



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
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IN THE MATTER OF CERTAIN AMENDMENTS  
TO THE ADOPTED AND APPROVED SOLID  
WASTE MANAGEMENT PLAN OF THE  
OCEAN COUNTY SOLID WASTE  
MANAGEMENT DISTRICT

CERTIFICATION  
OF THE FEBRUARY 19, 1991  
AMENDMENT TO THE OCEAN 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 develop comprehensive plans for waste management in their respective districts. On July 31, 1980, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Ocean 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, which sites may be in the district or, if none are available, in another district. (The Act provides procedures for reaching any necessary interdistrict agreements.)



The Act further provides that a district may review its plan at any time and, if found inadequate, a new plan must be adopted. The Ocean County Board of Chosen Freeholders (County Freeholders) completed such a review and on February 19, 1991, adopted a multifaceted amendment to its approved County Plan. The amendment deleted the previous incineration technology for resource recovery and the selected incinerator site, inserted a recommended resource recovery alternative of materials recovery and solid waste composting, included additional designated recyclables, included multiple recycling and composting facilities, and proposed reopening the Southern Ocean Landfill (SOLF). The amendment also sought to address many of the recommendations set forth within the Emergency Solid Waste Assessment Task Force Final Report of August 6, 1990.

The amendment was received by the Department on February 28, 1991 and copies were distributed to various state level agencies for review and comment, as required by law. The Department has reviewed this amendment, as well as the entire County Plan, and has determined that the amendment adopted by the County Freeholders on February 19, 1991 is approved in part and rejected in part as provided in N.J.S.A. 13:1E-24. Deficiencies within the County Plan have been identified within Section C. of this certification and pertain to the need to address in greater detail the recommendations of the Governor's Emergency Solid Waste Assessment Task Force Final Report.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I, Scott A. Weiner, Commissioner of the Department, have studied and reviewed the February 19, 1991 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 approved portions of this plan amendment are consistent with the Statewide Solid Waste Management Plan.

In conjunction with the review of the amendment, the Department circulated copies to sixteen 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 as well as the Board of Public Utilities (BPU). Among these agencies were the following:

Division of Environmental Quality, DEP  
Division of Water Resources, DEP  
Division of Coastal Resources, DEP  
Division of Parks and Forestry, DEP  
Division of Fish, Game and Wildlife, DEP  
Division of Solid Waste Management, DEP  
Green Acres Program, DEP  
Board of Public Utilities  
Pinelands Commission  
New Jersey Advisory Council on Solid Waste Management

Department of Agriculture  
Department of Health  
Department of Transportation  
Department of Community Affairs  
Department of the Public Advocate  
U.S. Environmental Protection Agency

**1. Agency Participation in the Review of the February 19, 1991 Amendment**

The following agencies did not object to the proposed plan amendment:

Division of Water Resources, DEP  
Green Acres Program, DEP  
Department of Community Affairs  
Department of Agriculture  
Board of Public Utilities

The following agencies did not respond to the Department's requests for comments:

Division of Coastal Resources, DEP  
New Jersey Advisory Council on Solid Waste Management  
Department of Health  
Department of the Public Advocate  
U.S. Environmental Protection Agency

The following agencies submitted substantive comments which are further addressed below:

Division of Environmental Quality, DEP  
Division of Fish, Game and Wildlife, DEP  
Division of Parks and Forestry, DEP  
Division of Solid Waste Management, DEP  
Pinelands Commission  
Department of Transportation

**2. Comments Received for the February 19, 1991 Amendment**

**Comment:** The Pinelands Commission (Commission) submitted comments relative to certain components of the amendment. Specifically, they indicated that the reopening of the Southern Ocean Landfill is inconsistent with the Pinelands Comprehensive Management Plan, N.J.A.C. 7:50-6.74(a) 2 and 3, which requires all landfills located within the Pinelands to be terminated by August 8, 1990. Commission approval of a waiver would be required to allow reopening of the landfill and no waiver application has been received. Also, the Pinelands Comprehensive Management Plan requires that all landfills be capped within one year of termination of landfilling (N.J.A.C. 7:50-6.74 (a)6) which has not occurred at the SOLF.

The Commission also commented relative to the Bil-Jim Construction Company recycling and materials reclamation center. A Certificate of Filing has been approved by the Commission for a stump grinding facility, an asphalt

recycling plant and an asphalt manufacturing plant. However, the amendment includes activities at the site which have not been approved by the Commission. These activities are the acceptance of glass in the asphalt production process and the acceptance of waste oil to fuel the asphalt burner. An application for acceptance of these materials must be submitted to the Commission.

Further, the Commission commented on the Berkeley Township composting facility by noting that approval of that facility was contingent upon the requirement that only vegetative waste from Berkeley Township will be accepted for composting. Finally, the Commission commented that the John Kummings stump reduction center has yet to file a development application with the Commission. Although the planned facility is located within the Pinelands National Reserve which is under the jurisdiction of the DEP's Division of Coastal Resources, pursuant to a memorandum of agreement between the two agencies, any development application must be reviewed by the Commission.

**Response:** In Section C.l.d. of this certification, the County's endorsement of the reopening of the SOLF is rejected. Further, the Bil-Jim Construction Company recycling and materials reclamation center and the John Kummings stump reduction center are approved for inclusion in the plan. However, these two centers must obtain all necessary permits and approvals including those required by the Commission. Finally, the Berkeley Township composting facility is restricted to accepting only Berkeley Township generated vegetative waste due to its location within the jurisdiction of the Pinelands Commission. By copy of this certification, I notify the County Freeholders and the affected applicants of these comments and the Commission is notified of my response.

**Comment:** The Department of Transportation (DOT) commented that, pursuant to DOT's review of an Ocean County Landfill (OCLF) access application, they have requested that the OCLF construct a left turn slot at the entrance to the facility to accommodate the large number of trucks entering the landfill. To date, such an entrance has not been constructed. Therefore, the DOT requests that, as a condition of permit approval for either a composting facility or a materials recovery facility (MRF) at the OCLF, the construction of a left turn slot be required.

**Response:** Any conditions of a solid waste facility permit are addressed during the Department's technical phase of the permit review process. By copy of this certification, the Engineering Element of the Department's Division of Solid Waste Management (DSWM) will be apprised of this DOT comment. If, during their review process for any new facility at the OCLF, the technical merits of a left turn slot are justified, construction of same will be a requirement of any new facility permit issuance. By copy of this certification, the County Freeholders and the Ocean County Landfill Corporation are also notified of this comment and the DOT is notified of my response.

**Comment:** The DEP's Division of Fish, Game and Wildlife (DFG&W) submitted comments relative to the possible existence of endangered or threatened species in proximity to the sites of the Bil-Jim Construction Company

recycling and materials reclamation center in Jackson Township, the John Kummings stump reduction center in Eagleswood Township, the Rosetto MRF in Dover Township, the Berkeley Township composting facility, the Dover Township composting facility, and the OCLF MRF and composting facility in Manchester Township.

**Response:** The issue of the potential impact of planned solid waste facilities on endangered or threatened species is more appropriately addressed during the Department's technical phase of the permit or approval review process. By copy of this certification, the Engineering Element of the Department's DSWM will be apprised of the comments of the DFG&W and will circulate appropriate permit applications for the Rosetto MRF, the Berkeley Township composting facility, the Dover Township composting facility, and the OCLF MRF and composting facility to the DFG&W for a more detailed review and comment. The Office of Recycling within the Department's DSWM will circulate applications for nontraditional recycling center approval for the Bil-Jim Construction Company recycling and materials reclamation center and the John Kummings stump reduction center to the DFG&W for a more detailed review and comment. By copy of this certification, the County Freeholders and the affected applicants are also notified of this comment and the DFG&W is notified of my response.

**Comment:** The DEP's Division of Environmental Quality (DEQ) submitted comments relative to air pollution control permits required of the planned solid waste facilities. Specifically, recycling facilities, composting facilities and landfills are all subject to the provisions of N.J.A.C. 7:27-5 which prohibits odors and other air contaminants which interfere with the enjoyment of life or property. Also, these solid waste facilities are subject to N.J.A.C. 7:27-8.2(a)16 which requires air pollution control permits for any equipment which vents a solid waste facility directly or indirectly into the outdoor atmosphere. Finally, DEQ commented that the recycling of asphalt may release organic substances to the air. The recycling equipment and any bituminous concrete plant which uses the recycled asphalt may need an air pollution control apparatus to control organic substance emissions. Air pollution control permits for existing bituminous concrete plants would have to be revised to include recycled asphalt. Facilities which crush asphalt, concrete, brick, etc., must comply with the noise control code, N.J.A.C. 7:29-1 et seq., and the air pollution control code, N.J.A.C. 7:27-1 et seq.

**Response:** The issue of which relevant permits are required for each planned solid waste facility is more appropriately addressed during the Department's technical phase of the permit or approval review process. Specifically, by copy of this certification, either the Engineering Element or the Office of Recycling of the Department's DSWM will be apprised of these comments and will review applications for permits or approvals for the various projects planned within the County and will circulate these applications to the DEQ for a more detailed review and comment. By copy of this certification, the County Freeholders and the affected applicants are also notified of these comments and the DEQ is notified of my response.

**Comment:** The DEP's Division of Parks and Forestry (DP&F) indicated that they would like to review the Environmental and Health Impact Study prepared for the planned facilities to be located at the OCLF for possible impacts on cultural resources.

**Response:** By copy of this certification, I am apprising the Engineering Element of the DEP's DSWM that, when permit applications are prepared by OCLF's consultant for the proposed projects, the DP&F, as a state level review agency, is to be notified. By copy of this certification, the County Freeholders and the OCLF are also notified of this comment and the DP&F is notified of this response.

**Comment:** The DEP's DSWM commented that the amendment states that the OCLF, pursuant to waste flow rules and existing permits, may not accept for disposal at either the planned materials recovery facility, the planned composting facility, or the landfill any solid waste generated out-of-county. Although the Division commends the County for its self-sufficiency status and is not aware of any current plans to redirect waste to the facility from outside the County, the Department and the BPU must reserve the right, pursuant to their statutory obligations, to redirect waste to any facility in an emergency situation. The DSWM is also concerned that the County appears to be eliminating the possibility of regional planning for shared facility use without having explored this issue with other counties. This does not appear to satisfy the regionalization goals set forth by the Governor's Task Force.

In addition, the DSWM commented on the need for solid waste facility permits for certain projects proposed within the amendment. Specifically, if materials accepted at the Bil-Jim Construction Company recycling and materials reclamation center are not source separated, then that facility would need to be permitted as a MRF/transfer station. Also, the Rosetto MRF, the OCLF composting facility, and the OCLF MRF must obtain all required permits and comply with all necessary application submission requirements.

Also, the DSWM commented that the SOLF violated numerous DEP regulations when it was operating by not installing monitoring wells and conducting sampling and analyses, by failure to construct a liner and leachate collection system, by failure to move operations into the lined area after it was constructed, by failure to submit a closure plan, and by exceeding approved elevations. All these issues would need to be addressed in considering the reopening of the landfill. Based upon the historical record surrounding this facility, the DSWM does not recommend the reopening of the SOLF, particularly since the OCLF has significant remaining disposal capacity suitable to handle the needs of the entire County.

Finally, the DSWM commented that they have reviewed the amendment to determine if it meets the goals of source reduction, recycling and regionalization as called for in the Governor's Emergency Solid Waste Assessment Task Force Final Report of August 6, 1990. The amendment does not address the issue of source reduction. Concerning recycling, it is difficult for the Division to determine if the Task Force goal of 60% recycling by December 31, 1995 will be achieved due to the County's inability to accurately calculate current recycling rates. Regarding regionalization, as previously indicated, the County takes the position

that the OCLF and the planned MRF and composting facility at the site of the OCLF will not accept out-of-county waste. However, the Bil-Jim Construction Company recycling and materials reclamation center and the Rosetto MRF are described within the amendment as regional facilities planned to process waste generated from outside the County. The regionalization goals of the Task Force extend beyond materials processing and recycling facilities to include evaluation of opportunities for regional agreements for all disposal facilities.

**Response:** I have directed the County Freeholders, within Section C. of this certification, to submit a subsequent amendment which addresses the Task Force goals of source reduction and regionalization which are absent from or not suitably covered by the amendment. Further, I reject the County's endorsed concept of the reopening of the SOLF as more fully described within Section C.1.d. By copy of this certification, the County Freeholders, the affected applicants and the DSWM are notified of my response.

**C. Certification of the Ocean County District Solid Waste Management Plan Amendment**

I, Scott A. Weiner, Commissioner of the Department, 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, have reviewed the February 19, 1991 amendment to the approved County Plan and certify to the County Freeholders that the February 19, 1991 amendment is approved in part and rejected in part as further specified below.

**1. February 19, 1991 Amendment**

- a. The district plan deletion of the resource recovery facility site located on Block 33, Lot 27; Block 34, Lots 12, 13, and 14; Block 39, Lots 1, 2, 3, 6, 7, 8 and 9; Block 40.01, Lot 1; Block 41, Lots 1, 2, 4, 5 and 9; Blocks 410 through 435 inclusive, all Lots, in Ocean Township, is approved.
- b. The district plan deletion of the incineration technology for resource recovery is approved.
- c. As a replacement technology to incineration, the County has proposed plan inclusion of a resource recovery system comprised of a MRF followed by a solid waste composting facility. The County has further proposed the development of specifically sized modular units for the MRF and compost facilities and timeframes for a phased approach to implementation. The following components of this replacement technology are approved. Specifically:
  - i. The resource recovery strategy of processing mixed solid waste at a MRF followed by a composting system is approved;
  - ii. The site for the MRF on Block 2, Lots 31, 32, and 33 located at the existing OCLF in Manchester Township is approved;

iii. The site for the solid waste composting operation on Block 2, Lots 31 and 32 located at the existing OCLF in Manchester Township is approved;

iv. The specific technologies for the MRF and composting facilities were not included as part of the amendment and must be identified as part of the technical phase of the Department's permitting process which is administered by the Engineering Element of the Department's DSWM;

v. This acceptance of the MRF/composting system for inclusion in the plan does not preclude further consideration and potential adjustment of the capacities of the modular units during the technical phase of the Department's permitting process.

- d. In the plan amendment, the County Freeholders expressed their support for the reopening of the SOLF to achieve proper closure under certain conditions. The Department regards this language as an endorsement of the reopening of the existing landfill site and not as a siting or planning decision within the parameters of N.J.S.A. 13:1E-1 et seq. No additional blocks and lots were specified in the adopted amendment. The site of the existing, closed landfill was grandfathered within the original plan adopted by the County in 1979. The site remains in the plan today and is unaffected by the February 19, 1991 amendment. Since the Department has not been requested to take any affirmative action in regard to the SOLF site, it does not regard its statements in this certification relating to SOLF to constitute final agency action. That said, however, the Department rejects the County's endorsed concept of reopening the existing site for additional landfilling for the following reasons.

The landfill is located within the jurisdiction of the Pinelands Commission. Pursuant to N.J.A.C. 7:50-6.74(a)6 of the Pinelands Comprehensive Management Plan, all landfills within the Pinelands were required to close by August 8, 1990 unless granted a Waiver of Strict Compliance from the Commission. SOLF ceased operation in 1988. A waiver would therefore be necessary in order for SOLF to operate.

In addition, the County's solid waste stream is being adequately accommodated by the OCLF which has significant remaining capacity. Coupled with the other components of the solid waste management strategy being approved in this certification, the County has sufficient solid waste disposal capabilities without use of SOLF. If SOLF were to reopen, a regional plan that included interdistrict agreements would be required.



Further, SOLF has a history of noncompliance with Department regulations as discussed in Section B., and has failed to properly close the landfill in accordance with its solid waste permit and the Pinelands Comprehensive Management Plan.

Finally, a 1990 Appellate Division decision, A-3089-88T1, affirmed the DEP's 1988 determination that no capacity remained at the SOLF under the permit which controlled the operations of the landfill at that time. In order for landfilling to continue, the Court agreed that a new permit issued in accordance with all environmental regulations would be necessary. This requirement for a new permit still exists today.

- e. The district plan inclusion of additional designated recyclables is approved. Specifically, added to the list of previously designated recyclables which include aluminum cans, glass containers, newspapers and ferrous metal (tin) cans, are PET and HDPE plastic containers, PVC plastic containers, corrugated cardboard for commercial establishments, and high grade office paper for any office with more than 25 employees and all institutions.
- f. The district plan inclusion of the Bil-Jim Construction Company recycling and materials reclamation center located on Block 14.15, Lot 17; Block 14.18, Lots 1 through 19 inclusive and Lots 41 and 42; Block 14.19, Lot 43.02; Block 14.23, Lot 1; Block 14.24, Lots 1 through 18 inclusive; Block 14.25, Lots 1 through 7 inclusive; Block 14.26, Lots 1 through 44 inclusive; Block 14.27, Lots 1 through 50 inclusive; Block 14.28, Lots 1 through 56 inclusive; Block 14.29, Lots 1 through 61 inclusive; Block 14.30, Lots 1 through 54 inclusive; Block 14.31, Lots 1 through 23 inclusive; Block 14.32, Lots 10 and 11; and Block 54, part of Lot 28, in Jackson Township, is approved. The recycling center will crush up to 200 tons per hour of source separated reclaimed asphalt, concrete products, and stumps and wood products. The facility will process up to 30,000 tons of stumps per year; 30,000 tons of concrete per year; and 10,000 tons of asphalt per year. Any unusable residue from the facility will be disposed of at the OCLF. All necessary permits and approvals including those issued by the Pinelands Commission must be obtained prior to construction and operation of this facility.
- g. The district plan inclusion of the Rosetto MRF located on Block 411, Lot 1.2, in Dover Township, is approved. The MRF will process up to 250 tons of solid waste (nonhazardous industrial, commercial/institutional, and construction/demolition waste) per day.
- h. The district plan inclusion of the John Kummings stump reduction center located on Block 34, Lot 1, in Eagleswood Township, is approved. The facility will recycle up to 500

cubic yards of tree stumps per week with size reduction accomplished by a grinding machine. All necessary permits and approvals including those issued by the Pinelands Commission must be obtained prior to construction and operation of this facility.

- i. The district plan inclusion of a leaf and vegetative waste composting facility located on Block 23, Lot 2, in Berkeley Township, is approved. The facility will accept leaves, brush, and grass clippings at an annual rate of 8,800 cubic yards. Further, pursuant to the Pinelands Comprehensive Management Plan, acceptance of designated materials at the facility will be restricted to Berkeley Township generated vegetative waste only.
- j. The district plan inclusion of a leaf composting facility on Block 539, Lot 5, off of Whitesville Road, in Dover Township, is approved. This site will supplement an existing composting facility operated by Dover Township and be available for municipal leaves picked up by Dover Township vehicles. It will not be open to the public.
- k. The district plan inclusion of a Rutgers University Agricultural Field Station Pilot Composting Facility on the site of the Ocean County Landfill Corporation landfill in Manchester Township is approved. The facility will receive up to 3000 tons per year of compostable waste from the OCLF MRF and will be designed, constructed and operated by Rutgers University. It will provide an opportunity to conduct research on various composting procedures to determine the optimum method for composting.
- l. The district plan inclusion of "Procedures to Consider Proposed Solid Waste and Recycling Facilities for Inclusion in the Ocean County District Solid Waste Management Plan" is approved. Briefly, the purpose of this policy is to ensure that applications to the County for district plan inclusion of solid waste facilities (transfer stations, resource recovery facilities and landfills, and other facilities disposing of solid waste, tree stump/vegetative waste landfills, leaf/vegetative waste composting facilities, leaf mulching sites on farmland, and recycling facilities) are submitted in an organized, comprehensive manner to facilitate County review in terms of an overall strategy to maximize recycling and minimize landfilling. For each type of facility, submission requirements, criteria for review by the County Department of Solid Waste Management and by the County Freeholders, and amendment proposal procedures are specified. It must be noted that for each planned facility under the County policy, a formal plan amendment adoption procedure will be followed. While I approve the County's policy, as further noted in C.2.b. below, the County should consider the future development of blanket inclusion and plan modification procedures to streamline the planning/permitting process.

- m. The district plan inclusion of the County recycling center Use Agreement is approved. Specifically, the County operates two regional recycling facilities and, to ensure that these facilities are operated in a safe, orderly and cost efficient manner, all municipalities using these facilities will be required to execute this agreement as a condition of their continued use. The agreement includes specific terms and conditions for the safe, orderly and efficient use of the facilities by participating municipalities.
- n. The district plan inclusion of a modification to the County leaf and vegetative waste composting agreement is approved. Presently, a cooperative regional leaf composting program has been implemented by the County. Through this program, interlocal service agreements have been signed between those municipalities which have approved leaf composting sites and the County, whereby the County provides manpower and specialized equipment for use at these sites in return for the municipality allowing neighboring municipalities to use their site. This agreement, which is found in Section 5 of the County Recycling Plan that the DEP approved with modifications on March 22, 1988, is hereby modified to include a specific agreement dated September 21, 1989 between the County and Manchester Township. The Manchester Township leaf and vegetative waste composting facility, located on Block 116, Lot 13, in Manchester Township, is precluded from accepting leaves and vegetative waste generated outside of the Pinelands area in accordance with Pinelands regulations. Therefore, the service area for this facility is restricted to Manchester Township.
- o. The district plan inclusion of the County farm leaf mulching policy is approved. Specifically, this policy is to promote the utilization of leaves on farmland as an economical benefit to farmers and municipalities and requires the applicant to obtain County conditional approval prior to accepting leaves for mulching. This conditional approval will require submission by the applicant to the County Department of Solid Waste Management of a letter specifying lot and block site designation, compliance with the requirements of N.J.A.C. 7:26-1.12, and inspection availability to the County. Final approval is contingent on plan amendment inclusion.
- p. The district plan inclusion of the Andrew Nemeth Farm located on Block 58, Lot 13, in Plumsted Township, as a farm leaf mulching site is approved.
- q. Based on historical confusion over the lots and blocks comprising the OCLF, for clarification purposes, the district plan inclusion of the Ocean County Landfill Corporation

landfill located on Block 2, Lots 1, 2, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 30, 31, 32, 33, 34, 35, 36, 37, 59, 60, 61, 62, 64, 65, 768, 769, 770, 771, 772, 777, and 778; Block 3.02, Lot 642; and Block 33, Lot 783, in Manchester Township, is approved.

The construction or operation of any of the above referenced solid waste facilities shall be preceded by the acquisition of all necessary permits and approvals pursuant to N.J.S.A. 13:1E-1 et seq., and all applicable laws. The following proposed facilities are hereby required to obtain a solid waste facility permit prior to construction or operation: the OCLF MRF and composting facility, the Rosetto MRF, the Berkeley Township composting facility, the Dover Township composting facility, and the Rutgers composting facility. The following proposed facilities are hereby required to obtain approval as a nontraditional recycling facility: the Bil-Jim Construction Company recycling and materials reclamation facility and the John Kummings stump reduction facility.

The issuance of operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department and the Attorney General to be deserving of licensing pursuant to the provisions of N.J.S.A. 13:1E-126 et seq. The following proposed facilities are hereby required to obtain A-901 approval: the OCLF MRF and composting facility, and the Rosetto MRF.

## **2. Ocean County Response to the Solid Waste Task Force Final Report**

Finally, I have reviewed the County Plan to determine whether the plan fulfills the recommendations of the Emergency Solid Waste Assessment Task Force Final Report accepted by the Governor on November 16, 1990. While I commend the County for its efforts in planning toward attainment of the 60% recycling goal, further efforts are needed in recycling as well as source reduction and regionalization. The County Freeholders are hereby directed to submit a subsequent plan amendment to the DEP in accordance with N.J.S.A. 13:1E-1 et seq., within 180 days of this certification, to address the following provisions of source reduction, recycling and regionalization:

- a. Source Reduction: The County shall determine what source reduction measures can be taken at the County level to reduce the trend of increased per capita solid waste generation with the district. For each source reduction measure, the County shall estimate its potential impact upon total solid waste generation within the district.
- b. Recycling: The County shall recalculate its recycling data to include all recycling activities, both public and private, to determine its projected recycling rate by December 31, 1995. These recycling estimates shall be computed in a mass balance format taking into consideration the total projected solid waste generation in the County. Also, the County shall

determine if sufficient recycling facilities exist to meet the goals. Finally, the County must consider the establishment of blanket facility inclusion and plan modification procedures to enable the expedited development of needed capacity and approvals for yard waste composting facilities, recycling centers, materials markets, and minor program policies.

- c. Regionalization: The County shall determine the extent to which it can undertake long-term regionalization of its solid waste facilities and programs with other districts to provide regional solutions to solid waste management. Consideration should be given not only to regional plans for materials processing and recycling, but also to transfer and disposal facilities.

#### 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 the within approved portions of the amendment to the County Plan and which was executed prior to the approval of the approved portions of the 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 the approved portions 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 approved portions of the amendment contained herein shall operate in compliance with the approved portions of the 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 District Solid Waste Management 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 with the exception of liquid wastes, sewage sludge, septage, and hazardous wastes. All nonhazardous materials separated at the point of generation for sale or reuse are excluded from the waste flows designated in the Interdistrict and Intradistrict Solid Waste Flow Rules set forth at N.J.A.C. 7:26-6.

4. Certification to Proceed with the Implementation of Approved Portions of the Plan 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 shall proceed with the implementation of the approved portions 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 and N.J.A.C. 7:26-1.4 and -2.13.

6. Effective Date of Approved Portions of the Amendment

The approved portions 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. The Department has published a Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, interdistrict and intradistrict waste flow rules, and also includes the compilation of individual district plans and amendments as they are approved.

**E. Certification of Approval in Part and Rejection in Part 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 in part and reject in part the amendment, as outlined in Section C. of this certification, to the Ocean County District Solid Waste Management Plan which was adopted by the Ocean County Board of Chosen Freeholders on February 19, 1991. Further, pursuant to Section C., I hereby also require a subsequent plan amendment submission by the Ocean County Board of Chosen Freeholders within 180 days of the date of this certification to address the noted deficiencies.

7-26-91  
DATE

  
SCOTT A. WEINER  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION