

## **Appendix A: - Guidelines For Evaluation of Solid Waste Facility Requests To Amend or be Included In The Sussex County Solid Waste Management Plan**

The following guidelines will be used by the Sussex County Solid Waste Advisory Committee (SWAC) in evaluating requests to amend the Sussex County Solid Waste Management Plan (Plan) for inclusion of solid waste facilities. Plan inclusion is required for all solid waste facilities prior to operation and to NJDEP permitting/approval.

These guidelines are divided into four major sections:

1. Plan Amendment and Facility Inclusion Process: 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. These agencies include, but are not limited to, the Sussex County Board of Chosen Freeholders (Freeholders), the prospective host municipality, the New Jersey Department of Environment Protection (NJDEP), and the Sussex County Division of Health.
2. Evaluation Criteria
3. Submission Information: This section provides detailed information to be supplied by the applicant.
4. 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 should submit its Solid Waste Management Plan inclusion application and all other correspondence to:

Planning Director  
Sussex County Division of Planning  
One Spring Street  
Newton, NJ 07860

Tel: (973) 579-0500  
Fax: (973) 579-0513

### ***1. Plan Amendment & Facility Plan Inclusion Process***

An existing facility that proposes to expand operations in terms of volume of material, type of material, and of geographic area may require a Solid Waste Management Plan amendment pursuant to the appropriate Recycling or Solid Waste regulation.

A proposed new facility requires inclusion in the Solid Waste Management Plan and must obtain approval and/or permits from the NJDEP prior to operation.

The process to secure the necessary Solid Waste Management Plan amendment and inclusion is provided below.

### **Applicant**

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 a newspaper of general circulation within the host municipality which indicates that the applicant will apply to the County for inclusion of a solid waste facility in the County Solid Waste Management Plan and will apply to the NJDEP for solid waste facility approval. The notice shall include the following:

1. The name of the proposed solid waste facility, the name of the owner or operator of the proposed facility and the nature of the project;
2. The generally recognized street address and tax block and lot of the proposed facility.
3. An indication that a copy of the application for County Plan inclusion may be examined at the County Planning Division and at the applicable municipal clerk's office; and
4. An indication that comments regarding the application for County Plan inclusion can be made at the meeting of the Solid Waste Advisory Committee that the application is scheduled to be heard and/or at the public hearing which shall be held by the Sussex County Board of Chosen Freeholders, or submitted in writing to the Sussex County Division of Planning.

### **Sussex County Division of Planning**

The Sussex County Division of Planning receives the application from the applicant, checks the application for completeness, and schedules the application to be heard before the Solid Waste Advisory Committee (SWAC).

### **Sussex County SWAC Review and Role**

The SWAC initially reviews Plan inclusion requests and provides recommendations regarding the proposed facility and proposed amendments to the Solid Waste Management Plan to the Sussex County Board of Chosen Freeholders. The SWAC review process will begin at the time a complete application is formally provided to the SWAC. The SWAC's role with respect to the Board of Chosen Freeholders is advisory and non-binding, and has 100 days to make a formal recommendation.

The SWAC will discuss comments and recommendations provided by representatives of the public, host municipality, County Planning Board, County Counsel, Sussex County Division of Health, and other agencies, and general public and make them known in its recommendation to

the Freeholder Board.

The SWAC will inform the municipal clerk of the host municipality, for distribution to elected officials, 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 adopt a resolution setting forth its position on the proposed facility within 60 days of the receipt of the SWAC letter and that the resolution be forwarded to the SWAC and the Freeholders. In any event, the SWAC will begin its review process upon determination that the application is complete.

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 above. Prior to the SWAC public meeting, the applicant must provide proof of publication to the SWAC.

### **Sussex County Board of Chosen Freeholders**

The SWAC provides a non-binding, advisory recommendation to the Freeholders in the form of a resolution adopted during a public meeting. Subsequent to the SWAC recommendation, the Freeholders will consider the proposed facility and Plan amendment. The County will schedule a public hearing and administer public notices as required in N.J.A.C. 7:26-6.10. After adoption by the Freeholders, the Plan amendment is sent to the NJDEP for its approval. The Freeholders must respond to the application within 270 days of being considered a complete application by the Sussex County Division of Planning.

### **New Jersey Department of Environmental Protection**

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

### **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 SWAC with proof that each application has been submitted.

The applicant must provide the SWAC with each agency's responses as they become available.

### **Host Municipality**

The applicant shall submit a copy of the application to the governing body of the host municipality at the time it submits its application to the SWAC and maintain a copy of the complete application and supporting documents in the host municipal building. For information purposes, the applicant shall send a copy of the application to the municipal clerk of any municipality within 200 feet of the site boundary.

## **County Planning Board**

The applicant must submit the necessary plans and supporting material to the County Planning Board for its review and approval. The County Planning Board reviews the application for its impacts on County facilities including County roadways, drainage structures and land areas.

## **2. *Evaluation Criteria***

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 Sussex County Solid Waste Management Plan. (See section on Solid Waste Plan Consistency)
2. The proposed Facility will not have a negative effect on existing public efforts and legal responsibilities of the County of Sussex 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 received from the host municipality, other agencies and the general public

## **3. *Submission Information***

### **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 applicant, its consultants, engineers, attorneys, etc. Specify who will be the main contact person during the application process.

**Ownership**

- List the name, address and telephone and fax numbers of all persons owning ten percent (10%) or more of corporate stock in the facility or a listing of the general and limited partners where applicable. In the case where no persons own ten percent (10%) or more of corporate stock in the facility, the names of the corporate principals shall be listed. The SWAC, at its discretion, may request complete ownership disclosure by the applicant.
- List any intra-corporate relationships between the facility owner and any existing or previous solid waste hauling and/or management company.
- A copy of the deed of record establishing ownership of the facility property or, if the applicant is other than the landowner, a legal agreement (for example, a legal lease agreement) to use the real property in question for the intended purpose shall be provided.
- Provide prior experience, history of violations, fines levied, licenses revoked, Litigation.

**Operator**

- If the facility operator will be different than the owner complete the following: List the name, address and telephone and fax numbers of the operator of the proposed facility. If the operator is a corporation or partnership, the names and home addresses must be provided for all: (a) stockholders who own ten percent (10%) or more of its stock, or (b) partners who own a ten percent (10%) or greater interest. The SWAC, at its discretion, may request complete ownership disclosure by the applicant.
- List any intra-corporate relationships between the facility operator and any existing or previous solid waste hauling and/or management company.
- Provide prior experience, history of violations, fines levied, licenses revoked, and litigation.

**Site and Facility Information****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; 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.

**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.

**Existing Property Use**

- 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.
- Show approximate distances to nearest residential building, school, daycare, or hospital

**Process Design and Operation****Site Plan**

Provide two (2) copies of a site plan map, prepared, signed and sealed in accordance with N.J.S.A. 45:8-35.1 et seq. by a licensed professional engineer and surveyor, which identifies (plots) the placement of all equipment, buildings, activities and areas related to the receipt, storage, processing and transferring of all unprocessed and processed recyclable materials. This site plan shall also:

- Be drawn to a scale no smaller than one inch equals 100 feet;
- Indicate the location and dimensions, in feet, of the unprocessed and processed materials stockpile areas. Also, based on this information, the total cubic yard storage capacity of the unprocessed and processed materials stockpile areas shall be indicated. The applicant shall also indicate whether the applicant wishes to reserve the right to use unprocessed material stockpile space as processed material stockpile space in certain instances; and
- Indicate the site access controls to be employed at the Facility as well as interior traffic circulation.
- Include topographic contours and the flow of water (run-on and run-off) over the site.
- Include a vicinity map of a one-mile radius around the facility boundaries.

**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. Include the times and days of the week these vehicles will be accessing the facility. In addition, provide the route vehicles will be required to use to access the facility. Describe any restrictions on allowable transportation routes, if any. Finally, 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.

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;

The operator must obtain a statement from the municipality and County that the roadways to be used are capable of handling the volume and weight of truck traffic. Off site improvements may be required.

**Materials**

Provide a list of the material(s) to be accepted at the facility. Include the maximum daily tons accepted of each material. Indicate the types and quantities in percent and tons of any reasonably anticipated contaminants for each material accepted. Contaminants are materials that are extracted from recyclables for disposal.

List any size, weight, or other restrictions regarding materials to be received.

**Materials Handling and Process Flow**

Describe the proposed process and technology to manage the materials accepted. Provide and describe reference facilities where this process and/or technology have been used successfully.

Provide a written narrative waste flow of the facility from the receipt of each material to the point of transfer of end products. Describe the equipment utilized and techniques used to minimize all types of pollution.

**Marketing Materials**

The name, address and telephone number of all planned end markets for the materials.

List all end market contracts or agreements and submit same as evidence of the applicant's ability to sell the products resulting from the proposed activities at the Facility. Where end market contracts or agreements are not available at the time of application for a general approval to operate a recycling center, the applicant shall submit letters of interest from prospective end market users of the products resulting from the applicant's recycling operation. Letters of interest may be based on information provided by the applicant to prospective end market users such as a description of the equipment to be used at the facility and the specifications of the products resulting from facility operation.

If the applicant is proposing to use intermediate solid waste processing facilities prior to the delivery of materials to a recycling end market, then the applicant shall describe the facilities being used for each material.

Descriptions shall include location, capacity and the operations and/or processes the intermediate facilities will perform on the materials.

Identify the disposal facility(ies) that will manage residue from the proposed facility. Indicate the consistency of utilizing this disposal facility(ies) with the current Solid Waste Management Plan.

### **Site Access and Control**

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

### **Inspecting Materials Accepted and Record Keeping**

Describe the inspection procedure for material delivered to the facility. State the procedure for dealing with loads containing more than allowable amounts of contamination as determined by inspection.

Describe the record keeping procedures for accepting material as well as transferring material off-site. The applicant shall record the municipality of origin of the material received; the name of the entity delivering materials to the facility; the vehicle license plate number, NJDEP registration number, if an NJDEP registered vehicle is used and EPA ID number, if an EPA registered vehicle is used.

### **Environmental Issues**

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 regulated wetlands or buffers of wetlands within the property 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 regulated historic sites 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 and water quality plan for the facility must be provided.

- 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 run-off and/or process water. In addition, describe any systems used to contain these discharges.
- Describe threatened and endangered species and C-1 stream corridors that are likely to be impacted.

### **Sussex County Solid Waste Management Plan Consistency**

- List the significant benefits the facility will have on the County and host municipality.
- List the significant negative impacts the facility will have on the County and host municipality and mitigating measures to be taken.
- Describe why there is a need for the facility.
- Describe, by percent, the anticipated geographic points of generation, i.e. towns, county and/or state of each solid waste types accepted. Include the sector—I.e. commercial, residential, and industrial—for each waste type and list restrictions, if any.
- Additional Pertinent Information: The applicant shall provide any additional information in their application 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.

### **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 and notarized 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.

### **Conditions of Approval and Ongoing Responsibilities**

1. 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.
2. 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 Municipal 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 Municipal Recycling Coordinator with an annual summary of this tonnage information from the previous year.
3. 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 identifications shall be provided to the Sussex County Division of Planning 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.
4. Copies of licenses and permits must be kept on site for inspection.