste/universal waste collection facility to be located on Block 76, Lot 14 of the CCSWC. As long as no processing of the universal wastes occurs, the facility would be considered a universal waste handler and would be exempt from Class D permitting requirements. Universal waste handlers however, shall comply with all of the requirements set forth at N.J.A.C. 7:26A-7.4 or 7.5.

Mid Atlantic Recycling Technologies, Inc. (MART)

Casie Ecology Oil Salvage, Inc. (Casie) has operated a facility involved in the commercial storage, treatment, and transfer of bulk and containerized hazardous waste, which is located on Block 89, Lot 17, in the City of Vineland, since 1980. On December 15, 1994, the County Freeholders adopted an amendment to the County Plan that included the Casie Class B recycling center for the purpose of operating a thermal desorption unit for contaminated soils. The amendment was certified as approved by the Department on April 27, 1995. The plan amendment was silent as to the location and capacity of the Class B recycling center. However, the certification noted that the Class B recycling center general approval application package identified the location of the facility as the City of Vineland, Block 89, Lot 17, with a capacity to receive, store, process or transfer 10,000 tons per day, 60,000 tons per week, or 195,000 tons per year of source separated non-hazardous petroleum contaminated soil.

On May 8, 1995 the CCIA was notified that Rezultz, Inc., the owner of the property upon which Casie operated, had entered into an agreement of sale with the City of Vineland to purchase Block 89, Lot 14 (an 8.39 acre lot that adjoined Lot 17) from the city for the purpose of moving the soil

desorption unit to Lot 14. The intent was also to merge Lot 14 into Lot 17; however, the merger did not occur after Rezultz, Inc. purchased Lot 14. The following documents issued by the Department to Casie subsequent to the lot purchase had the location of the soil desorption unit as Block 89, Lot 14 (the 8.39 acre lot purchased from the City of Vineland): the Hazardous Waste Facility Permit modification including the Class B recycling center dated August 7, 1996; and the Class B Recycling Center General Approval, dated July 10, 1997.

On December 17, 1997 the City of Vineland's Zoning Board of Adjustment approved the redivision of Block 89, Lots 13 and 14, whereby 4.0 acres from Lot 13 (owned by Akers Laboratories, Inc.) was subdivided from Lot 13 and added to Lot 14. By deed dated January 15, 1998, the four acres subdivided from Lot 13 were conveyed by Akers Laboratories, Inc. to Rezultz, Inc. for incorporation into Lot 14. No application was made to the CCIA to include these four acres in the County Plan. Furthermore, on March 18, 1998 the City of Vineland's Zoning Board of Adjustment granted a final site plan approval to Rezultz, Inc. that included the clearing of 2.9 acres of the four acres for clean soil storage in association with the Class B recycling center.

On May 23, 2001 the Department issued a Class B Recycling Center General Revocation to CASIE and issued a Class B Recycling Center General Approval to MART who had acquired the Class B facility. Prior to 2000, MART was jointly owned by American Ecology Company and CASIE who each held 50% of the outstanding stock for MART. In January 2000, American Ecology Company became the sole owner of MART. In January 2001, Brian Horne purchased all the outstanding shares of MART from American Ecology Company. And, on August 1, 2001, the Department issued a renewal of the Class B Recycling Center General Approval to MART. Again, both documents reference Block 89, Lot 14 as the location of the Class B recycling center.

On February 27, 2003 the Department approved an administrative action that included in the County Plan a corrected block and lot designation for the MART Class B recycling center. The corrected block and lot designation was the 8.39 acre Lot 14, Block 89, in the City of Vineland as it existed prior to the redivision of Lots 13 and 14 that was approved by the City of Vineland Zoning Board on December 17, 1997. The approval noted that any expansion of the MART facility that will include the use of the additional 4.0 acres added to Lot 14 by the December 17, 1997 redivision shall require a subsequent amendment to the County Plan. Therefore, the December 23, 2003 plan amendment includes within the County Plan the additional 4.0 acres added to Lot 14 by the December 17, 1997 redivision for use by the MART Class B recycling center with the following conditions:

1. The 4.0 acres are to be utilized strictly for the storage of thermally treated soil. No soil processing (including screening) of any nature will occur on the 4.0 acre area.
2. The Department shall, with the input of all interested parties, establish a permit limitation on the volume of soil that may be stored on the 4.0 acres and require that the best management practices and operational procedures be implemented by MART.
3. The inclusion of the 4.0 acres in the County Plan does not constitute an increase in permitted capacity. Any request for an increase of capacity by MART will require County Plan inclusion as per the requirements set forth at N.J.A.C. 7:26-6.
4. The terms of all Federal, State and Local permits as well as the terms of any Administrative Consent Orders shall be followed.

Maurice River Township Compost Facility

The December 23, 2003 amendment proposed the County Plan inclusion of the Maurice River Township exempt recycling center for the composting of leaves, to be located on Block 250, Lot 5, in Maurice River Township, with a mailing address of 3790 Delsea Drive in Port Elizabeth. The facility would receive less than 10,000 cubic yards of leaves per year.

Rules and Regulations

If any operation of a recycling center will discharge pollutants as defined in N.J.A.C. 7:14A et seq., said operation must secure a New Jersey Pollutant Discharge Elimination System Permit and/or a Treatment Works Approval for pollutant discharges prior to operation.

Recycling centers are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits the release of odors and other air contaminants which interfere with the enjoyment of life and property.

C. Certification of the Cumberland County District Solid Waste Management Plan Amendment

In accordance with N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-21, which establishes specific requirements regarding the contents of the county solid waste management plans, I have reviewed the December 23, 2003 amendment to the approved County Plan and certify to the County Freeholders that the December 23, 2003 amendment is approved as further specified below.

The County Plan inclusion of a transfer station for Class A commingled recyclables and paper, that will receive 60 tons per day of commingled Class A recyclables and mixed paper, which is located at the CCSWC on Block 76, Lot 14 in Deerfield Township; a Class B recycling center that would be allowed to accept up to 60 tons per day of scrap tires, and source separated clean wood debris, pallets, tree trunks, branches and stumps, which is located at the CCSWC on Block 76, Lot 14 in Deerfield Township; a Class C leaf composting facility that would be allowed to accept up to 15,000 cubic yards of leaves annually, which is located at the CCSWC on Block 76, part of Lot in Deerfield Township; and a permanent household hazardous waste/universal waste collection facility, which is also located at the CCSWC on Block 76, Lot 14 in Deerfield Township; is approved.

The County Plan inclusion of the additional 4.0 acres added to Lot 14 by the December 17, 1997 redivision for use by the MART Class B recycling center is approved with the following conditions:

1. The 4.0 acres are to be utilized strictly for the storage of thermally treated soil. No soil processing (including screening) of any nature will occur on the 4.0 acre area.

2. The Department shall, with the input of all interested parties, establish a permit limitation on the volume of soil that may be stored on the 4.0 acres and require that the best management practices and operational procedures be implemented by MART.
3. The inclusion of the 4.0 acres in the County Plan does not constitute an increase in permitted capacity. Any request for an increase of capacity by MART will require County Plan inclusion as per the requirements set forth at N.J.A.C. 7:26-6.
4. The terms of all Federal, State and Local permits as well as the terms of any Administrative Consent Orders shall be followed.

The County Plan inclusion of the Maurice River Township exempt recycling center for the composting of leaves, to be located on Block 250, Lot 5, in Maurice River Township, with a mailing address of 3790 Delsea Drive in Port Elizabeth, is approved. The facility would accept less than 10,000 cubic yards of leaves per year.

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 or C materials. A recycling center approval shall only be issued where the applicant has submitted as administratively complete application, as per N.J.A.C. 7:26A-3.5, where all the substantive criteria for approval set forth in N.J.A.C. 7:26A-3.2, 3.3, and 3.4 are satisfied, where a fee has been paid in accordance with N.J.A.C. 7:26A-2, and where none of the criteria for denial of a recycling center approval are met, as per N.J.A.C. 7:26A-11 and 12.

Pursuant to N.J.A.C. 7:26A-4.1(a)1.iii., Class B recyclable materials may be commingled only with other Class B recyclable materials and only to the extent authorized in the Department's general approval.

D. Other Provisions Affecting the Plan Amendment

1. Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with this amendment to the County Plan and which was executed prior to the approval of this amendment and subsequent to the effective date of the Solid Waste Management Act (July 29, 1977), and which shall further be for a term in excess of one year, shall immediately be renegotiated in order to bring same into conformance with the terms and provisions herein set forth. Any solid waste collection operation or disposal facility registered by the Department and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the County Plan if such renegotiation is not completed within ninety (90) days of the effective date of this amendment provided, however, that any such registrant may, upon application to the Department, and for good cause shown, obtain an extension of time to complete such renegotiation.

2. Compliance

All solid waste facility operators and transporters registered with the Department and operating within the County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the County Plan. Any facility operator or transporter who fails to comply with the provisions contained herein shall be deemed to be in violation of N.J.S.A. 13:1E-1 et seq., in violation of N.J.A.C. 7:26-1 et seq., and in violation of their registration to operate a solid waste facility or a collection system issued thereunder by the Department and shall be subject to the provisions and penalties of N.J.S.A. 13:1E-9 and 12 and all other applicable laws.

3. Types of Solid Wastes Covered by the County Plan

The provisions of the County Plan shall apply to all solid wastes defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-2.13 including waste types 10, 13, 23, 25, and 27 and all applicable subcategories and shall not apply to liquid and hazardous wastes. All nonhazardous materials separated at the point of generation for sale or reuse are subject to regulation in accordance with N.J.A.C. 7:26A-1 et seq.

4. Certification to Proceed with Implementation of Amendment

This document shall serve as the certification of the Commissioner of the Department to the County Freeholders and pursuant to N.J.S.A. 13:1E-24c. and f., the County Freeholders shall proceed with the implementation of the approved components of the amendment certified herein.

5. Definitions

For the purpose of this amendment and unless the context clearly requires a different meaning, the definitions of terms shall be the same as those found at N.J.S.A. 13:1E-3 and -99.12, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of Amendment

The approved components of 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 December 23, 2003.

July 13, 2004

Date

Bradley M. Campbell, Commissioner
Department of Environmental Protection

**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 MARCH 10, 2005
AMENDMENT TO THE CUMBERLAND COUNTY
DISTRICT SOLID WASTE MANAGEMENT PLAN**

BY ORDER OF THE COMMISSIONER:

A. Introduction

The New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) established a comprehensive system for the management of solid waste in New Jersey. The Act designated all twenty-one (21) of the state's counties, and the Hackensack Meadowlands District, as Solid Waste Management Districts, and mandated that the Boards of Chosen Freeholders and the Hackensack Meadowlands Development Commission (now the New Jersey Meadowlands Commission) develop comprehensive plans for waste management in their respective districts. On May 13, 1980, 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 March 10, 2005, adopted an amendment to its approved County Plan.

The March 10, 2005 amendment proposes County Plan inclusion of Nature's Choice Corporation located at Block 905, Lot 6, in Upper Deerfield Township, Cumberland County as a Class B recycling facility.

The amendment was considered administratively complete for review by the Department on April 6, 2005 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this amendment, and has determined that the amendment adopted by the County Freeholders on March 10, 2005 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the March 10, 2005 amendment to the County Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that the amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the issues of concern relative to the March 10, 2005 amendment which are included below.

In conjunction with the review of the amendment, the Department circulated copies to seventeen administrative review agencies and solicited their review and comment. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various bureaus, divisions, and agencies within the Department. All agencies contacted are as follows:

Division of Water Quality, DEP
Division of Parks and Forestry, DEP
Division of Fish and Wildlife, DEP
Division of Solid and Hazardous Waste, DEP
Office of Local Environmental Management, DEP
Office of Air Quality Management, DEP
Green Acres Program, DEP
Land Use Regulation Program, DEP
Bureau of Solid Waste Compliance and Enforcement, DEP
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Pinelands Commission
Department of Agriculture
Department of Health and Senior Services
Department of Transportation
Department of Community Affairs
U.S. Environmental Protection Agency

Elements of the March 10, 2005 Amendment

Background

On May 8, 1986, the County adopted an amendment to include Emerald Grow Products, Inc. as a Class C recycling center within the County Plan. This amendment was certified as approved by the Department on October 9, 1986. In 2003, Emerald Grow Products, Inc. was taken over by Nature's Choice Corporation.

The March 10, 2005 amendment proposes County Plan inclusion of Nature's Choice Corporation as a Class B recycling facility for the receipt, storage, processing, and/or transfer of whole trees, tree trunks, tree parts, tree stumps, brush, and untreated pallets. The March 10, 2005 amendment did not specify any capacity limitations for the proposed facility, therefore, the facility's capacity limitations will be determined during the Department's permit/approval process.

State Level Review Comments

As noted above, the Department circulated the amendment to various state level review agencies for their review and comments. The Department's Division of Fish and Wildlife (DFW) commented that the project site is forested and, as such, Landscape Mapping (version II) indicates that the site is suitable habitat for barred owl (state-threatened), Cooper's hawk (state-threatened), five (5) bird species of priority concern (i.e. gray catbird, eastern towhee, red-eyed vireo, wood thrush, Carolina chickadee), one (1) herptile of priority concern (i.e. eastern box turtle), and is within a bald eagle nest buffer.

Pursuant to N.J.A.C. 7:26A-3.2(a) 9., A site plan map is required to delineate the floodplain as defined at N.J.A.C. 7:13-1.2, and delineate the incidence of wetlands, New Jersey Pinelands, prime agricultural lands, historic sites (where applicable) and other environmental sensitive areas. Therefore, DFW recommends an assessment for verification for the presence of those Endangered Species noted above.

In response, the Department notes the comments from the Division of Fish and Wildlife and their concerns regarding the possible impact of the proposed site upon wildlife resources. Therefore, these concerns will be addressed in detail as part of the Department's approval process for this proposed facility.

Regulatory Requirements

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

Recycling centers are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution". This regulation prohibits the release of odors and other air contaminants which

interfere with the enjoyment of life and property.

C. **Certification of the Cumberland County District Solid Waste Management Plan Amendment**

In accordance with N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-21, which establishes specific requirements regarding the contents of the county solid waste management plans, I have reviewed the March 10, 2005 amendment to the approved County Plan and certify to the County Freeholders that the March 10, 2005 amendment is approved as further specified below.

The County Plan inclusion of Nature's Choice Corporation located at Block 905, Lot 6, in Upper Deerfield Township, Cumberland County, as a Class B recycling facility for the receipt, storage, processing, and/or transfer of whole trees, tree trunks, tree parts, tree stumps, brush, and untreated pallets is approved, with requirement noted in (B) above.

This certification shall not be construed as an expression of the Department's intent to issue a recycling center approval to any recycling center for Class B materials. A recycling center approval shall only be issued where the applicant has submitted as administratively complete application, as per N.J.A.C. 7:26A-3.5, where all the substantive criteria for approval set forth in N.J.A.C. 7:26A-3.2, 3.3, and 3.4 are satisfied, where a fee has been paid in accordance with N.J.A.C. 7:26A-2, and where none of the criteria for denial of a recycling center approval are met, as per N.J.A.C. 7:26A-11 and 12.

Pursuant to N.J.A.C. 7:26A-4.1(a)1.iii., Class B recyclable materials may be commingled only with other Class B recyclable materials and only to the extent authorized in the Department's general approval.

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

1. **Contracts**

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with this amendment to the County Plan and which was executed prior to the approval of this amendment and subsequent to the effective date of the Solid Waste Management Act (July 29, 1977), and which shall further be for a term in excess of one year, shall immediately be renegotiated in order to bring same into conformance with the terms and provisions herein set forth. Any solid waste collection operation or disposal facility registered by the Department and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the County Plan if such renegotiation is not completed within ninety (90) days

of the effective date of this amendment provided, however, that any such registrant may, upon application to the Department, and for good cause shown, obtain an extension of time to complete such renegotiation.

2. Compliance

All solid waste facility operators and transporters registered with the Department and operating within the County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the County Plan. Any facility operator or transporter who fails to comply with the provisions contained herein shall be deemed to be in violation of N.J.S.A. 13:1E-1 et seq., in violation of N.J.A.C. 7:26-1 et seq., and in violation of their registration to operate a solid waste facility or a collection system issued thereunder by the Department and shall be subject to the provisions and penalties of N.J.S.A. 13:1E-9 and 12 and all other applicable laws.

3. Types of Solid Wastes Covered by the County Plan

The provisions of the County Plan shall apply to all solid wastes defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-2.13 including waste types 10, 13, 23, 25, and 27 and all applicable subcategories and shall not apply to liquid and hazardous wastes. All nonhazardous materials separated at the point of generation for sale or reuse are subject to regulation in accordance with N.J.A.C. 7:26A-1 et seq.

4. Certification to Proceed with Implementation of Amendment

This document shall serve as the certification of the Commissioner of the Department to the County Freeholders and pursuant to N.J.S.A. 13:1E-24c. and f., the County Freeholders shall proceed with the implementation of the approved components of the amendment certified herein.

5. Definitions

For the purpose of this amendment and unless the context clearly requires a different meaning, the definitions of terms shall be the same as those found at N.J.S.A. 13:1E-3 and -99.12, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of Amendment

The approved components of 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 March 10, 2005.

August 5, 2005

Date

Bradley M. Campbell, Commissioner
Department of Environmental Protection

**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 NOVEMBER 17, 2005
AMENDMENT TO THE CUMBERLAND COUNTY
DISTRICT SOLID WASTE MANAGEMENT PLAN**

BY ORDER OF THE COMMISSIONER:

A. Introduction

The New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) established a comprehensive system for the management of solid waste in New Jersey. The Act designated all twenty-one (21) of the state's counties, and the Hackensack Meadowlands District, as Solid Waste Management Districts, and mandated that the Boards of Chosen Freeholders and the Hackensack Meadowlands Development Commission (now the New Jersey Meadowlands 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 November 17, 2005, adopted an amendment to its approved County Plan.

The November 17, 2005 amendment proposes an expansion of the Cumberland County Improvement Authority (CCIA) landfill located at Block 76, Lots 14, 15, 16, 18, 19, and portions of Lots 2, 3, and 4 in Deerfield Township; infrastructure improvements at the Cumberland County Solid Waste Complex (CCSWC) and the deletion of a solid waste and recycling facility from the County Plan.

Specifically, the November 17, 2005 amendment proposes to raise the existing elevation of the CCIA landfill from 212 feet to 226 feet and to allow for a 31.9 acre lateral expansion of the landfill footprint into Block 76, Lots 15, 18, and 19 in Deerfield Township, Cumberland County, New Jersey.

The plan amendment proposes to improve/replace certain infra structure at the Cumberland County Solid Waste Complex. These infrastructure improvements include:

1. A new commercial convenience center to better accommodate unregistered vehicles;
2. A new access road, scales, and scale house;
3. A new equipment storage and maintenance facility;
4. A new diesel and gasoline fueling station with the capability of being expanded to accommodate and an "alternative fuel" tank and pump;
5. Modification at the Administration/Maintenance building;
6. Conversion of the existing administrative and personnel facilities at the Material Separating Facility into a public education and employee training center and relocating the operations office from the second floor to the first floor;
7. Improvements to the Leachate Collection, Pretreatment and Load-out/Pumping Facilities;
8. Under a Certificate of Authority to Operate, the Cumberland County Improvement Authority will construct and operate side by side aerobic and anaerobic bioreactor cells as a Research, Development and Demonstration (RD&D) project.

The plan amendment also proposes the deletion from the County Plan of the Federal Disposal, Inc. Class A and B Recycling Facility and Material Recovery/Solid Waste Transfer Station, located at Block 515, Lot 2 in the City of Vineland.

The amendment was considered administratively complete for review by the Department on December 16, 2005 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 November 17, 2005 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 November 17, 2005 amendment to the County Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that the amendment is

consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the elements relative to the November 17, 2005 amendment which are included below.

In conjunction with the review of the amendment, the Department circulated copies to seventeen administrative review agencies and solicited their review and comment. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various bureaus, divisions, and agencies within the Department. All agencies contacted are as follows:

Division of Water Quality, DEP
Division of Parks and Forestry, DEP
Division of Fish and Wildlife, DEP
Solid and Hazardous Waste Management, DEP
Office of Local Environmental Management, DEP
Office of Air Quality Management, DEP
Green Acres Program, DEP
Land Use Regulation Program, DEP
County Environmental and Waste Enforcement, DEP
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Pinelands Commission
Department of Agriculture
Department of Health and Senior Services
Department of Transportation
Department of Community Affairs
U.S. Environmental Protection Agency

Elements of the November 17, 2005 Amendment

Background

On March 15, 1984, the Cumberland County Board of Chosen Freeholders adopted an amendment to their County Solid Waste Management Plan (County Plan) to include the Cumberland County sanitary landfill located at Block 42, Lots 34-37, and the Cumberland County Solid Waste Complex (CCSWC) located at Block 76, portions of Lots 2-4, and Lots 14-16. This amendment was certified as approved by the Department on July 30, 1984.

On June 13, 1989, the Cumberland County Freeholder Board adopted an amendment to their County Plan to include the use of a portion of Block 42, Lots 34-37 in Deerfield Township, for the Material Separating Facility site. This amendment was certified as approved by the Department on November 27, 1989.

On July 18, 1991, the Cumberland County Freeholder Board adopted an amendment to their County Plan to clarify site designation of the Cumberland County Solid Waste Complex. The

CCSWC is designated at Block 76, portions of Lots 2-4, 14-16, and Lots 18, 19. This amendment was certified as approved by the Department on January 3, 1992.

On May 11, 2000, the Cumberland County Freeholder Board adopted an amendment to their County Plan to include Block 76, Lots 18 and 19 and portions of 2, 3, and 4, in Deerfield Township to the permitted area of the CCIA Landfill for additional buffer and storm water detention facilities.

The May 11, 2000, the Cumberland County Freeholder Board adopted an amendment to their County Plan to include the Federal Disposal, Inc. facility, located at Block 515, Lot 2 in the City of Vineland, Cumberland County, as a recycling center for Class A and Class B recycling material and as a Transfer Station/Materials Recovery Facility (TS/MRF). This amendment was certified as approved by the Department on October 9, 2000.

On March 11, 2002, the Department denied Federal Disposal Inc.'s application for a Class B Recycling Center General Approval for various inadequacies in the application. There has not been any further activity on the part of Federal Disposal, Inc. to address the application deficiencies.

As noted above, the November 17, 2005 amendment proposes an expansion of the Cumberland County Improvement Authority (CCIA) landfill located at Block 76, Lots 14-16, 18, 19, and portions of Lots 2, 3, and 4 in Deerfield Township; infrastructure improvements at the Cumberland County Solid Waste Complex (CCSWC) and the deletion of the Federal Disposal Inc. Class A and Class B Recycling Facility and Transfer Station/Material Recovery Facility (TS/MRF) from the County Plan.

C. **Certification of the Cumberland County District Solid Waste Management Plan Amendment**

In accordance with N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-21, which establishes specific requirements regarding the contents of the county solid waste management plans, I have reviewed the March 10, 2005 amendment to the approved County Plan and certify to the County Freeholders that the March 10, 2005 amendment is approved as further specified below.

The County Plan inclusion of the proposed expansion to raise the existing elevation of the CCIA landfill from 212 feet to 226 feet and to allow for a 31.9 acre lateral expansion of the landfill footprint into Block 76, Lots 15, 18, and 19 in Deerfield Township, Cumberland County, New Jersey is approved.

The County Plan inclusion of the infrastructure improvements at the Cumberland County Solid Waste Complex as noted in Section A of this certification is approved.

The County Plan deletion of the Federal Disposal, Inc. Class A and B Recycling Facility and Transfer Station/Material Recovery Facility located at Block 515, Lot 2 in the City of Vineland

is approved.

The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals pursuant to N.J.S.A. 13:1E-1 et seq., and all other applicable laws. The issuance of operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the 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 lateral 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.

D. Other Provisions Affecting the Plan Amendment

1. Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with this amendment to the County Plan and which was executed prior to the approval of this amendment and subsequent to the effective date of the Solid Waste Management Act (July 29, 1977), and which shall further be for a term in excess of one year, shall immediately be renegotiated in order to bring same into conformance with the terms and provisions herein set forth. Any solid waste collection operation or disposal facility registered by the Department and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the County Plan if such renegotiation is not completed within ninety (90) days

of the effective date of this amendment provided, however, that any such registrant may, upon application to the Department, and for good cause shown, obtain an extension of time to complete such renegotiation.

2. Compliance

All solid waste facility operators and transporters registered with the Department and operating within the County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the County Plan. Any facility operator or transporter who fails to comply with the provisions contained herein shall be deemed to be in violation of N.J.S.A. 13:1E-1 et seq., in violation of N.J.A.C. 7:26-1 et seq., and in violation of their registration to operate a solid waste facility or a collection system issued thereunder by the Department and shall be subject to the provisions and penalties of N.J.S.A. 13:1E-9 and 12 and all other applicable laws.

3. Types of Solid Wastes Covered by the County Plan

The provisions of the County Plan shall apply to all solid wastes defined in N.J.S.A. 13:1E-3 and

N.J.A.C. 7:26-2.13 including waste types 10, 13, 23, 25, and 27 and all applicable subcategories and shall not apply to liquid and hazardous wastes. All nonhazardous materials separated at the point of generation for sale or reuse are subject to regulation in accordance with N.J.A.C. 7:26A-1 et seq.

4. Certification to Proceed with Implementation of Amendment

This document shall serve as the certification of the Commissioner of the Department to the County Freeholders and pursuant to N.J.S.A. 13:1E-24c. and f., the County Freeholders shall proceed with the implementation of the approved components of the amendment certified herein.

5. Definitions

For the purpose of this amendment and unless the context clearly requires a different meaning, the definitions of terms shall be the same as those found at N.J.S.A. 13:1E-3 and -99.12, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of Amendment

The approved components of 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 November 17, 2005.

Date

Lisa P. Jackson, Commissioner

Department of Environmental Protection

**CERTIFICATION
OF THE OCTOBER 25, 2007
AMENDMENT TO THE CUMBERLAND COUNTY
DISTRICT SOLID WASTE MANAGEMENT PLAN**

BY ORDER OF THE COMMISSIONER:

A. Introduction

The New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) established a comprehensive system for the management of solid waste in New Jersey. The Act designated all twenty-one (21) of the state's counties, and the Hackensack Meadowlands District, as Solid Waste Management Districts, and mandated that the Boards of Chosen Freeholders and the Hackensack Meadowlands Development Commission (now known as the New Jersey Meadowlands Commission) develop comprehensive plans for waste management in their respective districts. On 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 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 October 25, 2007 adopted an amendment to its approved County Plan. The October 25, 2007 amendment proposes County Plan inclusion of the response to the Statewide Solid Waste Management Plan.

The amendment was considered administratively complete for review by the Department on December 18, 2007 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 October 25, 2007 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 October 25, 2007 amendment to the County Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that the amendment is

consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the elements relative to the October 25, 2007 amendment which are included below.

Elements of the October 25, 2007 Amendment

Element: Designation of County Plan Implementation Agency.

The October 25, 2007 plan amendment reaffirms the designation of the Cumberland County Improvement Authority as the County agency to supervise the implementation of the County plan.

Element: Inventory of the Quantity of Solid Waste Generated Waste Generated Within The County for the Next Ten Years.

Using Cumberland County's actual and projected solid waste tonnages, the total tonnages of solid waste types 10, 13, 23, 25, and 27 to be generated within the County in the years 2007 through 2013 are estimated at 185,208, 186,588, 187,978, 190,240, 192,530, 194,848, 197,193, respectively. However, the County is reminded of the obligation to periodically update this information, to satisfy the ongoing statutory requirement to maintain solid waste management planning in ten-year increments going forward.

Element: Inventory of all solid waste and recycling facilities (lot and block and street address) including approved waste types and amounts, hours of operation and approved truck routes.

Solid Waste Facilities

- Cumberland County Solid Waste Complex- This facility, located on Block 76, Lots 14-16, 18, 19 and portions of 2-4 on Jesse's Bridge Road in the Township of Deerfield, is included in the County Plan to accept waste types 10, 13, 13C, 23, 25, 27, 27I. The hours of operation are Monday through Saturday, 7:00 a.m. to 7:00 p.m.

The inventory of recycling facilities contained in the October 25, 2007 amendment was incomplete in terms of those operational details listed above. However, on April 16, 2008, the Department received the completed version of the facility inventory detailing lot and block locations, materials accepted, capacities where required and hours of operation for Classes A, B, C and D Recycling centers. This inventory includes, as Class A recycling centers: Cumberland County Materials Separation Facility, Cumberland recycling Corporation of South Jersey, Cumberland Recycling Corporation-Shredder Division, East Coast Recycling and Giordano's Vineland Scrap Materials Co. Class B recycling centers include: Kennedy Concrete, Inc., Mid-Atlantic Recycling Technology, Nature's Choice and South State. Class C recycling centers include Nature's Choice, and Class D recycling centers include Casie Ecology Oil Salvage, Inc.

Element: Solid Waste Disposal Strategy to be Utilized by the District for the Next Ten Years.

The solid waste disposal strategy contained in the October 25, 2007 amendment is a market participant strategy which provides voluntary delivery of solid waste to the Cumberland County Solid Waste Complex.

Element: District Plan Inclusion Process.

Inclusion Process for New/Expanded Solid Waste Facilities-

The October 25, 2007 plan amendment details the inclusion process that includes:

- A 30-day administrative/technical completeness review with status letter to applicant.
- A 30-day deadline for reply from applicant in cases of noted deficiencies.
- A 120-day submittal of completed applications to the Board of Chosen Freeholders.
- The Cumberland County Board of Chosen Freeholders shall hold a public hearing for the purpose of receiving comments pursuant to N.J.S.A.13:1E-21b.
- The Cumberland County Board of Chosen Freeholders shall submit to the Department a completed plan amendment.

The Department notes that a timeline for approval/rejection by the Cumberland County Board of Chosen Freeholders was not stated. Therefore, this deficiency needs to be addressed in the timeframe contained in Section C. of this certification.

Inclusion Process for Recycling Facilities-

This process is similar to that above, with the following noted differences-

- The applicant publishes two notices of the proposed application, once each week for two consecutive weeks, in a newspaper of general circulation in the host municipality.
- Once the application is deemed complete, the CCIA shall, within 90 days, submit the application to the Cumberland County Board of Chosen Freeholders.
- A public hearing is held on the application by the County Freeholders, where applicable.
- If substantive objections to the site are raised, the proposed site and facility may be subject to a formal plan amendment process. If no such objections are raised;
- The County Freeholders have approved the recycling center to be included in the County Plan

under the blanket inclusion policy by duly adopted resolution and such resolution will be submitted to the Department along with the detailed project description.

Element: Additional tonnage of recycled materials in the MSW stream (by material commodity types) required to meet the mandated MSW recycling goal, and a strategy for

the attainment of the recycling goals as outlined above, including, but not limited to: a listing of designated recyclable materials; those entities providing recycling collection,

Page 4 of 6

processing and marketing services for each of the designated recyclable materials; the communication program to be utilized to inform generators of their source separation and recycling responsibilities, and a comprehensive enforcement program that identifies the county and/or municipal entity(ies) responsible for enforcement of recycling mandates.

Cumberland County's recycling rate for 2005 was 45.8% of the municipal waste stream and 61% of the total waste stream. Using 2005 data, Cumberland County will need to recycle an additional 12,000 tons of material in order to reach the 50% municipal solid waste recycling rate goal.

The October 25, 2007 plan amendment sets forth a multi-faceted strategy for the attainment of the 50% MSW recycling goal by each municipality as well as expansion of Countywide recycling efforts. These include expansion of the public partnership program; offering collection services to volunteer organizations that hold or sponsor events; a targeted public information campaign to inform different section of available programs to them; and, CCIA sponsored events to further educate the public on solid waste reduction and recycling initiatives.

The Designated Recyclables for the residential, commercial, industrial, and institutional sectors are as follows:

- Glass Jars and Bottles
- Aluminum Beverage Cans
- Steel, Tin, and Bi-metal Food Containers (Residential Only)
- PET #1 and HDPE #2 Plastic Containers
- Newspaper (Residential Only)
- High Grade Paper (Commercial and Institutional Only)
- Mixed Paper/Magazines
- Corrugated Cardboard (Commercial and Institutional Only)
- White Goods (Residential Only)
- Food Waste (Commercial and Institutional Only)
- Leaves and Branches (Residential Only)
- Materials unique to an Industry (Commercial and Institutional Only)
- Empty Aerosol Containers
- Electronics (Commercial and Institutional Only)
- Universal Wastes

The Department notes that the inclusion of "tin" and "Bi-metal" containers in the above list is somewhat problematic, as "tin" containers are actually primarily composed of steel, with a thin tin coating on the inside of the container, and "Bi-metal" containers are rarely used to package either food or beverages. The designation of these materials may remain, but the County may wish to clarify this designation in a subsequent Administrative Action.

Comprehensive enforcement program that identifies the county and/or municipal entity(ies) responsible for enforcement of recycling mandates

Under the County Environmental Health Act (CEHA), the Cumberland County Health Department has the lead role in recycling enforcement. By Interlocal Agreement, the County Health Department has partnered with the Cumberland County Improvement Authority to enforce the County Solid Waste Management Plan with respect to recycling. All municipalities have recycling coordinators who are, in part, responsible for enforcing their own town's recycling ordinances.

The October 25, 2007 plan amendment contains the required enforcement strategy that is consistent with the goals and objectives of the Statewide Solid Waste Management Plan.

C. Certification of the Cumberland County District Solid Waste Management Plan Amendment

In accordance with N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-21, which establishes specific requirements regarding the contents of the county solid waste management plans, I have reviewed the October 25, 2007 amendment to the approved County Plan and certify to the County Freeholders that the October 25, 2007 amendment is approved. However, the County must submit a County Plan amendment to address the deficiency noted in Section B. of this certification within 180 days of the date of this approval. The County may submit the required amendment as an Administrative Action, pursuant to N.J.A.C. 7:26-6.11.

D. Other Provisions Affecting the Plan Amendment

1. Compliance

All solid waste facility operators and transporters registered with the Department and operating within the County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the County Plan. Any facility operator or transporter who fails to comply with the provisions contained herein shall be deemed to be in violation of N.J.S.A. 13:1E-1 et seq., in violation of N.J.A.C. 7:26-1 et seq., and in violation of their registration to operate a solid waste facility or a collection system issued thereunder by the Department and shall be subject to the provisions and penalties of N.J.S.A. 13:1E-9 and 12 and all other applicable laws.

2. Certification to Proceed with Implementation of Amendment

This document shall serve as the certification of the Commissioner of the Department to the County Freeholders and pursuant to N.J.S.A. 13:1E-24c. and f., the County Freeholders shall

proceed with the implementation of the approved components of the amendment certified herein.

3. Definitions

For the purpose of this amendment and unless the context clearly requires a different meaning, the definitions of terms shall be the same as those found at N.J.S.A. 13:1E-3 and -99.12, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

4. Effective Date of Amendment

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

5. Reservation of Authority

Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, and also includes the compilation of individual district plans and amendments as they are approved.

E. Certification of Approval of the Amendment by the Commissioner of the Department of Environmental Protection

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve the amendment, as outlined in Section C. of this certification, to the Cumberland County District Solid Waste Management Plan which was adopted by the Cumberland County Board of Chosen Freeholders on October 25, 2007.

Date

Lisa P. Jackson, Commissioner
Department of Environmental Protection

**CERTIFICATION
OF THE MARCH 27, 2008
AMENDMENT TO THE CUMBERLAND COUNTY
DISTRICT SOLID WASTE MANAGEMENT PLAN**

BY ORDER OF THE COMMISSIONER:

A. Introduction

The New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) established a comprehensive system for the management of solid waste in New Jersey. The Act designated all twenty-one (21) of the state's counties, and the Hackensack Meadowlands District, as Solid Waste Management Districts, and mandated that the Boards of Chosen Freeholders and the Hackensack Meadowlands Development Commission (now known as the New Jersey Meadowlands Commission) develop comprehensive plans for waste management in their respective districts. On May 10, 1980, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Cumberland County District Solid Waste Management Plan (County Plan).

The Act further provides that a district may review its County Plan at any time and, if found inadequate, a new County Plan must be adopted. The Cumberland County Board of Chosen Freeholders (County Freeholders) completed such a review and on March 27, 2008 adopted an amendment to its approved County Plan.

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

The amendment was considered administratively complete for review by the Department on April 15, 2008 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this amendment, and has determined that the amendment adopted by the County Freeholders on March 27, 2008 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the March 27, 2008 amendment to the County Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that the amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the elements relative to the March 27, 2008 amendment which are included below.

Elements of the March 27, 2008 Amendment

Element: Background

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

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

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

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

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

Element: Regulatory Requirements

This certification shall not be construed as an expression of the Department's intent to issue a recycling center approval to any recycling center for Class B materials. A recycling center approval shall only be issued where the applicant has submitted as administratively complete application, as per N.J.A.C. 7:26A-3.5, where all the substantive criteria for approval set forth in N.J.A.C. 7:26A-3.2, 3.3, and 3.4 are satisfied, where a fee has been paid in accordance with N.J.A.C. 7:26A-2, and where none of the criteria for denial of a recycling center approval are met, as per N.J.A.C. 7:26A-11 and 12.

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

Recycling centers are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits the release of odors and other air contaminants which interfere with the enjoyment of life and property.

C. Certification of the Cumberland County District Solid Waste Management Plan Amendment

In accordance with N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-21, which establishes specific requirements regarding the contents of the county solid waste management plans, I have reviewed the March 27, 2008 amendment to the approved County Plan and certify to the County Freeholders that the March 27, 2008 amendment is approved as further specified below.

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

The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals pursuant to N.J.S.A. 13:1E-1 et seq., and all other applicable laws. The issuance of operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the DEP and the Attorney General of the State of New Jersey to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126.

D. Other Provisions Affecting the Plan Amendment

1. Compliance

All solid waste facility operators and transporters registered with the Department and operating within the County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the County Plan. Any facility operator or transporter who fails to comply with the provisions contained herein shall be deemed to be in violation of N.J.S.A. 13:1E-1 et seq., in violation of N.J.A.C. 7:26-1 et seq., and in violation of their registration to operate a solid waste facility or a collection system issued thereunder by the Department and shall be subject to the provisions and penalties of N.J.S.A. 13:1E-9 and 12 and all other applicable laws.

2. Certification to Proceed with Implementation of Amendment

This document shall serve as the certification of the Commissioner of the Department to the County Freeholders and pursuant to N.J.S.A. 13:1E-24c. and f., the County Freeholders shall proceed with the implementation of the approved components of the amendment certified herein.

3. Definitions

For the purpose of this amendment and unless the context clearly requires a different meaning, the definitions of terms shall be the same as those found at N.J.S.A. 13:1E-3 and -99.12, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

4. Effective Date of Amendment

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

5. Reservation of Authority

Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, and also includes the compilation of individual district plans and amendments as they are approved.

E. **Certification of Approval of the Amendment by the Commissioner of the Department of Environmental Protection**

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve the amendment, as outlined in Section C. of this certification, to the Cumberland County District Solid Waste Management Plan which was adopted by the Cumberland County Board of Chosen Freeholders on March 27, 2008.

Date

Lisa P. Jackson, Commissioner
Department of Environmental Protection

*Solid and Hazardous Waste Program
P.O. Box 414
Trenton, New Jersey 08625-0414
Tel. # 609-984-3438
Fax. # 609-777-0769*

Steven R. Wymbs, Executive Director
Cumberland County Improvement Authority
2 North High Street
Millville, New Jersey 08332

Dear Mr. Wymbs:

On September 22, 2008, the Department of Environmental Protection's Solid and Hazardous Waste Program received a request for an administrative action dated September 5, 2008 to amend the Cumberland County Solid Waste Management Plan (County Plan). The September 5, 2008 administrative action was developed in response to the April 25, 2008 certification by the Department of the October 25, 2007 County Plan which responded to the requirements of the updated Statewide Solid Waste Management Plan.

The September 5, 2008 administrative action addressed deficient areas noted in the October 25, 2007 certification that required further attention. These areas were: a definitive timeline for approval/rejection for the County Plan inclusion of solid waste and/or recycling facilities by the Cumberland County Board of Chosen Freeholders; and, a clarification of the listing of bi-metal and tin containers as a designated recyclable due to the actual metal content of these materials.

The Department notes that a definitive timeline for the adoption or rejection of an ordinance/resolution by the Cumberland County Board of Chosen Freeholder upon the culmination of a public hearing on a proposed county plan amendment has not been addressed. Therefore, a subsequent submittal will be required to address this deficiency.

Pursuant to N.J.A.C. 7:26-6.11(b) 6 & 14., the Department considers modifications to the updated response to the Statewide Solid Waste Management Act constitutes an approvable administration action. Therefore, this request is hereby approved as an administrative action pursuant to N.J.A.C. 7:26-6.11(f).

If you have any questions relative to this action, please contact Najwa N. Ali of my staff at (609) 984-9773 or email at Najwa.Ali@dep.state.nj.us.

Sincerely,

Guy Watson, Chief
Bureau of Recycling and Planning

*Solid and Hazardous Waste Program
P.O. Box 414
Trenton, New Jersey 08625-0414
Tel. # 609-984-3438
Fax. # 609-777-0769*

Steven R. Wymbs, Executive Director
Cumberland County Improvement Authority
2 North High Street
Millville, New Jersey 08332

Dear Mr. Wymbs:

On April 23, 2009, the Department of Environmental Protection's Solid and Hazardous Waste Program received a request for an administrative action dated April 15, 2009 to amend the Cumberland County Solid Waste Management Plan (County Plan). The April 15, 2009 administrative action was developed in response to the April 25, 2008 certification by the Department of the October 25, 2007 County Plan which responded to the requirements of the updated Statewide Solid Waste Management Plan.

The April 15, 2009 administrative action addressed the deficient area noted in the October 25, 2007 certification that required further attention. The deficient area was a definitive timeline for approval/rejection for the County Plan inclusion of solid waste and/or recycling facilities by the Cumberland County Board of Chosen Freeholders. The April 15, 2009 administrative action has successfully addressed this issue.

Pursuant to N.J.A.C. 7:26-6.11(b) 6 & 14., the Department considers modifications to the updated response to the Statewide Solid Waste Management Act constitutes an approvable administration action. Therefore, this request is hereby approved as an administrative action pursuant to N.J.A.C. 7:26-6.11(f).

If you have any questions relative to this action, please contact Najwa N. Ali of my staff at (609) 984-9773 or email at Najwa.Ali@dep.state.nj.us.

Sincerely,

Guy Watson, Chief
Bureau of Recycling and Planning