



State of New Jersey  
Department of Environmental Protection and Energy

Robert C. Shinn, Jr.  
Commissioner

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

CERTIFICATION  
OF THE JUNE 23, 1993  
AMENDMENT TO THE WARREN COUNTY  
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 October 16, 1981, the Department of Environmental Protection approved, with modifications, the Warren 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 County Plan at any time and, if found inadequate, a new County Plan must be adopted. The Warren County Board of Chosen Freeholders (County Freeholders) completed such a review and on June 23, 1993, adopted an amendment to its approved County Plan.

The amendment updates the County Plan and identifies the County's strategy for addressing the State requirements pertaining to source reduction, recycling and regionalization planning.

Although the amendment was adopted on June 23, 1993, the amendment was not considered administratively complete by the Department of Environmental Protection and Energy (Department or DEPE) until December 6, 1993, and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department may not consider an amendment administratively complete until site identification maps have been submitted for all new solid waste facilities being proposed for inclusion in the County Plan, which the County did not provide until December 6, 1993. The Department has reviewed this amendment and has determined that the amendment adopted by the County Freeholders on June 23, 1993 is approved in part and modified in part as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the June 23, 1993 amendment according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that this plan amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the issues of concern relative to the June 23, 1993 amendment which are included in Section B.2. below.

In conjunction with the review of the amendment, the Department circulated copies to fifteen 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. These agencies are the following:

Office of Air Quality Management, DEPE  
Division of Parks and Forestry, DEPE  
Division of Fish, Game and Wildlife, DEPE  
Division of Solid Waste Management, DEPE  
Green Acres Program, DEPE  
Land Use Regulation Element, DEPE  
Wastewater Facilities Regulation Element, DEPE  
New Jersey Turnpike Authority  
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 June 23, 1993 Amendment

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

Division of Parks and Forestry, DEPE  
Division of Fish, Game and Wildlife, DEPE  
Wastewater Facilities Regulation Element, DEPE  
Green Acres Program, DEPE  
New Jersey Turnpike Authority  
Department of Agriculture  
Department of Community Affairs

The following agencies did not respond to our requests for comment:

Land Use Regulation Element, DEPE  
New Jersey Advisory Council on Solid Waste Management  
Department of Health  
Department of Transportation  
Department of the Public Advocate  
U.S. Environmental Protection Agency

The following agencies provided substantive comments as shown in Section B. of the certification document:

Office of Air Quality Management, DEPE  
Division of Solid Waste Management, DEPE

2. Issues of Concern Relative to the June 23, 1993 Amendment

**Issue: County Response to the State Requirements Concerning Source Reduction, Recycling and Regionalization**

In the Department's January 17, 1991 certification of the July 11, 1990 amendment to the County Plan, the Department initially directed the County to address the State requirements concerning source reduction, recycling, and regionalization planning within 120 days or by May 16, 1991. Subsequently, the Department's September 18, 1992 certification of the May 13, 1992 amendment to the County Plan noted the continued failure of the County to meet the submission date and directed the County to address these requirements within 90 days or by December 16, 1992. Although adopted on June 23, 1993, the required plan amendment submission was not considered administratively complete by the Department until December 6, 1993. The Department has reviewed the June 23, 1993 amendment within the context of the adopted Solid Waste Management Plan Update: 1993-2002. The following is an overview of the County's response to the requirements concerning source reduction, recycling, and regionalization planning as well as the Department's comments on the proposed plan update.

## Source Reduction

### a. Source Reduction Goals

The County has adopted the State's goal for source reduction of solid waste by capping the per capita generation rate for waste at 1990 levels, capping total waste generation by 1995, and reducing total waste generation by the year 2000.

### b. Waste Audits

The County is requiring that waste audits will be performed at all municipal and county facilities and at all institutions, businesses and industries with 100 or more employees or which generate one ton or more of waste per week. The Pollution Control Financing Authority (PCFA) of Warren County will provide technical assistance for the waste audits. The PCFA will also perform spot audits to verify the accuracy of the audits prepared by each entity. Audits shall be performed by the public or private entity and the results submitted to the PCFA according to the following schedule:

1. Municipal and county facilities shall submit results of audits by June 1, 1994.
2. All other places of employment with more than 100 employees shall submit results of audits by January 1, 1995.
3. All other places of employment with 100 or fewer employees, which generate one ton or more of waste per week, shall submit results of audits by June 1, 1995.

The County should submit by letter the summary results of the waste audits conducted for all county and municipal buildings and periodically report back to the DEPE the summary results of waste audits conducted in the private sector.

### c. Per Container Fee System

The County has encouraged waste haulers to consider imposing per container fees as an impetus to greater recycling and waste avoidance. All municipal governing bodies have been contacted to support per container tariffs for haulers. The County should continue to pursue on a pilot basis a per container fee system in at least one municipality and report such progress in a subsequent plan amendment submission.

### d. Yard Waste Management

The County is developing an educational program aimed at leaving grass clippings on the lawn. Further, farm operators are encouraged to accept leaves as mulch on their farm fields. The amendment inventories the existing leaf composting sites and one new site as

follows:

1. Warren County Landfill, Block 34, Lot 17, and Block 32, Lots 12 and 22, in White Township;
2. S. Rotondi and Sons, Block 7, Lots 12 and 14.02, in Harmony Township;
3. Nature's Choice Corporation, Block 21, Lot 11, in White Township;
4. Harmony Dale Farms, Block 44, Lots 9, 10 and 23, in Harmony Township;
5. Washington Township, Block 48, Lot 78, in Washington Township; and,
6. \* Richard Cotton, Block 56, Lot 33, in Franklin Township.

\* Newly designated site.

However, as a part of the educational program being developed by the PCFA, information on how to compost yard waste in residential backyards should be included. Also, once the education program is finalized, the County should provide in a subsequent plan amendment submission more specifics regarding the program.

e. Household Hazardous Waste

The County sponsors two household hazardous waste collection days each year, at three sites, for County residents. The PCFA is exploring the feasibility of establishing a permanent household hazardous waste collection facility. The PCFA is also discussing the possibility of establishing a regional facility to service Warren, Somerset and Hunterdon Counties. The County should indicate in a subsequent plan amendment submission an implementation schedule for the siting and development of this facility.

f. Education

The County acknowledges that reducing waste necessitates an educational campaign to demonstrate to County residents how to produce less waste. The amendment indicates that this is being achieved by means of the PCFA quarterly newsletter, which is delivered to every household in Warren County. Also, the PCFA's education specialist incorporates source reduction messages in the recycling and solid waste management presentations given to schools, businesses, civic groups, and local governments.

## g. Procurement

The amendment states that the County is presently considering adopting a recycled product procurement and waste reduction policy which will recommend that purchasing practices favor recycled products, where possible. Should this policy be adopted, it will be sent to all Warren County municipalities to guide them in developing their own policies. In this regard, on April 22, 1993, P.L. 1993, Chapter 109 was enacted which establishes specific goals for the purchase of recycled paper and allows preferential purchase of recycled nonpaper finished products for New Jersey state agencies. Also, Executive Order 91 on the procurement of recycled products was signed on May 3, 1993. The County should consider the scope of these state level programs, as well as the state's cooperative purchasing program and state distribution and support services program for recycled products, for application at the County level. Further, the County should consider programs or strategies to achieve municipal participation in the purchase of recycled products through the adoption of state and county practices. Finally, the County must provide in a subsequent plan amendment submission a schedule for the adoption and implementation of the County's recycled product procurement policy.

## Recycling

### a. Recycling Goals

The County has endorsed the State goal, pursuant to P.L. 1992, c. 167, of recycling, at a minimum, 50% of the municipal waste stream and 60% of the total waste stream by December 31, 1995. The County has provided specific tonnage targets by material to indicate achievement of these goals.

### b. Designated Recyclable Materials

The amendment has added a number of additional mandated recyclable materials to the previous list of designated recyclables. The materials mandated to be recycled by all residential, commercial, institutional and industrial waste generators are as follows:

Container glass - three colors (clear, green and brown)

Aluminum cans

Steel cans

Plastic bottles

1. Polyethylene terephthalate - clear and green (Type #1)
2. High density polyethylene - clear and colored (Type #2)

Newsprint

Magazines and mixed paper \*

Corrugated cardboard

High grade office paper - white

White goods (large appliances)  
Waste oil  
Tires \*  
Textiles \*  
Leaves and yard waste  
Scrap metals (including junked autos) \*  
Automotive batteries (lead acid) \*  
Household batteries \*  
Asphalt roofing material \*  
Construction and demolition waste \* (wood, metal, concrete  
and bricks)  
Latex paint \*

\* Newly designated materials

The plan amendment designates "construction and demolition" waste as a newly designated recyclable material. The term "construction and demolition" waste is too broad a term, however, encompassing many different materials, many of which are not recyclable. According to DEPE's recycling regulations, N.J.A.C. 7:26A-1 et seq., construction and demolition debris is not, in itself, a recyclable material. Certain components of construction and demolition waste such as concrete, bricks, metal, nontreated wood and asphalt, do qualify as "Class B recyclable materials" when they are separated at the source of generation from nonrecyclable waste materials and transported to a recycling center approved to accept the materials, or to an end market. See N.J.A.C. 7:26A-1.3. In fact, the plan amendment does specify in a subsequent section that recyclable construction and demolition debris consists of wood, metal, concrete and bricks. Accordingly, the plan amendment is modified to specify that the following elements of construction and demolition debris are designated recyclable materials: source separated metal, concrete, bricks and nontreated wood.

c. Collection Inventory for Recyclables

As indicated in the amendment, twelve municipalities, as well as the County, maintain drop-off depots for recyclables. Five municipalities conduct curbside collection of recyclables under municipal auspices and fifteen municipalities receive curbside collection of commingled materials by private waste haulers who service individual homeowners. The PCFA intends to replace its existing drop-off center at the Warren County Garage, located in White Township, with a new facility to be located at the resource recovery facility site, on Block 26, Lots 88 and 88.01, in Oxford Township. The recycling centers for Class A materials included in the County Plan are as follows:

<u>Facility Name</u>	<u>Location</u>
Allamuchy Township	Allamuchy Municipal Garage Block 602, Lot 29.02
Alpha Borough	Alpha Municipal Building Block 32, Lot 8
Blairstown Township	Lambert Road Block 14.02, Lot 24
Franklin Township	Franklin Municipal Garage Block 45, Lot 15
Frelinghuysen Township	Frelinghuysen Municipal Building Block 1001, Lot 15
Greenwich Township	Greenwich Municipal Building Block 23, lot 31.01
Hackettstown	Hackettstown Municipal Garage Block 69, Lot 7
Hardwick Township	Hardwick Municipal Garage Block 1003, Lot 27
Liberty Township	Liberty Municipal Building Block 9, Lot 4
Mansfield Township	Mansfield Municipal Garage Block 16.03, Lot 24
Washington Township	Washington Municipal Garage Block 43, Lot 10.01
White Township	White Municipal Garage Block 48, Lot 2
PCFA Recycling Center	Warren County Garage White Township Block 21, Lot 15
S & L Recycling	White Township Block 32, Lot 11
Sanico, Inc.	Knowlton Township Block 55, Lots 17 & 18

d. Enforcement

The amendment indicates that each municipality has been required to adopt an ordinance mandating the separation of designated recyclables which must contain language describing enforcement and appropriate penalties for noncompliance. Periodic inspections of waste at the curb are conducted by a designated municipal officer to determine if contents include recyclables. The amendment also indicates that the PCFA inspects loads delivered to the County resource recovery facility and landfill. Notices of violations are sent to the municipal recycling coordinator with repeat offenders issued summonses. Further, the PCFA will augment the municipal enforcement efforts by conducting an intensive educational program to alert solid waste generators (residential, institutional, commercial, and industrial) and transporters as to what materials should and should not be included in solid waste to be delivered and processed at the County's solid waste disposal facilities. The education program will:



1. Stress the importance of waste reduction and recycling;
2. Stress the need to keep hazardous waste and other unacceptable materials out of the resource recovery facility and landfill;
3. Identify alternative means, such as household hazardous waste collection days, battery recovery programs, and landfiling for managing unacceptable waste materials; and,
4. Provide information concerning the Fuel Quality Assurance Program inspection and enforcement program and warning that, after a six month period, penalties will be assessed for non-compliance.

### **Regionalization**

Warren County has entered into two interdistrict agreements for the shared use of the Warren County resource recovery facility and landfill. Specifically, on July 22, 1986, Warren County and Hunterdon County entered into an interdistrict agreement which provides for Hunterdon County to deliver 100 tons per day (TPD) of processible waste to the Warren County resource recovery facility through December 31, 2001. Also, on July 11, 1990, Warren County and Somerset County entered into an interdistrict agreement which provides for Somerset County to deliver 1,400 tons per week (TPW) of processible waste to the Warren County resource recovery facility through December 31, 2001. From January 1, 2002, through November 30, 2008, Somerset County will deliver 1,900 TPW of processible waste to the Warren County resource recovery facility. Pursuant to both interdistrict agreements, Warren County also provides for the disposal of all ash residue and by-pass waste. However, pursuant to the latter agreement, Somerset County has not delivered sufficient amounts of processible solid waste to satisfy the provisions of the interdistrict agreement for the years 1991 and 1992. Therefore, to remedy this solid waste delivery shortfall, Somerset County and Warren County entered into a supplemental interdistrict agreement dated January 19, 1993. The January 19, 1993 interdistrict agreement provides for Somerset County to deliver to the Warren County resource recovery facility an additional delivery of between a minimum of 50 TPW and a maximum of 120 TPW until such time as the waste shortfall of approximately 4,500 tons is rectified.

As noted in Section C. of this certification, the strategy adopted by the County concerning source reduction, recycling and regionalization planning is approved. However, the County must provide within 180 days in a subsequent plan amendment submission more specifics regarding the yard waste management education program, and schedules for the siting and development of the permanent household hazardous collection facility and the adoption and implementation of the County's recycled product procurement policy.

**Issue: Fuel Quality Assurance Policy**

The amendment indicates that in order to minimize air pollutants emissions from the resource recovery facility and to maximize the recovery of materials and energy from the waste stream, a Fuel Quality Assurance Policy has been adopted. The Fuel Quality Assurance Policy identifies components of the waste stream deemed desirable or undesirable for processing at the resource recovery facility. Desirable components of the waste stream will be those that cannot be recycled and which demonstrate a higher heating value and, in turn, will produce more Btu's while being burned. Undesirable components of the waste stream or those items that do not possess higher heating values shall be separated during the waste stream collection and be recycled or landfilled directly. Following an education period for solid waste generators and transporters, penalties will be assessed against the generator or the transporter for violations of the Fuel Quality Assurance Policy.

While the Department commends the County for the development of this policy, Section C. of this certification directs the County to submit a report to the Department within 180 days which outlines plans and specific timetables for the removal of materials of concern from the resource recovery facility's incoming waste stream.

**Issue: Modification of the County Recycling Plan**

The amendment identifies a procedure for a modification to the County's Recycling Plan. Specifically, a procedure has been established for minor modifications (do not require adoption of a plan amendment but only a public notice procedure and County Freeholder resolution) and major modifications (adoption of a plan amendment). The amendment lists the activities which constitute a major modification and a minor modification as follows:

Minor Modification

- \* Change in marketing agreements for recyclables.
- \* Change in the operational schedule of recycling depots.
- \* Change in providers of curbside collection service.
- \* Change in designation of materials to be recycled.

Major Modifications

- \* Change in material preparations.
- \* Determination of recycling targets.
- \* Plan inclusion of recycling centers.

The Department concurs with the above classification with the exception of the change in the designation of materials to be recycled. The Department considers such a change to be a major, not

minor, modification due to the possible ramifications such a change could have on the general population. Therefore, within Section C. of this certification, the Department approves with modification the County's Recycling Plan modification procedure by determining that a change in the designation of materials to be recycled is a major, not minor, modification.

**Issue: Regulatory Requirements**

Recycling facilities and compost facilities are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution," which prohibits odors and other air contaminants which interfere with the enjoyment of life or property. Compost facilities and recycling centers are also considered solid waste facilities and 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. Such vents may require devices to control odors and other air contaminants.

**C. Certification of the Warren 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 district solid waste management plans, I have reviewed June 23, 1993 amendment to the approved County Plan and certify to the County Freeholders that the June 23, 1993 amendment is approved in part and modified in part as further specified below.

**1. Source Reduction, Recycling, and Regionalization Requirements**

**a. Source Reduction**

The County's strategy to enact specific source reduction tasks comprising source reduction goals, waste audits, yard waste management, household hazardous waste, education, and procurement, as described in Section B., is approved. However, as noted in Section B., the County must provide within 180 days in a subsequent plan amendment submission more specifics regarding the yard waste management education program and schedules for the siting and development of the permanent household hazardous collection facility and the adoption and implementation of the County's recycled product procurement policy.

**b. Recycling**

The County's strategy to achieve, at a minimum, a 50% recycling rate of the municipal waste stream and a 60% recycling rate of the total waste stream by December 31, 1995 is approved. Further, the

collection inventory for recyclables, and enforcement strategy, as described in Section B., are also approved. Finally, the additional designated recyclable materials are approved as modified. Specifically, as described in Section B., the designation of construction and demolition debris as a recyclable material is modified to specify the following elements of construction and demolition debris are designated recyclable materials: source separated metal, concrete bricks and non-treated wood.

**c. Regionalization**

The County's regionalization policy for the resource recovery facility and landfill, comprising two interdistrict agreements, is approved.

**2. Modification of the County Recycling Plan**

The County inclusion of the procedure for modifying the County Recycling Plan is approved with modification. Specifically, as noted in Section B., the DEPE considers the change in the designation of mandated recyclables to constitute a major, not minor, modification to the County Recycling Plan. Therefore, this component of the amendment is approved with modification.

**3. Leaf Compost Facility**

The County Plan inclusion of a leaf compost facility, located on Block 56, Lot 33, in Franklin Township, to process less than 20,000 cubic yards of leaves per year and to be operated by Richard Cotton is approved.

**4. Supplemental Interdistrict Agreement**

The County Plan inclusion of the January 19, 1993 Warren County/Somerset County supplemental interdistrict agreement is approved. As noted in Section B., provisions of this agreement provide for Somerset County to deliver to the Warren County resource recovery facility as supplemental waste (beyond the current required 1,400 TPW) of between a minimum of 50 TPW and a maximum of 120 TPW until such time as the waste delivery shortfall of approximately 4,500 tons is rectified.

**5. Fuel Quality Assurance Policy**

The County Plan inclusion of the Fuel Quality Assurance Policy, as described in Section B., is approved. The Department has also reviewed the County Plan and the Fuel Quality Assistance Policy focusing upon the existing incinerator operations and the need to remove additional constituents from the incoming waste stream to ensure a reduction in facility emissions; in particular mercury. The Department is committed to the use of best available air pollution controls at existing facilities, as well as the

application of the most stringent standards within permits. The Department, as part of the "Task Force on Mercury Emissions Standard Setting" (Mercury Task Force), is currently working toward development of a statewide mercury emission standard for municipal solid waste incinerators, involving both air quality control technologies and identification and implementation of specific measures to reduce the content of mercury in the solid waste stream. The Mercury Task Force completed its preliminary report, which includes an evaluation of both environmental and health issues and technical and regulatory issues, in August 1992 and distributed this document for public comment through November 1992. A public hearing on the preliminary report was held on October 26, 1992. The Department published the findings and recommendations of the Mercury Task Force in the final report on proposed mercury standards in July 1993. A public hearing on proposed regulations implementing the mercury standards was held on March 29, 1994. Following the review of the comments received at the public hearing, the Department expects to issue a final proposed rule implementing the proposed mercury standards by summer 1994. The Department will continue to work closely with incinerator operators to have system modifications installed to implement use of best available control technology.

The County planning process must complement the future installation of more advanced air pollution control equipment and intended permit modifications to ensure necessary reductions in mercury from the solid waste stream. As a result of the efforts of the Mercury Task Force and the referenced public hearing process, the Department, on February 22, 1994, has proposed in the New Jersey Register an interim and final mercury emission standard for municipal solid waste incinerators of 65 and 28 mg/dscm and/or an 80% removal. From the Mercury Task Force's technical research, available air pollution control equipment can result in significant reductions (up to 80%) of mercury based upon current emission levels. A portion of this emission standard will be achieved through source reduction programs as manufacturer's redesign their products to eliminate or minimize mercury content. Source separation programs will also remove mercury from the processible waste stream. Therefore, in order to fully achieve interim (by 1995) and final (by 2000) standards of 65 and 28 mg/dscm respectively, it will be necessary for counties that dispose of solid waste in incinerators to develop plans and schedules for the removal of sources of mercury from the waste stream.

Toward that goal, and the goal of the County's Fuel Quality Assurance Policy, the County is hereby ordered to submit a report to the Department within 180 days of this certification which outlines plans and specific timetables for the removal of materials of concern from the incoming solid waste stream. At a minimum, the plan must address:

- \* Efforts already being used by the County for removal of discarded products which contain hazardous substances or constituents from the waste stream, particularly mercury;
- \* Specific plans and timeframes for the removal and separate management of dry cell batteries, fluorescent light bulbs, thermometers, mercury switches, CRT and TV tubes, and thermostats, all of which contain mercury and other heavy metals, particularly cadmium and lead;
- \* An inventory of potential generators of the above materials, such as jewelers, hospitals and large commercial, institutional, and industrial buildings and plans for education and separate collection/drop-off of these materials;
- \* Specific plans and timeframes for the removal of wallboard, grass and other yard wastes from the incoming waste stream toward further reducing sulphur dioxide (SO<sub>2</sub>) and nitrogen oxide (NOX) emissions;
- \* An inventory of large generators of wallboard and plans for education and separate collection/drop-off and disposal (nonincineration) of this material;
- \* Plans for implementing a combination of the Department's "Grass: Cut-it and Leave-it" programs, backyard composting and/or compost facility development or expansion plans to include management of grass clippings. This must include an inventory of existing facilities which accept grass for composting, as well as a listing of all landscapers operating within the county;
- \* Specific plans and timeframes for developing comprehensive recycling and waste diversion programs which support the prohibition from acceptance at the incinerator of paints, tires, electronics and vehicular materials, such as batteries, from the residential, commercial, institutional and industrial sectors to further reduce the potential for toxic materials entering the facility; and,
- \* Specific plans and schedules for expanding existing household hazardous waste collection programs and/or the development of a permanent household hazardous waste collection facility and management program for the County;

This report must be submitted within 180 days of this certification and is not required to be submitted in plan amendment form.

#### **6. Resource Recovery Investment Tax Fund Use and Disbursement Schedule**

The County Plan inclusion of a proposed use of and disbursement

schedule for monies from the County Resource Recovery Investment Tax (RRIT) Fund is approved. Specifically, the County proposes to use RRIT Funds accrued from fiscal years 1986 through 1995 (\$36,406.17 as of December 31, 1992) to offset the cost of recycling operations at the Warren County Recycling Center for these same fiscal years.

**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 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 and shall not apply to 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. 7:26A-1 et seq.

4. Certification to Proceed with the Implementation 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 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 the Amendment

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

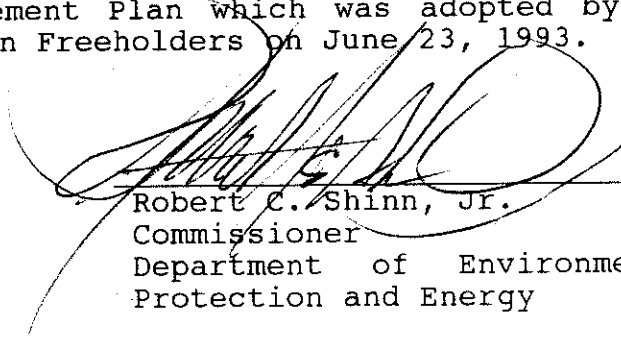
7. Reservation of Authority

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, 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 Modification in Part of the Amendment by the Commissioner of the Department of Environmental Protection and Energy.

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve in part and modify in part the amendment, as outlined in Section C. of this certification, to the Warren County District Solid Waste Management Plan which was adopted by the Warren County Board of Chosen Freeholders on June 23, 1993.

5/3/94  
Date

  
Robert C. Shinn, Jr.  
Commissioner  
Department of Environmental  
Protection and Energy