

July 16, 2012

Mail Code 401-02C
Guy Watson, Chief
NJDEP Solid & Hazardous Waste Management Program
Bureau of Recycling & Planning
P.O. Box 420
Trenton, NJ 08625-0420

**RE: Administrative Action Request – Bednar Landscaping Services, Inc.
Plan Inclusion of Class C Compost Facility**

Dear Guy:

In a letter and accompanying application dated May 2, 2012, Bednar Landscaping Services, Inc. ("Bednar"), located at the corner of Division and Wooton Streets, Boonton, NJ 07005 (Block 75.01; Lot 69), requested the Morris County Solid Waste Management Plan ("Plan") be amended for the inclusion of Bednar's proposed facility. Bednar applied to be incorporated as a part of the Plan in accordance with the "Blanket Inclusion Policy – Vegetative Waste Compost and Recycling Centers."

In short, Bednar proposes to operate an exempt class C compost facility in accordance with N.J.A.C. 7:26A-1.4(a)13. The facility would accept less than 5,000 cubic yards annually of vegetative waste (leaves and grass) delivered exclusively from Bednar's own landscaping business for composting. For more details on the proposed facility, please see the included application provided by Bednar.

Item (g) of the Plan's blanket inclusion policy requires the adoption of a resolution by the Board of Chosen Freeholders once the blanket inclusion process has been completed. Bednar completed the requirements of the blanket inclusion application, including proper publications and notices, items (b) and (d) of the application, and no known objections and/or comments were raised regarding the proposed facility in accordance with item (e). As such, in a resolution dated July 11, 2012, the Morris County Board of Chosen Freeholders approved the inclusion of the Bednar facility. A copy of this resolution has been attached to this letter.

In summary, this letter is provided as an administrative action requesting that the Bednar facility, and operations of such, as per the attached May 2, 2012 letter and application be determined to be included in and consistent with the Morris County Solid Waste Management Plan.

If you have any additional questions on this request please contact me.

Sincerely,



Larry Gindoff,
Solid Waste Coordinator

Enclosures

CC: William "Hank" Lyon, Freeholder Liaison
Glenn Schweizer, MCMUA Executive Director
Randolph D. Norris, Esq. (Bednar Counsel)
Cynthia A. Oravits, Municipal Clerk, Town of Boonton
File Copy

BOARD OF CHOSEN FREEHOLDERS

MORRIS COUNTY, NEW JERSEY

RESOLUTION NO. : 16

ADOPTED: July 11, 2012

WHEREAS, Bednar Landscaping Services, Inc. has submitted an application and has complied with all of the requirements of the Morris County Solid Waste Management Plan for blanket inclusion as a Class C Recycling Facility to the Morris County District Solid Waste Management Plan, a copy of which application is on file in the Office of the County Division of Solid Waste Management and notices of the proposed application have been appropriately published in the newspaper and notification to all property owners within two hundred (200) feet of the proposed facility has been effected by the applicant; and


NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Morris as follows:

WHEREAS, no substantive objections to the site location were raised by the host community, the County Division of Solid Waste Management, the Morris County Solid Waste Advisory Council or any other person, company and/or entity.

NOW THEREFORE BE IT RESOLVED, by the Board of Chosen Freeholders of the County of Morris, State of New Jersey as follows:

1. The aforementioned facility shall be deemed consistent with the Morris County Solid Waste Management Plan.
2. The application for the blanket inclusion in the Morris County District Solid Waste Management Plan as a Class C Recycling Facility to the Morris County District Solid Waste Management Plan submitted by Bednar Landscaping Services, Inc. (see attached Exhibit A) be and is hereby approved.
3. Pursuant to *N.J.S.A. 13:1E-24D*, the modifications of the application be and are hereby deemed to be minor and do not require subsequent action by the Board of Chosen Freeholders of the County of Morris.
4. A certified copy of this resolution with an appropriate transmittal letter shall be sent to the Commissioner of the New Jersey Department of Environmental Protection.
5. The within resolution shall take effect immediately.

I hereby certify the above to be a true copy of a resolution adopted by the Board of Chosen Freeholders of the County of Morris at a regular meeting held July 11, 2012.


Diane M. Ketchum, Clerk of the
Board of Chosen Freeholders of
the County of Morris

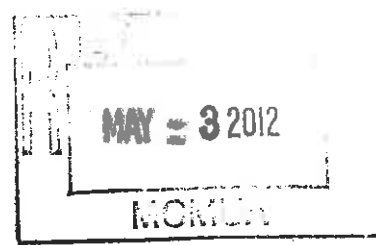
NORRIS & NORRIS, LLC

ATTORNEYS AT LAW

169 SOUTH MAIN STREET, SUITE 1
P.O. Box 183
PHILLIPSBURG, NJ 08865
OFFICE (908)454-1630
FAX (908) 441-5735

RANDOLPH D. NORRIS*
DAVID L. NORRIS**

*MEMBER OF NJ BAR
**MEMBER OF NJ AND NY BARS



randolphnorris@xnorrisx.com / CELL (609) 649-2937
davidnorris@xnorrisx.com / CELL (908) 235-8714

May 2, 2012

SENT VIA REGULAR & CERTIFIED MAIL

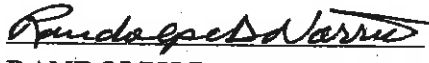
Larry Gindoff, Solid Waste Coordinator
Morris County Municipal Utilities Authority
P.O. Box 370
Mendham, NJ 07945-0370

Re: Applicant: Bednar Landscaping Services, Inc.
Application: Inclusion in the Morris County Solid Waste Management Plan

Dear Mr. Gindoff:

Please be advised, this office represents Bednar Landscaping Services, Inc. ("Bednar") in the above-referenced matter. Enclosed please find Bednar's Application for Inclusion in the Morris County Solid Waste Management Plan, pursuant to the "Blanket Inclusion Policy".

Yours Truly,
NORRIS & NORRIS, LLC


RANDOLPH D. NORRIS, ESQ.

RDN/nfb

Encls.

cc: Richard A. Osborne, Town of Boonton Code Enforcement Officer (*regular and certified mail*)
Morris County Board of Chosen Freeholders (*regular and certified mail*)
Ross M. Hull, Sr. Environmental Specialist NJ DEP (*via regular and certified mail*)
Edward F. Joyce, Property Owner (*via email*)
Peter Liberatore, Owner, Bednar Landscaping (*via email*)

APPLICATION FOR INCLUSION, N.J.A.C 7:26A-1, et seq.
MORRIS COUNTY SOLID WASTE MANAGEMENT PLAN

PROJECT DESCRIPTION

- 1. APPLICANT:** Bednar Landscaping Services, Inc. (hereinafter: "Bednar")
501 Division Street
Boonton, NJ 07005
 - a. Owner: Joyce Holding Company
 - Operator: Bednar
 - b. Telephone No.: (Office) 973-299-1356; (Cell) 973-390-2171

- 2. CONTACT NAME:** Peter Liberatore, Head of Operations for Bednar

- 3. LOCATION OF FACILITY:**
 - a. **Mailing Address:** 501 Division Street, Boonton, NJ 07005;
 - b. **Physical Location:** Corner of Division & Wootton Streets, Boonton, NJ, 07005;
 - c. **Lot/Block No:** Lot 69; Block 75.01

- 4. LOT SIZE OF COMPOST FACILITY:** 270,062 Square Feet (just over 6 acres), dimensions approximately 300 feet x 900 feet.

- 5. ZONING:** I-1 Industrial

- 6. DESCRIPTION OF MATERIALS TO BE RECYCLED:** LEAVES and GRASS (See Narrative and Maps attached hereto as **Exhibit "A" & "B"**).

- 7. NARRATIVE:** See Narrative attached hereto as **Exhibit "A"**.

- 8. MAPS:** See Maps attached hereto as **Exhibit "B"**.

- 9. DESCRIPTION OF METHODS ADDRESSING ENVIRONMENT IMPACTS:** See Environmental Impact Remediation attached as **Exhibit "C"**.

- 10. COPY OF APPLICATION DELIVERED TO NJDEP:** See Notice to, correspondence with, and Acknowledgment from the NJDEP attached hereto as **Exhibit "D"**. See Public Notice and Notice to Property Owners within 200 feet and affected utilities contemporaneously issued herewith, **Exhibit "E"**.

CERTIFICATION

I hereby certify the above statements are true and that the exhibits attached hereto are accurate to the best of my knowledge. I understand that if any of the above statements are willfully false, I am subject to punishment.

Bednar Landscaping Services, Inc.



PETER LIBERATORE

Owner and Head of Operations

Dated: 04/30/12

EXHIBIT A

FACILITY DESCRIPTION NARRATIVE

Bednar Landscaping Services, Inc. ("Bednar") is a landscaping business with its sole and principal operating location at the corner of Division Street and Wooten Street/501 Division Street, Boonton, New Jersey (hereinafter the "Site"). Bednar has been in continuous operation at the Site for twelve years and currently employs 35 people. Bednar provides landscape services to commercial and residential customers and as a byproduct of that service it brings leaves and grass, to the Site for recycling and future use.

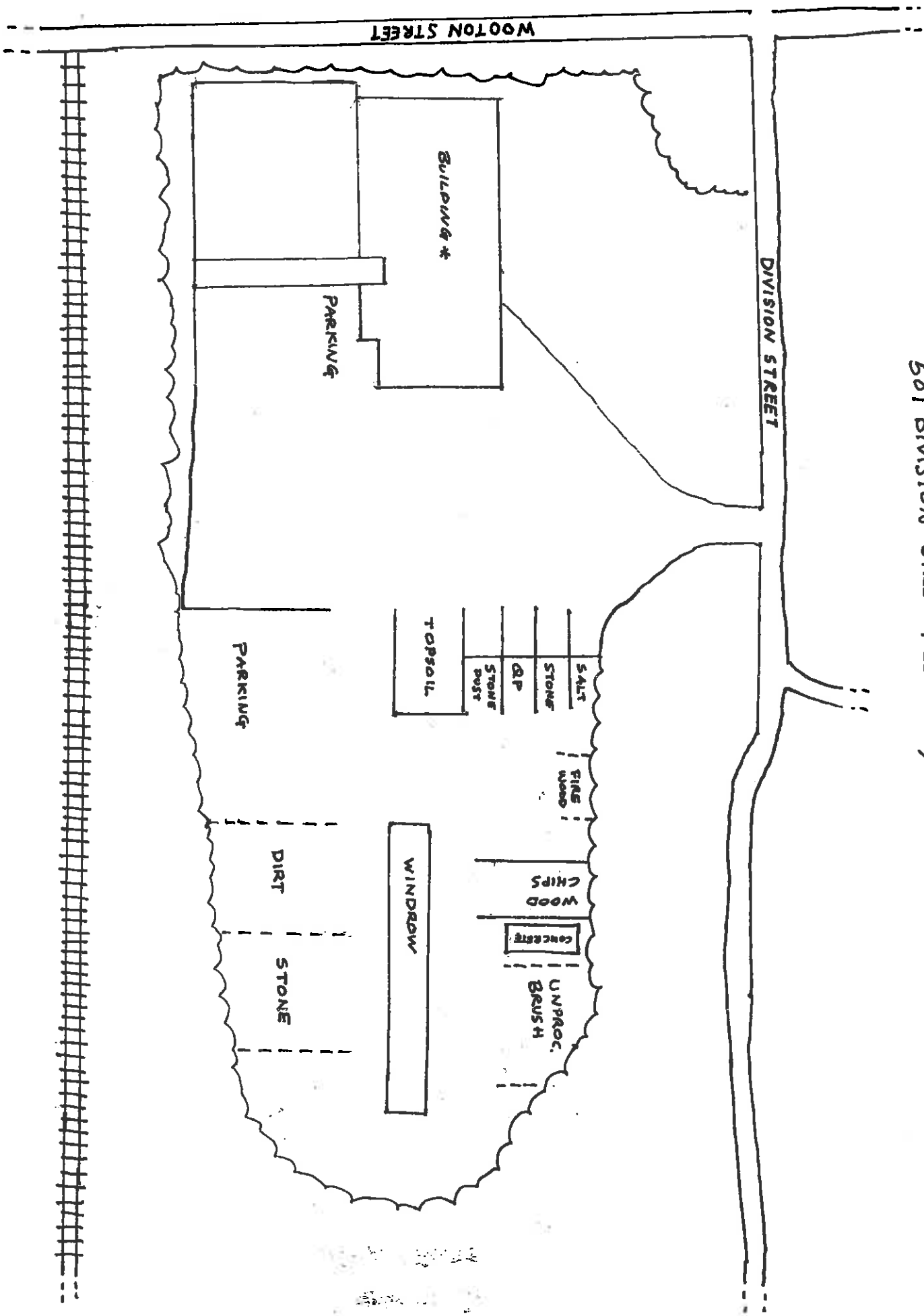
When leaves are delivered to the facility from a Bednar job, they are immediately placed in a windrow for composting. The placement of the single windrow is indicated on the Site Description Map (See **Exhibit "B"**). When grass is received at the Site, Bednar immediately incorporates the grass into the windrow and turns the grass into the windrow to prevent odors. The total volume of material in the windrow is less than or equal to 5,000 cubic yards of leaves and grass, with grass not to exceed 1 part per 5 parts of the volume of leaves. Bednar turns and reconfigures its windrow two times per month. When leaves and grass are delivered to the Site for recycling Bednar logs the volumes so that they can be reported to Boonton, the county and the DEP.

Bednar does not seek any expansion of its facility. Bednar will continue its operations as it has for many years and will not utilize its exemptions to accept materials from other landscapers or any other entities. Bednar only desires to continue its present business activity and to recycle byproducts from its own business activities for future use in compliance with DEP regulations in **Exhibit "D"**.

EXHIBIT B

SITE DESCRIPTION MAP

BEDNAR LANDSCAPING
501 DIVISION STREET, BOONTON, NJ





DREW

WOOTTON

MYRTLE

INTERSTATE 287

INTERSTATE 287

FRONTAGE

ROS

NOEL

STERLING

PARK

OXFORD

MYRTLE

100m

500ft





BOONTON TWP

MONTVILLE TWP

TOWN OF
BOONTON

511

202

287

287

202

627

202

46

46

2 km

1 mi



EXHIBIT C

ADDRESSING ENVIRONMENTAL IMPACTS

1. **ODORS:** Odor is possible from the composting of leaves and grass in the windrow. A Bednar employee will walk the four corners of the Site once per day and create a log of his or her findings regarding any odor. If odor is detected, corrective action will be taken to turn and reconstruct the windrow. See also the Facility Narrative Description detailing that grass is immediately incorporated into the windrow and that the windrow is turned and reconfigured twice per month (this is the DEP mandated and best practice to eliminate odors).
2. **NOISE:** Noise is not anticipated from the turning and reconfiguring process in any significant degree as the process is done by a front end loader causing no more noise than a truck arriving or departing.
3. **DUST:** Significant dust is not anticipated from delivery of grass and leaves. Periodic watering of the windrow will be employed to minimize dust creation.
4. **VISUAL IMPACT:** Vegetative borders are in place around the recycling activity areas to minimize any visual impact.

EXHIBIT D

BEDNAR LANDSCAPE SERVICES^{INC.}



Design • Construction • Maintenance

Ross Hull
Sr. Environmental Specialist
NJ DEP
401 East State Street
PO Box 414
Trenton, NJ 08625

Thank you for the information you sent me by email. I reviewed the regulations, N.J.A.C. 7:26A-1.4(a)3, 13, 19 & 20. I decided that I do not need the leaf transfer exemption, #19, and attached is an updated Notification of exempt recycling activities form pursuant to N.J.A.C. 7:26A-1.4(b)5. I will also forward a copy of this form to the County of Morris. I am assuming you will need a receipt that I sent the updated form to the County also?

The Concrete Fact Sheet was especially helpful and I have decided to store the material in roll-off containers pursuant to N.J.A.C. 7:26A-1.4(a)7ii for continuous operation. I will update this information to the County and Department as well.

For exemption 13, I would like to apply for inclusion in the solid waste management plan under Morris County's blanket inclusion policy. The policy requires that I have an annual capacity of less than 5,000 cubic yards. My operations do not produce over 5,000 cubic yards a year but the exemption would be for up to 10,000 cubic yards. I will notify the County and Department that I will only have and will not go over 5,000 cubic yards and update my information on this issue as well. I realize that as we are still in the application process for the inclusion in the solid waste management plan, and we will have to pay an annual fee of \$1015 until we are approved. Would I send this check to your department in Trenton?

My attorney and I detailed and highlighted the regulations that pertain to us that we will follow, which is included in this fax. We will use this as a guideline to assure that we are in compliance with the County and the State of New Jersey regulations.

Please let me know if you need any other information from me or if I am missing anything.

Thank you Ross and I appreciate your time with this.

**PO Box 135, 501 Division St., Boonton, NJ 07005
973-299-1356 Fax 973-299-1426**

BEDNAR LANDSCAPE SERVICES^{INC.}



Design • Construction • Maintenance

Sincerely,

A handwritten signature in cursive script, appearing to read "L. Peter Liberatore".

L. Peter Liberatore
Vice President
Bednar Landscape Services

**PO Box 135, 501 Division St., Boonton, NJ 07005
973-299-1356 Fax 973-299-1426**

BEDNAR LANDSCAPE SERVICES^{INC.}



Design • Construction • Maintenance

Kathleen Hourihan
Recycling Coordinator
Morris County MUA
PO Box 370
Mendham, NJ 07945

Kathleen:

Please see the attached notification of exempt recycling activities form along with the description of exempt activities that we are interested in conducting.

The two activities, #3 and #20, are the activities that we are able to comply to the DEP and Morris County regulations at this point in time.

We are also interested in recycling activity #13, however we realize we need to apply to be a part of the Morris County blanket solid waste management plan first.

We are in the process of applying for this status and will notify you and the DEP if and when we are accepted. We also will submit a new exempt recycling activities form for this statute once we get the go ahead.

We do not plan on processing more than 5,000 cubic yards of vegetative recycling material at our site, therefore believe we will be under the blanket policy.

Hopefully this is acceptable to you and the department and if there is anything else I must do to be in compliance, please let me know.

Thank you for your attention in this matter.

Sincerely,

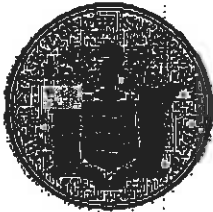
A handwritten signature in cursive script, appearing to read "L. Peter Liberatore".

L. Peter Liberatore
Vice President
Bednar Landscape Services

**PO Box 135, 501 Division St., Boonton, NJ 07005
973-299-1356 Fax 973-299-1426**

FAX TRANSMISSION

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
 SOLID & HAZARDOUS WASTE MANAGEMENT PROGRAM
 BUREAU OF RECYCLING & PLANNING



P.O. Box 420
 TRENTON, NEW JERSEY 08625-0420
 PHONE: (609) 984-5936
 FAX: (609) 633-1112



| | |
|---|--|
| TO: PETER LIBERATORE, VICE PRESIDENT | FROM: ROSS M. HULL, SENIOR ENVIRONMENTAL SPECIALIST |
| FAX #: (973) 299-1426 | DATE: NOVEMBER 22, 2010 |
| AFFILIATION: BEDNAR LANDSCAPE SERVICES, INC. | PAGES: 13 (INCLUDING COVER LETTER) |
| SUBJECT: ACKNOWLEDGEMENT OF A NOTIFICATION OF EXEMPT RECYCLING ACTIVITIES | |

Comments: The attached is your copy of an acknowledgement of a Notification of Exempt Recycling Activities received by the New Jersey Department of Environmental Protection (Department) on November 22, 2010. This acknowledgement, signed by Ross M. Hull, Senior Environmental Specialist of the Department's Bureau of Recycling & Planning, demonstrates the Department's receipt and review of this Notification. This acknowledgement will be faxed or mailed to the Department's Bureaus of Solid Waste Compliance and Transfer Stations and Recycling Facilities, the Morris County Municipal Utilities Authority, the Morris County Department of Law and Public Safety, and the Town of Boonton.

All of the recycling operations noted on the attached acknowledgement are to be conducted pursuant to the exemption found at N.J.A.C. 7:26A-1.4(a)20 including all criteria associated with this exemption. For your convenience, I am attaching applicable regulations and the Department's Fact Sheet regarding this exemption.

If you have any questions regarding this exemption, please do not hesitate to call me at (609) 984-5936.

NOTIFICATION OF EXEMPT RECYCLING ACTIVITIES

NAME: L. Peter Liberatore
Bednar Landscape Services TITLE: Vice President

CORPORATION / COMPANY: Bednar Landscape Services

MAILING ADDRESS: Po Box 135, Boonton, NJ 07005

MUNICIPALITY: Boonton STATE: NJ ZIP: 07005
Morris County

TELEPHONE NUMBER: (973) 299-1356 FAX NUMBER: (973) 299-1426
area code area code

WHICH EXEMPTION FOUND AT N.J.A.C. 7:26A-1.4(a) WILL YOU BE OPERATING PURSUANT TO?
(see back of form and enter the exemption number)
#3 and #20 (see attached form)

LOCATION WHERE ACTIVITY IS TO BE CONDUCTED: (if activity is to be conducted at more than one location, you must complete and submit a notification form for each location.)

MUNICIPALITY: Boonton COUNTY: Morris

STREET ADDRESS: 501 Division Street BLOCK #: 69 LOT #: 75.01

LOCATION DESCRIPTION: (construction or demolition site, shopping mall, farm, industrial park, etc.)
Construction Yard

DATE ACTIVITY WILL COMMENCE: 11 / 15 / 10
Month Day Year

ANTICIPATED COMPLETION DATE: (if applicable)
Month / Day / Year

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I further certify that the operation described herein satisfies the criteria for exemption as set forth in N.J.A.C. 7:26A-1.4. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I understand that, in addition to criminal penalties, I may be liable for a civil penalty pursuant to N.J.A.C. 7:26-5 and that submitting false information may be grounds for termination of any exemption.

Name (print) L. Peter Liberatore Title (print) Vice President

Signature L. Peter Liberatore Date: 11 / 15 / 10
Month Day Year

* An unofficial copy of the Recycling Regulations, N.J.A.C. 7:26A-1.4, can be obtained from the Department's internet website at: www.state.nj.us/dep/dshw/resource/rules.htm

Please complete and mail this form to your host municipality and host county health department and solid waste coordinator. Please then mail the completed form along with proof of mailing to your host municipality and county to: Mail Code 401-02C, New Jersey Department of Environmental Protection, Solid & Hazardous Waste Management Program, Bureau of Recycling & Planning, P.O. Box 420, Trenton, New Jersey 08645-0420.

Received by NJDEP Solid & Hazardous Waste Management Program (This section to be completed by)

Signature Ron M. Full Date: 11 / 22 / 10
Month Day Year



EXHIBIT E

**PUBLIC NOTICE:
TOWN OF BOONTON**

**NOTICE OF APPLICATION FOR INCLUSION IN THE MORRIS COUNTY SOLID
WASTE MANAGEMENT PLAN**

PLEASE TAKE NOTICE that Bednar Landscape Services, Inc. is applying for inclusion in the Morris County Solid Waste Management Plan pursuant to the "Blanket Inclusion Policy" for the property located at 501 Division Street, Town of Boonton, Morris County, Block 69 Lot 75.01 for recycling/composting of grass and leaves.

Depositories for the complete application and supporting documents are the Town of Boonton, 100 Washington Street, Boonton, N.J. 07005 and the Morris County Division of Solid Waste Management, 300 Mendham Road, Morris Township, NJ 07960-4806.

Written comments on the proposed application will be accepted by Morris County Division of Solid Waste Management for a period of 30 days from the date of this publication and should be directed to:

Morris County Division of Solid Waste Management
Attn: Larry Gindoff, Solid Waste Coordinator
P.O. Box 370, Mendham , NJ 07945-0370

NORRIS & NORRIS, LLC

ATTORNEYS AT LAW

169 SOUTH MAIN STREET, SUITE 1
P.O. BOX 183
PHILLIPSBURG, NJ 08865
OFFICE (908)454-1630
FAX (908) 441-5735

randolphnorris@xnorrisx.com / CELL (609) 649-2937
davidnorris@xnorrisx.com / CELL (908) 235-8714

RANDOLPH D. NORRIS*
DAVID L. NORRIS**

*MEMBER OF NJ BAR
**MEMBER OF NJ AND NY BARS

_____, 2012

SENT VIA REGULAR & CERTIFIED MAIL RRR

All individuals/entities within 200 feet of 501 Division Street, Boonton, NJ

Re: Applicant: Bednar Landscaping Services, Inc.
Application: Inclusion in Morris County Solid Waste Management Plan

Dear Sir/Madam:

PLEASE TAKE NOTICE that Bednar Landscaping Services, Inc. (hereinafter "Bednar"), located at Block 69, Lot 75.01, 501 Division Street, Boonton, NJ 08005, will apply to the County of Morris for Inclusion in the Morris County Solid Waste Management Plan pursuant to their "Blanket Inclusion Policy".

Bednar seeks to include its operation of leaf and grass recycling/composting under the regulations established and enforced the County of Morris and the New Jersey Department of Environmental Protection. See N.J.A.C. 7:26 et seq.

Depositories of the complete application and supporting documentation are at the Town of Boonton, 100 Washington Street, Boonton, N.J. 07005 and the Morris County Division of Solid Waste Management, 300 Mendham Road, Morris Township, New Jersey 07960-4806.

Written comments on the subject application will be accepted by the Morris County Division of Solid Waste Management, Attn: Larry Gindoff, Solid Waste Coordinator, P.O. Box 370, Mendham, NJ 07945-0370 for a period of 30 days from the date of the first published notice.

NORRIS & NORRIS, LLC

RANDOLPH D. NORRIS, ESQ.

Telephone: 973-402-9410
Facsimile: 973-316-8498
www.boonton.org

TOWN OF BOONTON
100 WASHINGTON STREET
BOONTON, NEW JERSEY • 07005



April 16, 2012

In accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-12), the enclosed is a certified listing of the names and addresses within 200 feet radius of the subject property as shown on the current Town of Boonton Tax Duplicate.

SUBJECT PROPERTY 501 Division Street, Boonton, New Jersey

BLOCK- 69

LOTS- 75.01

Paul G. Parsons

Paul G. Parsons, C.T.A.
Municipal Tax Assessor

TOWN OF BOONTON

UTILITY NOTICE - PERSONNEL & MAILING ADDRESS

Cablevision of Morris

Ms. Mary Vongas, General Manager

683 Route 10 East

Randolph, New Jersey 07869-3799

New Jersey Natural Gas

Rick Albanese, Right of Way Representative

1415 Wycoff Road

P.O. Box 1378

Wall Township, New Jersey 07719

Jersey Central Power & Light Company

Real Estate Department

76 South Main Street

Akron, Ohio 44308

Town of Boonton Department of Public Works

Michael P. Petonak, Director

100 Washington Street

Boonton, New Jersey 07005

Land use law amended

Effective Aug. 7, 1991, an amendment to the Municipal Land Use Law requires that notice of hearings on applications for approval of a major subdivision or a site plan, which require public notice, shall be given to all public utilities and cable television companies that own land or any facility or that possess a right-of-way or easement within 200 feet in all directions of the property which is the subject of such hearing. Engineers and others should obtain a copy of the amendment to insure compliance with the changes.

NOTE: This is to be part of the application for Planning Board and Board of Adjustment cases.

June 1992

