



State of New Jersey

Department of Environmental Protection

Division of Solid and Hazardous Waste

P.O. Box 414

Trenton, New Jersey 08625-0414

Tel. # 609-984-3438

Fax. # 609-777-0769

DONALD T. DiFRANCESCO
Acting Governor

Robert C. Shinn, Jr.
Commissioner

Honorable Douglas R. Cabana, Director August 28, 2001
Morris County Board of Chosen Freeholders
Administration and Records Building
Court Street
Morristown, New Jersey 07963

RECEIVED

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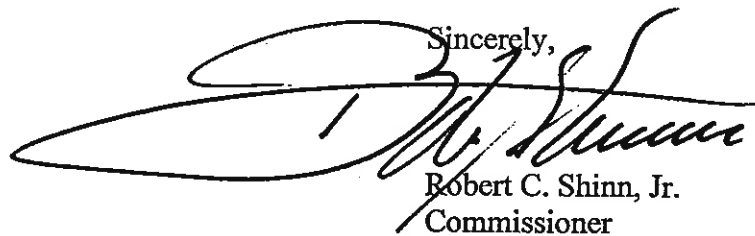
MCMUA

Dear Freeholder Director Cabana:

Enclosed is the certification of the solid waste management plan amendment that the Morris County Board of Chosen Freeholders adopted on March 14, 2001. The amendment, which proposes the inclusion in the County Plan of the Morris County Shade Tree Department Camp Pulaski Class B recycling center at the site of the existing Camp Pulaski Class C recycling center in Mount Olive Township, is approved.

We appreciate the efforts of the Freeholder Board, the Morris County Solid Waste Advisory Council, and elected officials and citizens instrumental in the formulation of the district's solid waste management plan amendment.

Sincerely,



Robert C. Shinn, Jr.
Commissioner

Enclosure

C: Larry Gindoff, Morris SW Coordinator



State of New Jersey

Department of Environmental Protection

DONALD T. DiFRANCESCO
Acting Governor

Robert C. Shinn, Jr.
Commissioner

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

**IN THE MATTER OF CERTAIN AMENDMENTS
TO THE ADOPTED AND APPROVED SOLID
WASTE MANAGEMENT PLAN OF THE
MORRIS COUNTY SOLID WASTE
MANAGEMENT DISTRICT**

**CERTIFICATION
OF THE MARCH 14, 2001
AMENDMENT TO THE MORRIS 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 (HMDC) develop comprehensive plans for waste management in their respective districts. On January 29, 1981, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Morris 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 Morris County Board of Chosen Freeholders (County Freeholders) completed such a review and on March 14, 2001, adopted an amendment to its approved County Plan. The amendment proposes County Plan inclusion of the

Morris County Shade Tree Department Camp Pulaski Class B recycling center at the existing Camp Pulaski Class C recycling center in Mount Olive Township.

The amendment was considered administratively complete for review by the Department on April 6, 2001 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 Morris County Board of Chosen Freeholders on March 14, 2001 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the March 14, 2001 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 Morris County Freeholders and the applicants are notified of the issues of concern relative to the March 14, 2001 amendment which are included 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 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, 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

Issues of Concern Regarding the March 14, 2001 Amendment

Issue: Historical Background of the Camp Pulaski Class C Recycling Center

The Camp Pulaski Class C recycling center was included within the Morris County Plan through the county blanket compost facility siting policy that was incorporated into the Morris County Plan via the July 10, 1985 County Plan amendment certified by the Commissioner of the DEP on August 19, 1985. The Camp Pulaski compost facility received a vegetative composting facility permit from the DEP on June 30, 1989 and subsequent permit renewals thereafter.

Issue: Regulatory Issues

Incorporation of the Camp Pulaski site in the Morris County Plan as a recycling center for Class B material is the first phase of the Department's facility approval process. No natural wood waste, brush or logs may be accepted until the receipt of all necessary approvals as further specified in Section C. below.

The Department also noted that if the proposed operations will discharge pollutants as defined in N.J.A.C. 7:14A-1.2, said operations may be required to secure a New Jersey Pollutant Discharge Elimination System (NJPDES) permit and/or Treatment Works Approval for pollutant discharges prior to construction or operation. By way of this certification the Freeholder Board and facility applicant are notified of these possible requirements.

C. Certification of the Morris 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 March 14, 2001 amendment to the approved County Plan and certify to the County Freeholders that the March 14, 2001 amendment is approved as further specified below.

The County Plan inclusion of the Morris County Shade Tree Department Camp Pulaski Class B recycling center located at Block 400, Lot 4 and Block 401, Lot 1, in Mount Olive Township, Morris County, is approved. The Class B recycling center will accept a maximum of 100 tons per day (400 cubic yards) of natural wood waste, brush and logs (stumps will not be accepted).

This certification approval shall not be construed as an expression of the Department's intent to issue a recycling center approval to any recycling center for Class B recyclable materials. A recycling center approval shall only be issued 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 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 District 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 DEP 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 Morris County District Solid Waste Management Plan which was adopted by the Morris County Board of Chosen Freeholders on March 14, 2001.

8/28/01
Date


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

