

Warren County Solid Waste Management Plan

Procedural and Evaluation Guidelines to Modify Existing and Include New Solid Waste and Recycling Facilities in the Warren County Solid Waste Management Plan

Introduction

The following guidelines will be used by the County of Warren to evaluate requests to amend the Warren County Solid Waste Management Plan (Plan) to include new solid waste and recycling facilities and to modify certain operations of existing facilities

According to N.J.A.C. 7:26-6.12 all solid waste facility operators and transporters registered with the Department shall operate in compliance with the applicable district solid waste management plan as well as with as any amendments and administrative actions approved concerning the plan. Any facility operator or transporter who fails to comply with the applicable solid waste management plan, amendment, and approved administrative actions concerning such plan shall be deemed to be in violation of the regulation and shall be subject to the applicable penalties provided by applicable law or regulation.

In addition, pursuant to N.J.A.C. 7:26A-4.2 no recycling center, as defined in N.J.A.C. 7:26A-1.3, with the exception of those recycling centers operating pursuant to a limited approval granted under N.J.A.C. 7:26A-3.7 or an exemption pursuant to 26A-1.4, shall commence operations unless and until it is included in the applicable district solid waste management plan.

The Solid Waste Management Act (SWMA) regulation and case law require that municipal concerns be considered in the approval process for solid waste and recycling facilities. The courts have said that failure to satisfy the statutory and regulatory provisions for the consideration of municipal concerns will negate NJDEP's action in approving a solid waste or recycling facility.

Similarly in the spirit of the SWMA, regulation, and case law concerning the duty to consult with municipalities in the planning and permitting of solid waste and recycling facilities, the Warren County Solid Waste Management Plan contains the following procedures for including facilities into the Warren County Solid Waste Management Plan and modifying those that are already listed in the plan. The procedures provide for effective municipal participation while maintaining the role and authority of the County SWAC and Board of Chosen Freeholders on facility inclusion matters.

These guidelines are divided into six major sections to include:

I. Definitions: Defines most of the major terms that are used in these Guidelines and are consistent with the NJDEP Solid Waste and Recycling Rules.

II. Plan Amendment Process for Including and Modifying Solid Waste and Recycling

Facilities: Describes the process an applicant goes through with respect to amending and being included in the Solid Waste Management Plan. Details are included on the SWAC evaluation process as well as a description of the overall process relating to the evaluation from other related agencies.

III. Roles and Responsibilities: Discusses the roles and responsibility that each person and agency/body has in the review process used by Solid Waste Advisory Council. These agencies include, but are not limited to, the Warren County Board of Chosen Freeholders, the host municipality, the New Jersey Department of Environment Protection, and the Warren County Health Dept

IV. Submission Information: Specifies the detailed information to be supplied by the applicant.

V. Evaluation Criteria: List the basis the SWAC uses while formulating its recommendation to the Freeholders.

VI. Conditions of Approval and Ongoing Responsibilities: Once operating, the facility will have responsibilities to ensure continued compliance with laws, regulations and the Solid Waste Management Plan. This section describes these requirements.

The SWAC reserves the right to request additional information, if needed, for a proper review of an applicant's Plan inclusion request.

The applicant must submit its Solid Waste Management Plan inclusion application and all other correspondence to:

David K. Dech, Planning Director/Solid Waste Coordinator
Warren County Planning Department
165 County Route 519 South
Belvidere, NJ 07823
Tel: (908) 475-6532
Fax: (908) 475-6537

I. DEFINITIONS

The following definitions are included to assist the reader in understanding these guidelines and are taken from the New Jersey Department of Environmental Protection Solid Waste Regulations found at N.J.A.C. 7:26 and the Recycling Regulations found at N.J.A.C. 7:26A. The full set of definitions can be found at N.J.A.C. 7:26 and 26A.

"Brush" means branches, woody plants and other like vegetative material. Leaves and grass do not constitute brush.

"Class A recyclable material" means a source separated non-putrescible recyclable material specifically excluded from Department approval prior to receipt, storage, processing or transfer at a recycling center in accordance with N.J.S.A. 13:1E- 99.34b, which material currently includes source separated non-putrescible metal, glass, paper, plastic containers, and corrugated and other cardboard.

"Class B recyclable material" means a source separated recyclable material which is subject to Department approval prior to receipt, storage, processing or transfer at a recycling center in accordance with N.J.S.A. 13:1E-99.34b, and which includes, but is not limited to, the following:

1. Source separated, non-putrescible, waste concrete, asphalt, brick, block, asphalt-based roofing scrap and wood waste;
2. Source separated, non-putrescible, waste materials other than metal, glass, paper, plastic containers, corrugated and other cardboard resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings, pavements and other structures;
3. Source separated whole trees, tree trunks, tree parts, tree stumps, brush and leaves provided that they are not composted;
4. Source separated scrap tires; and
5. Source separated petroleum contaminated soil.

"Class C recyclable material" means a source separated compostable material which is subject to Department approval prior to the receipt, storage, processing or transfer at a recycling center in accordance with N.J.S.A. 13:1E-99.34b, and which includes, but is not limited to, organic materials such as:

1. Source separated food waste;
2. Source separated biodegradable plastic; and
3. Source separated yard trimmings.

"Class D recyclable material" means, but is not limited to, the following:

1. Used oil, as defined in this section, which is subject to Department approval prior to the receipt, storage or processing at a Class D recycling center in accordance with N.J.S.A. 13:1E-99.34b, and which includes, but is not limited to, the following:
 - i. Used lubricant oil;
 - ii. Used coolant oil (non-contact heat transfer fluids);

iii. Used emulsion oil; and

iv. Any other synthetic oil or oil refined from crude oil, which has been used, and as a result of such use is contaminated by physical or chemical impurities;

2. Antifreeze;

3. Latex paints;

4. Thermostats;

5. Lamps (light bulbs);

6. Oil-based finishes;

7. Batteries;

8. Mercury-containing devices; and

9. Consumer Electronics.

"Co-composting facility" means a solid waste facility which utilizes a controlled biological process of degrading mixtures of nonhazardous solid waste and sewage sludge.

"Incinerator" means a thermal device in which solid waste is burned for the purposes of volume reduction (an incinerator used to obtain energy shall be classified as a resource recovery facility).

"Intermodal container facility" means a facility where containerized solid waste is transferred from one mode of transportation, such as trucks, rail cars, ships and barges, to another, or from one vehicle to another within one mode of transportation.

"Manufacturer" means any person which utilizes Class A recyclable material or non-container plastic materials as raw materials in the production of new paper, metal, glass or plastic products.

"Materials recovery facility" means a solid waste facility such as a transfer station which is primarily designed, operated and permitted to process a nonhazardous solid waste stream by utilizing manual and/or mechanical methods to separate from the incoming waste stream categories of useful materials which are then returned to the economic mainstream in the form of raw materials or product of reuse.

"Municipal solid waste" means residential, commercial and institutional solid waste generated within a community.

"Recyclable material" means those materials which would otherwise become solid waste and which may be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

"Recycling" means any process by which materials which would otherwise become solid waste are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

"Recycling center" means a facility designed and operated solely for receiving, storing, processing or transferring source separated recyclable materials (Class A, Class B, Class C and/or Class D recyclable material). Recycling centers shall not include recycling depots, manufacturers, or scrap processing facilities.

"Recycling center for Class A recyclable materials" or "Class A recycling center" means a facility that receives, stores, processes, or transfers Class A recyclable materials as defined in this section.

"Recycling center for Class B recyclable materials" or "Class B recycling center" means a facility that receives, stores, processes, or transfers Class B recyclable materials as defined in this section.

"Recycling center for Class C recyclable materials" or "Class C recycling center" means a facility that receives, stores, processes, or transfers Class C recyclable materials as defined in this section.

"Recycling center for Class D Materials" means a facility that receives, stores, processes, or transfers Class D recyclable materials as defined in this section.

"Recycling depot" means a facility designed and operated for receiving and temporarily storing, for a period not to exceed two months, Class A recyclable materials and/or non-container plastic materials prior to their transport to a recycling center or endmarket.

"Resource recovery facility" means any place, equipment, device or plan designed and/or operated to separate or process solid or liquid waste into usable secondary materials, including fuel and energy.

"Sanitary landfill" means a solid waste facility, at which solid waste is deposited into the land as fill for the purpose of permanent disposal or storage for a period of time exceeding six months, except that it shall not include any waste facility approved for disposal of hazardous waste. Sanitary landfills shall be further classified into one of the following classes:

1. "Class I sanitary landfill" means a solid waste facility which may accept all types of nonhazardous solid waste including ID 10, 13, 13C, 23, 25, 27, 27A and 27I.
2. "Class II sanitary landfill" means a solid waste facility which may accept only ID type 27 or a specific category of ID type 27 of nonhazardous solid waste; and
3. "Class III sanitary landfill" means a solid waste facility which may accept only inert nonputrescible nonhazardous solid waste, ID 13 or 23.

"Scrap processing facility" means a commercial industrial facility designed, and operated for receiving, storing and transferring source separated, nonputrescible ferrous and nonferrous metal, which materials are purchased by the owner or operator thereof, and which are altered or reduced in volume or physical characteristics onsite by mechanical methods, including, but not limited to, baling, cutting, torching, crushing, or shredding, for the purposes of resale for remelting, refining, smelting or remanufacturing into raw materials or products.

"Solid waste facility" means any system, site, equipment or building which is utilized for the storage, collection, processing, transfer, transportation, separation, recycling, recovering or disposal of solid waste but shall not include a recycling center, a regulated medical waste collection facility authorized pursuant to N.J.A.C. 7:26-3A.39, or an intermodal container facility authorized by the Department pursuant to N.J.A.C. 7:26-3.6.

"Solid waste management" means the purposeful, systematic control of the generation, storage, collection, processing, transfer, transportation, separation, recycling, recovery and disposal of solid wastes.

"Transfer station" means a solid waste facility at which solid waste is transferred from one solid waste vehicle to another solid waste vehicle, including a rail car, for transportation to an off-site solid waste facility or a solid waste facility at which ID 72 liquid waste (as defined at N.J.A.C. 7:26-2.13(h)) is received, stored, treated or transferred, except that a "transfer station" shall not include any solid waste facility at which only site-generated solid waste is received for onsite transfer and processing or disposal utilizing facility-owned or operated equipment and vehicles operated therefore.

"Yard trimmings" means grass clippings, leaves, wood chips from tree parts, and brush.

II. Plan Amendment Process for Including and Modifying Solid Waste and Recycling Facilities

***Note on Class A Recycling Centers:**

Because the NJDEP does not issue General Approvals for Class A recycling centers and do not review site plans for the centers, applicants for Class A centers **must** obtain municipal and county planning board approval. However, Class A Recycling Centers must be included in the Solid Waste Plan. The process to include Class A Centers are subject to the Administration action requests found in Section IIC. The centers must abide by the current NJDEP operational standards. The operational standards can be found at N.J.A.C. 7:26A-4.1 et.seq.

A. Process (General)

In accordance with 7:26-6.10 and 6.11 there are two processes to amend the County Solid Waste Management Plan to include a new solid waste or recycling facility or modify the operation or capacity of an existing solid waste or recycling facility. Section 6.10 is the process by which public hearings of the Freeholder Board are held. Section 6.10 will be referred to as the Public Hearing Process. Section 6.11 is a streamlined process called Administration Action by which a public hearing of the Freeholder Board is not necessary although approval by resolution is customary. Each plan amendment to a district solid waste management plan or program shall comply with the requirements of the relevant sections.

In both processes, the applicant is encouraged to schedule a pre-application conference with the Solid Waste Coordinator. The Coordinator can explain the procedures and answer questions the applicant may have. For administrative action requests the Coordinator can determine what would need to be submitted to the SWAC for initial review.

B. Public Hearing Process

1. When Applicable

- a. The deletion of a solid waste facility other than those listed at N.J.A.C. 7:26-6.11(b)7; (see Warren County Procedures for removal dated June 18, 2003 and approved by the Board of Chosen Freeholders on June 25, 2003).
- b. The inclusion of new facilities, including landfills, resource recovery facilities, transfer stations, materials recovery facilities, solid waste and co-composting facilities, recycling facilities for Class B (except those described at N.J.A.C. 7:26A-1.4(a) or 3.7(a)), Class C (except those identified at N.J.A.C. 7:26A-1.4(a) or 13 and Class D materials, permanent household hazardous waste collection sites, and new regulated medical waste treatment, processing and disposal facilities;
- c. An increase in the amount of material received during a 24 hour period at an existing permitted solid waste facility greater than 100 tons per day.
- d. Any increase in the solid waste disposal capacity of an existing permitted landfill other than that specified at N.J.A.C. 7:26-6.11(b)10.

2. Procedure

The public hearing process procedure to secure the necessary Solid Waste Management Plan amendment for inclusion or modification is provided below.

- a. Applicant files a complete application with the Solid Waste Coordinator, the host municipal governing body, the planning board/land use board, the county planning board, the county health department, and the adjacent municipality, if

required. At a scheduled SWAC meeting the applicant shall give a presentation to the full SWAC on the proposal.

b. The SWAC Chair will appoint a sub-committee to review and provide a recommendation to the full SWAC.

c. Upon determination of a complete application by the Solid Waste Coordinator the SWAC Sub-Committee will begin review of the application. A site inspection will be scheduled with the applicant during the review process.

d. The host municipality's governing body, planning board/land use board, County Planning Board, County Health Department, and adjacent municipality will commence review of application.

e. Applicant publishes notification in the official newspapers of the county and host municipality.

f. Recommendations are received from the municipal governing body, planning board/land use board, the county planning board, and other agencies.

g. SWAC votes at a public meeting on a recommendation to be made to the Freeholder Board within six months of receiving municipal comments and recommendations. The applicant is recommended to attend the meeting.

h. If the SWAC delivers a recommendation to include the facility the Board of Freeholders will schedule a date and time for a public hearing. At the hearing the Board will receive comments from persons interested in or affected by the application. The date and time of the public hearing will be scheduled and action taken by the Freeholder Board within six months of receiving a favorable SWAC recommendation. Scheduling of the public hearing will take place in coordination with the Solid Waste Coordinator and the Board of Chosen Freeholders. The applicant shall publish the notice in accordance with the Roles and Responsibilities section for Applicants.

i. If the SWAC delivers a recommendation to not include the facility and the Applicant wishes to pursue inclusion into the Solid Waste Management Plan, the applicant must appeal this recommendation in writing to the Board of Freeholders.

j. At the public hearing the Board of Freeholders may take action. If approved, the Solid Waste Coordinator will transmit the required plan amendment information to the NJDEP for approval.

k. After the receipt of a complete plan amendment the NJDEP will have 150 days to approve, modify, or reject the plan amendment.

C. Administrative Action Process

1. When Applicable

For purposes of these Guidelines, a solid waste management plan administrative action includes, but is not limited to, the following:

- a. The inclusion of new recycling facilities for processing Class A recyclable materials or Class C recyclable materials as described at N.J.A.C. 7:26A-1.4(a) et seq.
- b. The expansion of capacity of any size, other than that specified at N.J.A.C. 7:26-6.10(b) 8 and (b)10, for any regulated solid waste facility. Only one capacity increase over the operational life of the regulated solid waste facility may be accomplished via administrative action;
- c. The modification of an existing facility including acceptance of additional waste types, on-site operational changes and expansions of facility buffer zones or expansions into buffer zones for ancillary operational activities;
- d. Any increase in the solid waste disposal capacity of an existing permitted landfill which is less than or equal to the volume equivalent of the acceptance of an additional 100 tons per day of solid waste over the smaller of 10 years or the remaining life of the existing permitted landfill. Such capacity increase may only be done via administrative action if the facility has signed a Silver Track II for Landfills Covenant with the Department. Additionally, only one capacity increase over the operational life of the permitted landfill may be accomplished via administrative action.
- e. The operation of a solid waste intermodal container facility;
- f. The operation of a commercial collection facility for medical waste;
- g. The operation of a Research Development and Design project pursuant to N.J.A.C. 7:26-1.7;

2. Procedure

The administrative action procedure to secure the necessary Solid Waste Management Plan amendment for inclusion or modification is provided below.

- a. Applicant submits a letter and other supporting information to the Solid Waste Coordinator and to the host municipality governing body and planning board/land use board, the county planning board, the county health department, and adjacent municipality if required explaining the activity being proposed

- b. The Solid Waste Coordinator schedules the request to be discussed at a regularly scheduled SWAC meeting. The applicant and professionals may be required to attend the meeting.
- c. At the discretion of the SWAC Chair, a subcommittee may be formed to review and recommend action on the request. A site inspection may be conducted.
- d. The host municipality's planning board/land use board, and County Planning Board, and county health department, and adjacent municipality will be requested to provide comments and recommendations on the proposed action.
- e. Recommendations are received from the CPB and municipal planning board and other agencies
- f. Within three months of SWAC's receipt of comments, the SWAC votes at a public meeting on a recommendation to be made to the Freeholder Board
- g. Within three months of receiving a favorable SWAC recommendation a Freeholder resolution will be drafted to take action on the administrative action relative to the county solid waste management plan at a Freeholder meeting. The approved resolution and supporting information will be transmitted to the NJDEP for approval.
- h. If the SWAC delivers a recommendation to not include the facility and the Applicant wishes to pursue the administrative action , the applicant must appeal this recommendation in writing to the Board of Freeholders.
- i. Upon receipt of the administrative action, the NJDEP shall review the information provided and notify the county in writing within 10 working days of receipt of the letter.
- j. The NJDEP shall approve, modify or reject an administrative action within 30 working days of receipt of the resolution transmitting the administrative action.

III. ROLES AND RESPONSIBILITIES

A. Applicant

It is the applicant's responsibility to submit a complete application and ensure all parties in the review process have complete and up to date information in accordance with these procedures. The applicant shall submit a copy of the application to the municipal clerk, the municipal planning board/land use board of the host municipality, the county planning board, the county health department, and adjacent municipality (if required) at the same time the application is

submitted to the SWAC and ensure that supplemental information is submitted to the review agencies specified above.

The applicant must comply with fee requirements that may be necessary to allow the municipal and county planning boards to review the application, including filing fees, professional review fees, and if applicable, inspection and escrow fees.

All applicants shall make at least one presentation to SWAC and be prepared to respond to any pertinent questions raised by SWAC on the proposed facility.

Appropriate personnel (engineers, attorneys) familiar with the facility application are expected to be available at the presentation(s).

The applicant will allow members of the Solid Waste Advisory Council and subcommittee, and review agencies to conduct a site inspection during the review process.

The applicant shall identify any local, state, or federal permits and/or approvals that may be required for the proposed Facility. As the permits and/or approvals are applied for, the applicant shall provide the Solid Waste Coordinator with proof that each application has been submitted. The applicant must provide the SWAC with each agencies' responses as they become available.

As part of the resolution for plan inclusion additional agreements may be required between the applicant and municipality and/or county to ensure that off site, off tract improvements are constructed or that fair share contribution are made after plan inclusion and prior to commencement of operations. Failure to execute or fulfill the requirements of the agreements shall be grounds for removal from the Solid Waste Plan.

1. Public Notification Requirements (for Public Hearing Process only)

a. SWAC Meeting

Prior to filing an application with the NJDEP for a solid waste facility general approval, and subsequent to filing for inclusion in the applicable district Solid Waste Management Plan, the applicant shall publish a notice in the official newspapers of the county and host municipality. Upon notification that the application is complete and is being scheduled for consideration by the SWAC at a public meeting, the applicant shall publish the notice as specified below. Prior to the SWAC public meeting, the applicant must provide affidavit of publication to the Solid Waste Coordinator.

The notice shall include the following:

1. A statement that the applicant is applying to the county for inclusion or modification of a facility in the County Solid Waste management Plan and will apply to the NJDEP for facility approval.

2. The name of the proposed facility, the name of the owner or operator of the proposed facility and the nature of the project;
3. The generally recognized street address of the proposed facility, and block and lot from the municipal tax map.
4. An indication that a copy of the application for County Plan inclusion may be examined at the office of the County Solid Waste coordinator and at the applicable municipal clerk's office; and
5. An indication that comments regarding the application can be made at the meeting of the Solid Waste Advisory Council that the application is scheduled to be heard, or submitted in writing to the office of the County Solid Waste Coordinator

The notice shall be published no less than 15 days prior to the public meeting of the SWAC for which the application will be first considered and possibly acted on by the SWAC. The applicant shall forward a copy of the notice to the New Jersey Department of Environmental Protection, Division of Solid and Hazardous Waste, the SWAC and the Solid Waste Coordinator and to the municipality in which the facility will be operating, upon its publication.

b. Public Hearing of Freeholder Board

1. The applicant shall publish notice of a public hearing concerning the plan amendment in the official county newspapers, and the host municipality official newspaper once each week for two consecutive weeks, the second publication date being not less than 10 calendar days prior to the public hearing date. For the purposes of determining weekly publication, Sunday is considered the first day of the week, in conformance with N.J.S.A. 13:1E-23. Prior to the public hearing, the applicant must provide affidavit of publication to the Solid Waste Coordinator.

2. The notice of the public hearing concerning the plan amendment shall provide a detailed description of the plan amendment and, at a minimum, contain the following information:

i. The date, time and place of the public hearing;

ii. The name and address of the district solid waste coordinator;

iii. When and where the plan amendment can be reviewed; and

iv. In the case of a facility, a description and the site location, by municipality, street address, lot and block number, the proposed or expanded capacity and the waste types which will be received.

2. Adjacent Municipality Notification

The applicant shall send a copy of the application to the municipal clerk of any municipality within 200 feet of the site boundary. The adjacent municipality(ies) may choose to provide comments to the SWAC during its review.

B. Warren County SWAC

The SWAC reviews Plan inclusion requests and modifications and provides recommendations to the Freeholders. The SWAC review process will begin at the time a complete application is provided to the SWAC. The SWAC's role with respect to the Freeholders is advisory and non-binding.

Upon determination of a complete application the chairman may appoint a subcommittee to review the application. The SWAC subcommittee will formulate a recommendation based upon the review of a proposal and a site inspection and provide the recommendation to the entire SWAC at one of its public meetings that the application is scheduled to be heard. The SWAC will consider the comments and recommendations submitted by the host municipal governing body, the planning/landuse board, County Planning Board, and other agencies, and general public and make them known in its recommendation to the Freeholder Board.

The SWAC will inform the municipal clerk, and municipal planning board secretary in writing of determination of a complete plan inclusion application and its intention to review the application which may result in a recommendation to the Freeholders. This letter will also request the governing body and planning board to adopt a resolution setting forth its recommendations with reasons concerning the proposed facility within 45 days of the governing body's and planning board's receipt of the SWAC letter at its regularly scheduled meeting and that the resolution be forwarded to the SWAC and the Freeholders. Anything to the contrary and notwithstanding, the SWAC will begin its review process upon determination that the application is complete. If the SWAC receives no resolution concerning the proposal, the SWAC will assume that the municipality has no comments or recommendations and may act in absence of any correspondence from the municipality after the 45 day period elapses. When the 45 day period elapses, the SWAC shall recommend approval, approval with conditions, or denied within 95 days.

The SWAC provides a non-binding, advisory recommendation to the Freeholders in the form of a letter or resolution adopted during a public meeting. The SWAC may, as part of its recommendation, recommend approval with conditions that could result in the execution of agreements between the applicant and the Board of Freeholders, and/or the municipality. The agreements may pertain to but not limited to; driveway access, roadway or intersection improvements, drainage improvements, fair share contributions, etc. as recommended by the SWAC resulting in part from the recommendations forwarded from

the municipal governing body, the municipal planning board, the county planning board, county health department, and others.

A favorable recommendation from SWAC does not guarantee County Plan inclusion or NJDEP approval.

C. Warren County Board of Chosen Freeholders

Upon receipt of a favorable recommendation, the Freeholders will schedule a public hearing and take action within the time periods specified in Section II B or Section II C as appropriate to consider the proposed facility and Plan amendment. After approval or conditional approval by the Freeholders, the Plan amendment is sent to the NJDEP for its approval. A favorable recommendation from the BCF for County Plan inclusion does not guarantee NJDEP approval.

If the SWAC does not recommend inclusion into the Plan, the applicant may appeal the SWAC recommendation to the BCF in writing. The Board of Freeholders may schedule a public hearing in response to the appeal.

D. Host Municipality

The applicant must submit and maintain a complete application with the municipal governing body and planning board for review and recommendation. The SWAC will inform the municipal clerk and the planning board secretary of the host municipality, in writing of determination of a complete plan inclusion application and its intention to review the application which may result in a recommendation to the Freeholders. This letter will also request the planning board to adopt a resolution setting forth its recommendations with reasons on the proposed facility within forty-five (45) days of the board's receipt of the SWAC completeness letter. If no comments or resolution are forwarded to SWAC, the SWAC may act on the application anytime after the 45 day period elapses.

The host municipality's review may not conflict with the NJDEP's site design and operational standards. The municipality may charge the applicant fees to review the application including filing fees, professional review fees, and if applicable, inspection and other escrow fees. The municipal planning board should provide recommendations on issues that are not regulated by the NJDEP such as the site's compatibility within its surroundings, driveway access, traffic, roadway and intersection improvements, and drainage.

E. County Planning Board

The applicant must submit and maintain a complete application with the County Planning Board for its review and recommendation. The County Planning Board reviews the application for its impacts on county facilities in accordance with the

county's Development Review Regulations and Highway and Bridge Standards. The County Planning Board may charge fees at the approved rate to allow the Board to review the application.

The county's review may not conflict with the NJDEP's site design and operational standards. The county planning board should comment and provide recommendations on impacts concerning impacts on the county roadway system and county drainage and other non-NJDEP regulated activities concerning the site

F. New Jersey Department of Environmental Protection

The NJDEP provides the facility with either a general approval to operate. The NJDEP will not review general approval applications without the facility first being included in a certified district Solid Waste Management Plan, by way of a NJDEP Commissioner certification of an approved Plan amendment.

G. Warren County Health Department

The Warren County Health Department is an ex-officio member of SWAC. It is responsible for solid waste and recycling center enforcement. In addition, it provides comments to the SWAC during these plan amendment review process

H. Solid Waste Coordinator

The Solid Waste Coordinator ensures that all requirements of this process are met, provides guidance to the applicant and the SWAC, and Board of Freeholders, and reviews the application with appropriate entities to include the Recycling Coordinator, the County Engineer, County Counsel, etc.

I. Other Agencies

The applicant shall identify any local, state, or federal permits and/or approvals that may be required for the proposed Facility. As the permits and/or approvals are applied for, the applicant shall provide the Solid Waste Coordinator with proof that each application has been submitted.

The applicant must provide the Solid Waste Coordinator with each agencies responses as they become available.

IV. Submission Information

A. For the pre-application conference, the applicant must provide to the Solid Waste Coordinator, a written description of the type and location of the proposed facility, the types of and amount of waste to be accepted, the planned capacity of the facility, the identification of the municipalities to be served by the facility and origin of the waste, a description of the types and amount of materials that will require further processing, and the expected disposition of residue.

B. For administrative action requests, the required items for submission will be determined by the Solid Waste Coordinator after the pre-application conference takes place.

C. For all plan inclusion requests the applicant must provide five sets (one for file, one for Solid Waste Coordinator, three for the SWAC Subcommittee) of the following to the Solid Waste Coordinator:

Written Narrative

Provide a narrative describing how the evaluation criteria stated in Section V are addressed by the proposed project.

Notification Information

Copy of the public notice and affidavit of publication, Certified Mail Receipts of submission of application package to municipal clerk, municipal planning board secretary, county planning board, and county health department

Complete Application

At a minimum, the applicant must submit a complete application to the SWAC that will contain the same information as required by the NJDEP for the proposed new facility or amendment to an existing facility. Information that will be required may include but not be limited to:

Applicant Information

Contacts

- List the name, address, telephone and fax numbers and the role of all contact people related to the application, including, but not limited to, the owner, the applicant, its consultants, engineers, attorneys, etc. Specify who will be the main contact person during the application process.

Site and Facility Information

- Site Plan Map

Type of Facility

- State the type of facility being proposed, i.e., *Class A Recycling Center*, *Class B Recycling Center*, *Class C Recycling Center*, *Class D Recycling Center*, *Resource Recovery Facility*, *Transfer Station*, *Materials Recovery Facility*, *Solid Waste and Co-Composting Facility*, *Permanent Household Hazardous Waste Collection Site*, *New Regulated Medical Waste Treatment, Processing, and Disposal Facility* and the corresponding N.J.A.C. citation of the definition of this type of facility. A separate SWAC facility inclusion application shall be filed for each type of facility proposed.

Geographical Location

- Provide the name of the municipality the facility will be located in.
- Provide a tax map outlining the lot and block numbers of the facility site and of all adjacent properties. Detail the total acreage of all parcels comprising the proposed site. Indicate which parcels will be utilized for the proposed operation.
- State the street address of the proposed facility.
- Provide an original 7.5 minute USGS Quadrangle map that includes the boundary of the facility plotted on the map. The map shall delineate any public access roads to the site and any streams, ponds, wetlands, floodplain and sensitive receptors (for example, hospitals, schools, playgrounds, churches, homes, etc.) within a one-half mile radius of the site.
- Provide the most recent aerial photo of the site and surrounding properties.
- Describe the existing use of the property and how this existing use will relate to the proposed facility.
- List the existing property uses within 200 ft. of the property.
- Describe existing use of site and adjoining properties and distance to nearest sensitive receptor (school, residence, etc),
- Provide how property is zoned including list of approved uses in zone,

Traffic

- Provide a description of the traffic impacts of the facility setting forth:
- The number and types of vehicles transporting material to and from the facility.
- Times and days of the week these vehicles will be accessing the facility.
- The route vehicles will be required to use to access the facility, include any restrictions on allowable transportation routes, if any. Provide a description of nearby intersections that will be impacted from the development of the facility and their current status with respect to traffic levels.
- The truck routes defined in the Warren County Solid Waste Plan must be followed to the extent possible. It is the general policy that Interstate and State highways are to be used to the point of departure onto a county or local roadway unless otherwise excluded in the Solid Waste Plan or other traffic control regulation or restriction.
- Indicate in a narrative the routing of vehicles between the Facility and all nearby roadways serving the site, as well as the traffic flow within the site, and indicate the provisions incorporated into the site plan to ensure safe and efficient vehicular and pedestrian circulation, parking, loading and unloading;
- A full traffic study may be necessary. The county planning board and municipal regulations need to be consulted to determine if one would be necessary. Off site improvements or financial contribution may be required.

Site Access and Control

- List proposed means to control and/or limit access to the proposed facility, both during and after operating hours.
- List the hours and days of operation.

Fire Control and Emergency Procedures

- A fire control plan and emergency procedures plan must be submitted with the application and must be approved by the local fire official and emergency management official prior to the application being submitted to the Board of Chosen Freeholders for consideration

Environmental

- Floodplains - If there are any floodplains as defined at N.J.A.C. 7:13-1.2 within the facility then describe their location(s) and indicate what, if any, additional approvals will be required due to their presence and any proposed actions to be taken by the applicant to avoid impacting them.
- Wetlands - If there are any wetlands within ½ mile of the facility then describe their location(s) and indicate what, if any, additional approvals will be required due to their presence and any proposed actions to be taken by the applicant to avoid impacting them.
- Historic Sites - If there are any historic sites listed on the National and State Registers of Historic Places as maintained by the State Historic Preservation Office within the facility then describe their location(s), indicate what, if any, additional approvals will be required due to their presence and any proposed actions to be taken by the applicant to avoid impacting them.
- Stormwater management plan for the facility and must be in accordance with municipal, county, and state standards.
- Potable Water – Describe the potable water sources within 500 feet of the facility.
- Describe the screening and landscaping provisions that may be incorporated at the site.
- Odors - Describe anticipated odors generated by the facility and the methods used to minimize their impacts.
- Noise - Describe anticipated noise pollution generated by the facility and the methods used to minimize their impacts.
- Lighting - Describe the outdoor lighting that will be required by the facility.
- Describe any and all discharges to the environment resulting from the operation of the proposed facility. This includes air and water discharges from either stormwater runoff and/or process water. In addition, describe any systems used to contain these discharges.
- Discuss how each potential or unavoidable impact will be managed/abated so as to minimize negative effects on the natural environment or the community. If there are no anticipated impacts, the applicant must so indicate and also specify the reason why no impacts are expected.

Applicant's Certification

The applicant submission shall be accompanied by the written certification below:

“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 am aware that submitting false information may be grounds for denial, revocation or termination of the approval”

The certification above shall be signed by the applicant as follows:

- For a corporation, by a principal executive officer of at least the level of vice president;
- For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
- For a municipality, county, state, Federal or other public agency, by either a principal executive officer or ranking elected official.

V. Evaluation Criteria

The applicant is expected to provide a narrative describing how the evaluation criteria stated below is addressed by the proposed project. The SWAC's evaluation of the proposed facility and recommendation to the Freeholders will be based on the following criteria:

1. The proposed facility will provide for the proper management of solid waste and can be shown to be a complementary component of the coordinated strategy for solid waste management consistent with the Warren County Solid Waste Management Plan to include:
 - The benefits the facility will have on the county and host municipality.
 - The negative impacts the facility will have on the county and host municipality and mitigating measures to be taken.
 - The need for the facility to be located in Warren County.

- The anticipated geographic points of generation, i.e. towns, county and/or state of each solid waste types accepted, including the sector, i.e. commercial, residential, industrial for each waste type and list any restrictions if any.
 - Additional information that is pertinent to their proposal. In addition, the SWAC reserves the right to request any additional information reasonably necessary to address the impact and benefit, of such a facility on the county and municipalities.
2. The proposed Facility will not have a negative effect on existing public efforts and legal responsibilities of the County of Warren to manage solid waste.
 3. The facility shall not have such a negative effect on public or environmental health, safety or welfare that it outweighs the public benefit.
 4. The applicant has demonstrated the necessary competency, knowledge, resources and experience to operate the proposed facility in accordance with all laws, regulations and the Solid Waste Management Plan.
 5. The proposed facility has proposed a proven technology (or innovative technology shown to be feasible) and appropriate for managing the solid waste proposed to be accepted at the facility.
 6. Comments and recommendations received from the host municipality, other agencies and the general public

VI. Conditions of Approval and Ongoing Responsibilities

- Provide a statement that the owner and/or operator agree as a condition of any approval granted to permit access by the NJDEP, authorized County agents, and authorized municipal agents, to inspect the proposed facility during operating hours, to ascertain compliance with applicable statutes, laws and regulations and the provisions of the Solid Waste Management Plan.
- Provide a statement that the owner and/or operator agree as a condition of any approval granted to provide the County Solid Waste Coordinator or Recycling Coordinator with all tonnage reports it is required to provide to NJDEP at the times it is required to provide such reports to NJDEP. At a minimum the facility shall provide monthly reports summarizing the types and quantities of solid waste received at and transferred

from the proposed facility for each material from each municipality. By February 1 of each year, the facility shall provide the County Solid Waste Coordinator or Recycling Coordinator with an annual summary of this tonnage information from the previous year.

- Provide a statement attesting to the fact that, subsequent to inclusion in the Solid Waste Management Plan, full copies of all NJDEP solid waste facility permit applications and/or modifications shall be provided to the Warren County Solid Waste Coordinator within fifteen (15) days of submission to the NJDEP. Depending upon the nature and scope of the modification a Solid Waste Plan Amendment may be required.
- Copies of licenses and permits must be kept on site for inspection.
- Provide a statement that the applicant acknowledges that additional agreements with the County and/or host municipality may be executed as a condition of plan inclusion and that the applicant will construct off site improvements and/or make fair share contribution for future improvements. Failure to construct the improvements or make the fair share contribution subsequent to NJDEP approval shall be grounds for removal of the facility from the SWMP.