



State of New Jersey

Department of Environmental Protection

Office of the Commissioner

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James E. McGreevey
Governor

Bradley M. Campbell
Commissioner

JUL 23 2002

Honorable John J. Murphy, Director
Morris County Board of Chosen Freeholders
County Administration Building, 5th Floor
Court Street
Morristown, NJ 07960

Dear Director Murphy:

Enclosed is the certification of the solid waste management plan amendment which the Morris County Board of Chosen Freeholders adopted on March 13, 2002. The amendment, which proposed County Plan inclusion of capacity and operational changes at the Camp Pulaski Class B and C recycling facility; the Parsippany-Troy Hills Class C recycling facility; and, the inclusion of a Class B recycling facility at the Parsippany-Troy Hills Class C recycling facility 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,

Bradley M. Campbell
Commissioner

BMC:RJW
Enclosure



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**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 13, 2002
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 13, 2002, adopted an amendment to its approved County Plan.

The March 13, 2002 amendment proposes County Plan inclusion of capacity and operational changes at the following facilities: the Camp Pulaski Class B and C recycling facility, Block 400, Lot 1 and Block 401, Lot 4, located on Old Waterloo Village Road, in Mount Olive Township; the Parsippany-Troy Hills Class C recycling facility, Block 7, Lot 2, 500 West Hanover Avenue, Parsippany-Troy Hills Township; and, the inclusion of a Class B recycling facility at the Parsippany-Troy Hills Class C recycling facility location.

The amendment was considered administratively complete for review by the Department on April 4, 2002 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 13, 2002 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 13, 2002 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 13, 2002 amendment which are included below.

In conjunction with the review of the amendment, the Department circulated fifteen copies 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
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 March 13, 2002 Amendment

1. Elements regarding the Camp Pulaski facility

Facility History

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 waste composting facility permit from the DEP on June 30, 1989. The original amendment did not contain a material or capacity limitation, however a capacity of 40,000 cubic yards of Class C (leaves and grass) materials was approved in the June 30, 1989 permit.

A County Plan amendment dated March 14, 2001, included the Camp Pulaski Class B recycling center located at Block 400, Lot 1 and Block 401, Lot 4, in Mount Olive Township, Morris County. The amendment was certified by the Department on August 28, 2001. The Class B recycling center currently operates at an approved capacity of 152 tons per day of natural wood waste, brush and logs (stumps are not accepted).

Capacity Changes

As adopted, the amendment proposes the annual capacity of Class C materials to be accepted at the Camp Pulaski facility to be increased from 40,000 cubic yards per year to 94,000 cubic yards per year. However, the separate capacities for grass and leaves listed in the March 13, 2002 amendment did not add up to this total. The Morris County Solid Waste Coordinator clarified the proposed Class C materials and capacities to be accepted at the Camp Pulaski facility as follows (total Class C annual capacity of 94,000 cubic yards):

- Grass-10,000 cubic yards per year; and,
- Leaves-84,000 cubic yards per year.

2. Elements regarding Parsippany-Troy Hills facility

Facility History

The Parsippany-Troy Hills Class C recycling center was also 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 Parsippany-Troy Hills compost facility received a vegetative composting facility permit from the DEP in March of 1989. The original amendment did not contain a material or capacity limitation, however a capacity of 38,000 cubic yards of Class C (leaves and grass) materials was approved in the March, 1989 permit.

Capacity and Operational Changes

As adopted, the March 13, 2002 amendment proposes an increase of capacity of the Parsippany-Troy Hills recycling facility from 38,000 cubic yards per year to 66,500 cubic yards per year. Furthermore, the March 13, 2002 amendment proposes the County Plan inclusion of a Class B recycling facility at the Parsippany-Troy Hills site. The proposed material and capacities for the Parsippany-Troy Hills Class B and C recycling facility are as follows (total capacity of 66,500 cubic yards per year):

Class C materials-

- Grass- 8,000 cubic yards per year;
- Leaves- 55,000 cubic yards per year; and,

Class B materials-

- Brush- 3,500 cubic yards per year, which calculates to 1.4 tons per day.

3. Elements Regarding Both Facilities

Hours of Operation

The amendment noted that the hours of operation for both the Camp Pulaski and Parsippany-Troy Hills facilities would be limited to Monday through Friday, between the hours of 7:30 a.m. and 4:00 p.m.; and Saturday, from October to Mid-December, from 7:30 a.m. to 4:00 p.m.

Regulatory Requirements

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 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 county solid waste management plans, I have reviewed the March 13, 2002 amendment to the approved County Plan and certify to the County Freeholders that the March 13, 2002 amendment is approved as further specified below.

The County Plan inclusion of capacity changes at the Camp Pulaski Class B and C recycling facility, Block 400, Lot 1 and Block 401, Lot 4, located on Old Waterloo Village Road, in Mount Olive Township is approved. The facility will be allowed to accept the following Class C materials at a total of 94,000 cubic yards per year: up to 84,000 cubic yards per year of leaves; and 10,000 cubic yards per year of grass.

The County Plan inclusion of capacity changes and a Class B recycling facility at the Parsippany-Troy Hills Class C recycling facility, Block 7, Lot 2, 500 West Hanover Avenue, Parsippany-Troy Hills Township is approved. The facility will be allowed to accept the following Class B and C recyclable materials at a total of 66,500 cubic yards per year: up to 8,000 cubic yards per year of grass; up to 55,000 cubic yards per year of leaves; and, up to 3,500 cubic yards per year of brush (1.4 tons per day).

The amendment noted that the hours of operation for both the Camp Pulaski and Parsippany-Troy Hills facilities would be limited to Monday through Friday, between the hours of 7:30 a.m. and 4:00 p.m.; and Saturday, from October to Mid-December, from 7:30 a.m. to 4:00 p.m.

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 an 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 and/or Class C recyclable materials may be commingled only with other Class B and/or Class C 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 Morris County District Solid Waste Management Plan which was adopted by the Morris County Board of Chosen Freeholders on March 13, 2002.

June 23, 2002
Date

Bradley M. Campbell
Bradley M. Campbell, Commissioner
Department of Environmental Protection