

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

**CERTIFICATION
OF THE JULY 25, 2007
AMENDMENT TO THE SUSSEX 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 (now known as the New Jersey Meadowlands Commission) develop comprehensive plans for waste management in their respective districts. On June 1, 1981, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Sussex County District Solid Waste Management Plan (County Plan).

The Act requires that all district plans be based on and accompanied by a report detailing the existing waste disposal situation in the district, and a plan which includes the strategy to be followed by the district in meeting the solid waste management needs of the district for a ten-year planning period. The report must detail the current and projected waste generation for the district, inventory and appraise all facilities in the district, and analyze the waste collection and transportation systems which serve the district. The disposal strategy must include the maximum practicable use of resource recovery techniques. In addition to this strategy, the plan must designate sufficient available suitable sites for the disposal of the district's waste for a ten-year period.

The Act further provides that a district may review its District Plan at any time and, if found inadequate, a new District Plan must be adopted. The Sussex County Board of Chosen Freeholders (County Freeholders) completed such a review and on July 25, 2007 adopted an amendment to its approved County Plan. The July 25, 2007 amendment proposes County Plan inclusion of the County Plan Update in response to the updated Statewide Solid Waste Management Plan.

The amendment was considered administratively complete for review by the Department on August 30, 2007 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this amendment, and has determined that the amendment adopted by the County Freeholders on July 25, 2007 is approved in part and rejected in part as provided in N.J.S.A. 13:1E-24.

On April 13, 2002, New Jersey Department of Environmental Protection Commissioner Bradley M. Campbell signed Administrative Order No. 2002-10, which requires, among other things, that the Department revise, update and readopt the Statewide Solid Waste Management Plan. On January 3, 2006, New Jersey Department of Environmental Protection Commissioner Lisa P. Jackson formally adopted the updated Statewide Solid Waste Management Plan

The updated Statewide Solid Waste Management Plan reaffirms the state's goal of recycling 50% of the municipal solid waste (MSW) stream. The overall strategy for achieving this ambitious goal starts with a quantification, on a statewide basis, of the increased tonnage of recycled materials needed. This is further calculated on a per county basis, with an analysis of current MSW recycling tonnages by county, and the necessary increases required by each county. The statewide increase needed is also expressed in terms of increased recycling tonnage by material, such as newspaper, corrugated, food waste, etc. Additionally, the plan targets specific classes of generators (schools, multi-family housing complexes, small and medium-sized businesses) that need to be focused on in terms of expanded recycling opportunities for the materials identified.

The state, through this Solid Waste Management Plan update, establishes the overall policy objectives and goals for solid waste management in New Jersey. The counties and the NJMC shall have the responsibility for developing their respective district solid waste management plans consistent with the state's goals and objectives. Therefore, as noted in the State Plan, each district shall, within one year of the adoption of the updated Statewide Solid Waste Management Plan or January 3, 2007, adopt and submit to the Department, an updated district solid waste plan. This district plan update shall demonstrate consistency with the State Plan. Further, the district plans shall reiterate the district plan requirements contained in N.J.S.A. 13:1E-21. Specifically, revised district plan updates shall include, but not be limited to the following components:

- 1) Designation of the department, unit or committee of the county government (or district in the case of the NJMC) to supervise the implementation of the district plan;
- 2) An inventory of the quantity of solid waste generated within the district for the ten-year period commencing with the adoption of updated district solid waste management plan;
- 3) An inventory of all solid waste and recycling facilities (lot and block and street address) including approved waste types and amounts, hours of operation and approved truck routes;
- 4) An outline of the solid waste disposal strategy to be utilized by the district for a ten-year planning period;
- 5) A procedure for the processing of applications for inclusion of solid waste and recycling

facilities within the district solid waste management plans. The procedure shall state the applicant requirements for inclusion into the district plan and the specific county review process/procedures, including time frames for county approvals or rejections and subsequent submittals to the Department. **Note-** the criteria for inclusion shall **not** include a requirement that local zoning or planning board approval(s) be obtained as a condition for inclusion within the district solid waste management plan, nor shall such a requirement be made a condition for subsequent construction or operation of any facility; and

- 6) Identify the additional tonnage of recycled materials in the MSW stream (by material commodity types) required by each county to meet the mandated MSW recycling goal, a strategy for the attainment of the recycling goals as outlined above. The strategy shall include, as necessary:
 - a) the designation of the currently mandated recyclable materials and additional materials, if any, to be source separated in the residential, commercial and institutional sectors;
 - b) a listing of those entities providing recycling collection, processing and marketing services for each of the designated recyclable materials;
 - c) the communication program to be utilized to inform generators of their source separation and recycling responsibilities;
 - d) a comprehensive enforcement program that identifies the county and/or municipal entity(ies) responsible for enforcement of the recycling mandates, specifies the minimum number of recycling inspections that will be undertaken by these entities on an annual basis and details the penalties to be imposed for non-compliance with the municipal source-separation ordinance and county solid waste management plan. Additionally, the updated district plan shall include copies of each municipal source separation ordinance.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the July 25, 2007 amendment to the County Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that the amendment is consistent in part and inconsistent in part with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the elements relative to the July 25, 2007 amendment which are included below.

In conjunction with the review of the amendment, the Department circulated copies to sixteen administrative review agencies and solicited their review and comment. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various bureaus, divisions, and agencies within the Department. All agencies contacted are as follows:

Division of Water Quality, DEP
 Division of Parks and Forestry, DEP
 Division of Fish and Wildlife, DEP
 Solid and Hazardous Waste Management Program, DEP
 Green Acres Program, DEP
 Land Use Regulation Program, DEP

Office of Local Environmental Management, DEP
Office of Air Quality Management, DEP
Bureau of Solid Waste Compliance and Enforcement, DEP
Department of Community Affairs
Department of Transportation
Department of Agriculture
Department of Health and Senior Services
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
U.S. Environmental Protection Agency

Elements of the July 25, 2007 Amendment

Element: Designation of County Plan Implementation Agency

The July 25, 2007 amendment to the County Plan does not include the County Plan implementation agency. The County is directed to address this issue as noted below in Section C. of this certification.

Element: Inventory of the Quantity of Solid Waste Generated Within The County for the Next Ten Years

Using the Department's waste generation data for 2003 and population projections based on the United States Census Bureau's 2000 Census, the County Plan includes the total tonnages of solid waste types 10, 13, 13C, 23, 25, and 27 estimated to be generated within the County in the years 2010, 2015, and 2017 as 254,187, 268,723, and 274,768, respectively.

Element: Inventory of Solid Waste and Recycling Facilities

The facilities listed below are identified in the July 25, 2007 amendment to the County Plan as being included in the County Plan.

Solid Waste Facilities

- Sussex County Municipal Utilities Authority (SCMUA) Landfill – This facility, located on Block 14, Lots 33.05, 34, 35.01, 36, 37, 38.01, and 38.06 at 34 Route 94 South in the Township of Lafayette, is included in the County Plan to accept solid waste types 10, 13, 13C, 23, 25, 27, 27A, and 27I. The County Plan includes the facility's operating hours as 7:00 am – 4:00 pm, Monday through Saturday. The July 25, 2007 County Plan amendment does not include truck routes to this or any other solid waste facility. The County is reminded of the statutory authority granted it to establish truck routes to solid waste facilities.
- Grinnell Recycling Transfer Station/Materials Recovery Facility – This facility, located on Block 26, Lot 36 at 482 Houses Corner Road in the Township of Sparta, is included in the

County Plan to accept up to 400 tons per day (tpd) of solid waste type 13C. The County Plan includes the facility's operating hours as 7:00 am – 5:00 pm, Monday through Saturday, for the receipt of solid waste and 7:00 am – 8:00 pm, Monday through Saturday, for the processing of solid waste.

- Abbey Glen Pet Memorial Park – This facility, located on Block 411, Lot 6 off of Route 94 in the Township of Lafayette, is included in the County Plan to process up to 600 pounds per hour of animal carcasses using two Therm-Tech G-50 incineration units. The County Plan does not include the hours of operation for this facility.
- Schering Corporation Small-Scale Medical Waste Incinerator – This facility, located at Route 94 and County Route 659 in the Township of Lafayette, is included in the County Plan to incinerate medical waste using the following units: Consummate Incinerator Model C75P11 (or equivalent); Security Engineered Machinery Model 128 Heavy Duty Medical Waste Destroyer (or equivalent); and a Vernitron Steam Sterilizer Autoclave Model 82038 CPZ2 (or equivalent).

Recycling Centers

Class A Recycling Centers

- Goldmine Enterprises, LLC Class A Recycling Center – This facility, located on Block 163, Lot 4.03 at 235 Brighton Avenue in the Township of Andover, is included in the County Plan to accept up to 100 tpd of newsprint, magazines, office stock, corrugated cardboard and 400 tpd of commingled containers. The County Plan includes the facility's operating hours as 7:00 am – 4:30 pm, Monday through Friday, and 7:00 – 12:00 pm on Saturdays.
- SCMUA Class A Recycling Center – This facility, located on Block 14, Lot 38.01 at 34 Route 94 South in the Township of Lafayette, is included in the County Plan to accept up to 600 tons per week (tpw) of Class A recyclable materials, including newsprint, magazines, office stock, corrugated cardboard, and commingled containers. The County Plan includes the facility's operating hours as 7:00 am – 4:00 pm, Monday through Saturday.

Class B Recycling Centers

- Grinnell Recycling Class B Recycling Center – This facility, located on Block 26, Lots 36 and 38 at 482 Houses Corner Road in the Township of Sparta, is included in the County Plan to accept up to 400 tpd of asphalt, concrete, brick, block, brush, stumps, tree parts, and wood waste. The County Plan includes the facility's operating hours as 7:00 am – 5:00 pm, Monday through Saturday.
- SCMUA Class B Recycling Center – This facility, located on Block 14, Lot 38.01 at 34 Route 94 South in the Township of Lafayette, is included in the County Plan to accept up to 400 tpd of Class B recyclable materials, including tires, metals, and wood waste. The County Plan includes the facility's operating hours as 7:00 am – 4:00 pm, Monday through Saturday.
- Weldon Quarry Co. Class B Recycling Center – This facility, located on Block 70001, Lot 1 at 181 Route 181 in the Borough of Hoptacong, is included in the County Plan to accept up

to 2,000 tpd (11,000 tpw) of clean concrete and asphalt. The County Plan includes the facility's operating hours as 7:00 am – 4:30 pm, Monday through Friday, and 7:00 am – 11:30 am Saturday.

Class C Recycling Centers

- Ag Choice Research Development and Demonstration Composting Facility – This facility, located on Block 27, Lot 6.02 at 95 Whitehall Road in the Township of Green, is included in the County Plan to accept animal waste, agricultural waste, and pre-consumer food waste for composting. The County Plan does not include operating hours for this facility.
- Borough of Hopatcong Class C Recycling Center – This facility, located on Block 10002, Lot 1.01 at 114 Flora Avenue in the Borough of Hopatcong, is included in the County Plan to accept up to 10,000 cubic yards per year of brush and leaves. The County Plan includes the facility's operating hours as 9:00 am – 12:00 pm, Wednesday, and 8:00 am – 4:00 pm, Saturday.
- Borough of Stanhope Class C Recycling Center – This facility, located on Block 10301, Lot 11.03 at 7 Smith Street in the Borough of Stanhope, is included in the County Plan to accept up to 10,000 cubic yards per year of brush and leaves. The County Plan includes the facility's operating hours as 8:30 am – 4:00 pm, Wednesday and Saturday.
- Peterson Compost Class C Recycling Center – This facility, located on Block 30, Lot 76.03 at 34 Waterloo Road in the Township of Byram, is included in the County Plan to accept up to 10,000 cubic yards per year of wood chips. The County Plan does not include operating hours for this facility.
- RER Center, LLC Class C Recycling Center – This facility, located on Block 3, Lot 2.01 off of Route 23 in the Township of Wantage, is included in the County Plan to accept up to 10,000 cubic yards per year of grass, leaves, brush, and wood chips. The County Plan does not include operating hours for this facility, but notes that the facility operates from Monday through Saturday.
- SCMUA Class C Recycling Center – This facility, located on Block 14, Lot 38.01 at 34 Route 94 South in the Township of Lafayette, is included in the County Plan to accept up to 10,000 cubic yards per year of grass, brush, and leaves. The County Plan includes the facility's operating hours as 7:00 am – 4:00 pm, Monday through Saturday.
- Township of Byram Class C Recycling Center – This facility, located on Block 365, Lot 16.01 at 10 Mansfield Drive in the Township of Byram, is included in the County Plan to accept up to 10,000 cubic yards per year of brush and leaves. The County Plan includes the facility's operating hours as 7:30 am – 2:30 pm, Wednesday, and 9:00 am – 4:00 pm, Saturday.
- Township of Sparta Class C Recycling Center – This facility, located on Block 33, Lot 4 at 15 Prices Lane in the Township of Sparta, is included in the County Plan to accept up to 10,000 cubic yards per year of brush and leaves. The County Plan includes the facility's operating hours as 8:00 am – 12:00 pm, Monday and Wednesday, and 8:00 am – 4:00 pm, Saturday from April through December.

Element: Solid Waste Facilities to be Deleted From The County Plan

The July 25, 2007 County Plan amendment proposes County Plan deletion of the Key Environmental Class A Recycling Center. This facility, which was located on Block 344, Lot 34.01 at 287 Lackawanna Drive in the Township of Byram, was included in the County Plan to accept used oil filters through a May 24, 2000 request for administrative action, which was approved by the Department on May 30, 2000. The facility is no longer in operation.

Element: Solid Waste Disposal Strategy to be Utilized by the County for the Next Ten Years

The July 25, 2007 County Plan amendment includes in the County Plan a free-market system for the management of solid waste generated within the County, in which solid waste transporters select the facility for ultimate disposal.

Element: County Plan Inclusion Process

The July 25, 2007 County Plan amendment seeks to include the County's process to review and act on all requests for inclusion into the County Plan.

First, the Sussex County Division of Planning reviews all County Plan inclusion requests for administrative and technical completeness and begins the review process once said application is determined to be complete. Upon determination of completeness, the application is scheduled to be heard at the next meeting of the County Solid Waste Advisory Council (SWAC). Also, once the applicant is notified that their application has been deemed complete, the applicant shall publish a legal notice in a newspaper having general circulation within the host municipality, which contains information, including, but not limited to, name, owner, and location the proposed facility. This notice must also indicate that a copy of the application can be examined at the offices of the County Division of Planning and the host municipality and that comments regarding the proposed facility can be made at either the relevant SWAC meeting or the public hearing held by the County Freeholders. Lastly, proof of publication must be provided to the SWAC prior to the meeting, which will be held to hear the application in question.

The SWAC then reviews the application for County Plan inclusion and makes a recommendation to the County Freeholders within 100 days of their receipt of a complete application from the County Division of Planning.

Subsequent to the County Freeholders' receipt of the SWAC's recommendation, the County Freeholders will schedule a public hearing and administer notices pursuant to N.J.A.C. 7:26-6.10. The County Freeholders must respond to the application within 270 days of the determination of completeness by the County Division of Planning.

All applicants for County Plan inclusion of a solid waste facility or recycling center must provide specific information about the proposed operation to the County. This information includes the following:

- Contact information of the owner(s) or corporate principals of the business, operator(s) of the proposed facility, and its consultants, engineers, attorneys, etc;
- Information regarding ownership and operators of the facility;
- Copy of the deed or record establishing ownership of the facility property or a legal agreement to use the property in question for the proposed purpose;
- Location of the proposed facility, including a tax map outlining the lot and block numbers of the facility site and all adjacent properties;
- Description of the existing property use and all existing property uses within 200 feet of the property;
- Two copies of a site plan prepared, signed, and sealed in accordance with N.J.S.A. 45:8-35.1 et seq. by a licensed professional engineer or surveyor, which identifies the placement of all equipment, buildings, and areas related to the receipt, storage, processing and transferring of all unprocessed and processed materials. Additional information required about the operation includes location and dimensions of unprocessed and processed material stockpiles, site access controls, topographic contours;
- Description of the traffic impacts of the facility, setting forth the number and types of vehicles transporting material to and from the facility and routes vehicles will be required to employ to access the facility;
- Type of facility, including a list of the materials to be accepted at the facility and capacity of those materials in tons;
- Types and quantities of contaminants expected to be accepted;
- Materials handling and process flow;
- Market/residue information, including contact information of all planned markets for materials/residue and contracts or agreements between the applicant and end markets. In cases where end market contracts or agreements are not available at the time of application, the applicant shall submit letters of interest from prospective end-market users of the products resulting from the applicant's operation;
- Site access and controls;
- Inspection procedure for material delivered to the facility and procedure for handling loads which have excess contamination in material delivered to the facility;
- Record keeping procedures;
- Environmental issues, including floodplains, wetlands, historic sites, stormwater management, potable water, landscaping, odors, noise, and dust control; and
- Consistency with the County Plan, including a benefits and needs analysis.

Element: Recycling

In 2003, Sussex County recycled 21.7% of its municipal solid waste (MSW) and 42.3% of its total solid waste (TSW). Using 2003 Department data, Sussex County will have to recycle an additional 33,000 tons of MSW to reach a MSW recycling rate of 50%. Since the release of the updated Statewide Solid Waste Management Plan in early 2006, the Department has determined MSW recycling rates of 25.6% and 28.6% and TSW recycling rates of 47.1% and 48.5% for Sussex County in 2004 and 2005, respectively.

The July 25, 2007 County Plan amendment proposes County Plan inclusion of updates to several sections of the County's recycling strategy, including updated programs, recycling initiatives, source reduction strategies, and enforcement.

Designated Recyclable Materials – The July 25, 2007 amendment to the County Plan proposed County Plan inclusion of waste tires as a designated recyclable material for the all solid waste generating sectors.

The July 25, 2007 amendment to the County Plan does not contain the listing of the designated recyclable materials for the residential sector. The County is directed to address this deficiency as noted below in Section C. of this certification.

The following is a listing of the designated recyclable materials for the commercial, industrial, and institutional sectors included in the County Plan:

Aluminum cans	Newspaper
Antifreeze	Non-ferrous and aluminum scrap
Computer printout/white ledger	Plastic containers
Concrete	Scrap autos
Consumer batteries	Steel cans
Corrugated	Stumps, logs, and tree parts
Glass containers	Textiles
Heavy iron	Tires
Lead-acid batteries	Used consumer electronics
Leaves and brush	Used motor oil
Magazines and junk mail	White goods and light iron
Mercury-containing devices	Wood scrap
Mixed office paper	

Updated Programs – The County through the July 25, 2007 County Plan amendment proposes County Plan inclusion of several programs. These include recycling programs aimed at increasing recycling in schools and also the recycling of designated recyclables, including paper, and less traditional recyclables, including household batteries, consumer electronics, propane tanks, tires, used motor oil, and fluorescent lamps.

Recycling Initiatives – The County through the July 25, 2007 County Plan amendment proposes County Plan inclusion of its strategy to attain a recycling rate of 50% MSW. The County’s strategy to attain a recycling rate of 50% MSW is to increase the amount of recycling of currently designated recyclables through increased education and enforcement in the residential, commercial, and institutional sectors. The County proposes target recycling rates of 85% for cardboard, office paper, and newspaper, 50%, for other paper, 90% for glass containers and aluminum cans, 85% for steel cans, and 60% for plastic containers. Attaining these material target rates will lead to the recycling of an additional 42,000 tons of material based on the County’s use of Department solid waste generation data.

It is important to note that the County Plan, on page 15, reads that “it is strongly recommended that new contract language direct solid waste disposal to the SCMUA Facility, with recyclables directed to a County-designated facility”. Although this is included in the document as a recommendation for future planning consideration, the Department notes that there is no provision in either the Solid Waste Management Act and its amendments or the Local Public Contracts Law for the direction of recyclable materials to a designated facility and thus urges the County to thoroughly consider the legality of such a measure prior to moving forward.

Source Reduction Strategies – the County through the July 25, 2007 County Plan amendment proposes County Plan inclusion of the County’s development of educational programs, such as “Cut It and Leave It” for grass clippings and backyard composting.

Enforcement – The County through the July 25, 2007 County Plan amendment proposes County Plan inclusion of the Sussex County Division of Health (SCDOH) to enforce and administer the provisions of the County Plan. In addition, the July 25, 2007 County Plan amendment proposes County Plan inclusion of a graduated penalty schedule for recycling violations.

The Department’s Division of County Environmental and Waste Enforcement (DCEWE) submitted comments regarding the proposed enforcement component of the July 25, 2007 County Plan amendment. The DCEWE’s comments specifically read that the County Plan does not identify how the County will oversee the development of updated recycling ordinances by the municipalities within the County and which types of facilities and with what frequency facilities will be inspected by the County. The County is directed to address these deficiencies as noted below in Section C. of this certification.

The County Plan inclusion of the penalty schedule for violations of the Solid Waste Management Act (Act) is rejected. The Department has recently been advised by the Office of the Attorney General that the Department should not approve county plan inclusions of penalty schedules for violations of the Act. The Act gives sole authorization for the development of civil administrative penalty schedules to the Department. However, the “County Environmental Health Act” provides a mechanism (through the adoption of “environmental health ordinances”) for the adoption of penalty schedules at the county level. Additionally, the “Uniform Shared Services and Consolidation Act” allows for the delegation of enforcement authority (for municipal mandatory recycling ordinances) from the municipality to the county. Therefore, the

County can employ the current civil administrative penalty schedule as given at N.J.A.C. 7:26-5.4 and 5.5, or the County can adopt penalty provisions through environmental health ordinances, and employ the provisions of the “Uniform Shared Services and Consolidation Act” to further augment their enforcement capabilities.

Additionally, it should be noted that several references to the proposed strategy for the enforcement of recycling mandates lack sufficient detail. Specifically, references to “increased recycling education and compliance inspections” (Page 1), “a more structured inspection program at the SCMUA Solid Waste Facility” (Page 5), “implement a comprehensive inspection and enforcement program to ensure waste hauler recycling compliance” (Page 5), “increase the number of inspections performed at convenience stores” (Page 5), “the Sussex County Department of Health estimates being able to perform inspections of all schools and eating establishments periodically” (Page 6) shall be further detailed as noted below in Section C. Finally, Page 29 notes that where either the SCDOH, the SCMUA or the Sussex County Division of Planning has determined “repeated non-compliance” by any party with respect to the Solid Waste Management Plan, the County Health Officer shall gather evidence to pursue legal action. The County is directed to provide more specificity regarding the meaning of the term “repeated non-compliance” in a subsequent submission as noted below in Section C.

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

In accordance with N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-21, which establishes specific requirements regarding the contents of the county solid waste management plans, I have reviewed the July 25, 2007 amendment to the approved County Plan and certify to the County Freeholders that the July 25, 2007 amendment is approved in part and rejected in part as further specified below.

The County Plan inclusion of the July 25, 2007 County Plan Update in response to the updated Statewide Solid Waste Management Plan is approved with the exception of the penalty schedule for residential and non-residential generators of solid waste who do not source separate designated recyclables or otherwise comply with the Act and collectors of solid waste who mix designated recyclables with solid waste. This portion of the July 25, 2007 amendment to the County Plan is rejected.

The County must submit a County Plan amendment to address the deficiencies noted in Section B. of this certification within 180 days of the date of this approval.

- designation of a County Plan implementation agency;
- listing of designated recyclables for the residential sector;
- procedure by which the County will ensure that all municipalities located within the County update their source-separation ordinances;
- listing of the types of facilities to be inspected by the County and with what frequency these facilities will be inspected; and
- those elements of the enforcement strategy noted in Section B above for which additional

detail/specificity is required.

The County may submit the required amendment as an administrative action, pursuant to N.J.A.C. 7:26-6.11 et seq. Please note that the Department is requiring the County to meld the submissions in response to the requirements contained in the State Plan update, as identified above, into one unified document for the purpose of general circulation.

D. Other Provisions Affecting the Plan Amendment

1. Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with this amendment to the County Plan and which was executed prior to the approval of this amendment and subsequent to the effective date of the Solid Waste Management Act (July 29, 1977), and which shall further be for a term in excess of one year, shall immediately be renegotiated in order to bring same into conformance with the terms and provisions herein set forth. Any solid waste collection operation or disposal facility registered by the Department and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the County Plan if such renegotiation is not completed within ninety (90) days of the effective date of this amendment provided, however, that any such registrant may, upon application to the Department, and for good cause shown, obtain an extension of time to complete such renegotiation.

2. Compliance

All solid waste facility operators and transporters registered with the Department and operating within the County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the County Plan. Any facility operator or transporter who fails to comply with the provisions contained herein shall be deemed to be in violation of N.J.S.A. 13:1E-1 et seq., in violation of N.J.A.C. 7:26-1 et seq., and in violation of their registration to operate a solid waste facility or a collection system issued thereunder by the Department and shall be subject to the provisions and penalties of N.J.S.A. 13:1E-9 and 12 and all other applicable laws.

3. Types of Solid Wastes Covered by the County Plan

The provisions of the County Plan shall apply to all solid wastes defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-2.13 including waste types 10, 13, 23, 25, and 27 and all applicable subcategories and shall not apply to liquid and hazardous wastes. All nonhazardous materials separated at the point of generation for sale or reuse are subject to regulation in accordance with N.J.A.C. 7:26A-1 et seq.

4. Certification to Proceed with Implementation of Amendment

This document shall serve as the certification of the Commissioner of the Department to the County Freeholders and pursuant to N.J.S.A. 13:1E-24c. and f., the County Freeholders shall proceed with the implementation of the approved components of the amendment certified herein.

5. Definitions

For the purpose of this amendment and unless the context clearly requires a different meaning, the definitions of terms shall be the same as those found at N.J.S.A. 13:1E-3 and -99.12, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of Amendment

The approved components of the amendment to the County Plan contained herein shall take effect immediately.

7. Reservation of Authority

Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, and also includes the compilation of individual district plans and amendments as they are approved.

E. Certification of Approval of the Amendment by the Commissioner of the Department of Environmental Protection

In accordance with the requirements of N.J.S.A. 13:1E-1 *et seq.*, I hereby approve in part and reject in part the amendment, as outlined in Section C. of this certification, to the Sussex County District Solid Waste Management Plan which was adopted by the Sussex County Board of Chosen Freeholders on July 25, 2007.

January 11, 2008

Date

Lisa P. Jackson, Commissioner
Department of Environmental Protection