



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

CERTIFICATION  
OF THE JULY 11, 1990  
AMENDMENT TO THE WARREN 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 October 16, 1981, the Department approved, with modifications, the Warren County District Solid Waste Management 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 the 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 the 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 Warren County Board of Chosen Freeholders completed such a review and on July 11, 1990 adopted a multi-faceted amendment to its approved district solid waste management plan. The July 11, 1990 amendment proposes:

1. To direct solid waste ID type #13 Bulky Waste to an out-of-state landfill until such time as the Warren County Landfill, facility #2132D, located in White Township, is operational and can accept the waste. Also, in the event that the Warren County Landfill is temporarily unable to accept ID #13 Bulky Waste, that waste shall then be directed from the Warren County Resource Recovery Facility to an out-of-state landfill until such time as the Warren County Landfill can accept ID #13 Bulky Waste.
2. To include into the district plan the BPU/DEP Emergency Waste Flow Redirection Order dated June 30, 1989, which directs up to 250 tons per day of processible type 10 solid waste from the BRI Transfer Station in Somerset County to the Warren County Resource Recovery Facility, facility #2117A.
3. To specify that solid waste ID type #25 Animal and Food Processing Waste is acceptable for incineration at the Warren County Resource Recovery Facility, facility #2117A. Also, to specify that solid waste ID type #23 Vegetative Waste and ID type #25 Animal and Food Processing Waste are acceptable for disposal at the Warren County Landfill, facility #2132D.
4. To incorporate into the district plan the Warren County/Somerset County Interdistrict Waste Flow Agreement dated July 11, 1990 which establishes, among other things, that 1400 tons per week of acceptable (processable) waste will be sent from Somerset County to the Warren County Resource Recovery Facility through the year 2001. From January 1, 2002 through November 30, 2008, Somerset County shall increase the acceptable waste it sends to the Warren County Resource Recovery Facility to 1977 tons per week. According to the agreement, Somerset County will deliver only acceptable waste to the resource recovery facility and Warren County agrees to provide the necessary landfill capacity to provide for the disposal of the residue or by-pass of the wastes that are subject to this agreement. Further, in the event that Somerset County fails to deliver the agreed upon tonnage of acceptable waste in a year, Somerset County shall pay the then current rate in effect at the resource recovery facility for each ton of acceptable waste not delivered.
5. To modify the Warren County Recycling Plan by including the designation of a county recycling coordinator, by identifying the methodology for major and minor modifications to the county recycling plan and the policy of priority consideration for recycling businesses.

6. To include into the district plan operating conditions for the previously certified Ingersoll-Rand Company class II landfill in Phillipsburg. This is a 4 acre site which will accommodate construction debris and foundry sand. The proposed operating conditions would require that leachate from the facility be directed to an on-site storage facility until applicable testing procedures have been performed to determine its ultimate disposition.

The amendment was received by the Department of Environmental Protection on August 21, 1990, and copies were distributed to various state level agencies for review and comment, as required by law. The Department has reviewed this amendment and has determined that the amendment adopted by the Warren County Board of Chosen Freeholders on July 11, 1990 is approved in part, modified in part, and rejected 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, Judith A. Yaskin, Commissioner of the Department of Environmental Protection have studied and reviewed the July 11, 1990 amendment to the Warren County District Solid Waste Management Plan 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 in part and inconsistent in part with the Statewide Solid Waste Management Plan.

In addition, the Division of Solid Waste Management circulated the plan amendment to fifteen review agencies and solicited their review and recommendations. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various agencies, bureaus, and divisions within the Department of Environmental Protection as well as the Board of Public Utilities. Also among these agencies were the Department of Community Affairs, the Department of the Public Advocate, the Department of Health, the Department of Agriculture, the Department of Transportation, and the New Jersey Turnpike Authority. Of these agencies, the following did not object to the proposed plan amendment: the N.J.D.E.P. Divisions of Water Resources and Parks and Forestry; the State Departments of Community Affairs and Transportation; the Green Acres Program and the New Jersey Turnpike Authority. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Division of Coastal Resources; the State Departments of Agriculture, Health, and the Public Advocate; the New Jersey Advisory Council on Solid Waste Management and the U.S. Environmental Protection Agency. The N.J.D.E.P. Divisions of Environmental Quality, Fish, Game and Wildlife and Solid Waste Management and the Board of Public Utilities submitted substantive comments which are further addressed below.

The Division of Environmental Quality commented that landfills and recycling centers are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution". This regulation prohibits odors and other air contaminants which interfere with the enjoyment of life or property.

New and closed landfills should be equipped with positive ventilation systems, which direct landfill gases to air pollution control devices. These vents and devices require air pollution control permits pursuant to N.J.A.C. 7:27-8.2(a)1 and 16. These regulations require permits for all stationary equipment used to ventilate a solid waste facility directly or indirectly to the ambient atmosphere.

The Division of Environmental Quality further commented that Warren County is under Departmental order to implement a battery and mercury waste removal program. This program must be applied to all solid waste directed to the Warren County Resource Recovery Facility, including Somerset County solid waste.

The Department responds that, by copy of this certification, Warren County is informed of the concerns of the Division of Environmental Quality. Further, the Department directs Warren County to implement a battery and mercury waste removal program for all waste directed to the resource recovery facility regardless of its origins.

The Division of Fish, Game and Wildlife indicated concern about any leachate/run-off from the proposed Ingersoll-Rand Landfill. The concern is that the ultimate discharge of the leachate/run-off is the Lopatcong Creek, a trout maintenance and trout stocked stream. Compliance with FW-2 Trout Maintenance Water standards must be provided.

The Department responds by informing Warren County and the proposed landfill owner/operator, by way of this certification, of the concerns of the Division of Fish, Game and Wildlife. Safeguards to protect the waters in question will be a part of the proposed facility's permit to operate. Further, the Department notes that in Section C. the operating conditions of the landfill are rejected from plan inclusion. Instead, operating conditions are determined by the Department during the permitting process and the conditions proposed by the county will be considered at that time.

The Board of Public Utilities commented that they have no objections to this plan amendment, however, this should not be construed as an approval by the BPU for any future rate change at the Warren County disposal facilities. The effect of the plan amendment may or may not have on the rates for the Warren County disposal facilities must be examined within the context of the rate proceedings.

The Department responds by informing Warren County, by way of this certification, of the comments of the Board of Public Utilities.

The Division of Solid Waste Management commented concerning the directing of Warren County's solid waste type #13, Bulky Waste, to out-of-state disposal facilities. The Warren County Landfill cell for this waste type is under construction and should be able to accept this waste in the near future.

Also, the Division of Solid Waste Management commented that the proposed amendment identifies the allowable waste types accepted at the Warren County disposal facilities. The waste types identified in the plan

amendment as acceptable at the Warren County Landfill are those that are already identified in the facility's permit to operate. However, the plan amendment identifies solid waste type ID 25 Animal and Food Processing Waste to be allowed at the Warren County Resource Recovery Facility. While Warren County may modify their district plan to expand the waste types to be acceptable at the resource recovery facility, the vehicle for implementing this change is not solely the modification of the district plan. Warren County must formally petition the Department's Division of Solid Waste Management to request a change to the facility's permit to operate. Also, according to the provisions of N.J.S.A. 13:1E-99.21, leaves must be excluded from the resource recovery facility and landfill.

The Division further commented that the plan amendment with the associated interdistrict waste flow agreement represents an increase in waste flow deliveries to the resource recovery facility. Before such an approval is formally granted by the Department, a comprehensive assessment of the facility's remaining unused disposal capacity should be made by the Warren County Resource Recovery Facility permittee, and this data should be submitted to the Department for its review. Action to designate formal routing plans for waste delivery to the resource recovery facility in both Somerset and Warren Counties must be identified in amendments adopted by each county. Also, the impact created by bringing Somerset County waste to the facility including a traffic study of major intersections impacted by delivery vehicles must be submitted by Warren County to the Department for review in an amended environmental impact study. Impacts due to waste delivery to the resource recovery facility from Somerset County must be within the established standards as contained in N.J.A.C. 7:26-2b.4(b)21 and 31 and in conformance with the operating permits issued to the Warren County Landfill and Resource Recovery Facility.

The Division of Solid Waste Management also commented that a clarification of the term "acceptable waste" as used in the interdistrict agreement portion of the plan amendment is needed. If the definition of this term includes waste type ID #27, then the waste stream originating from Somerset County must be subject to the same restrictions placed upon Warren County's waste type ID #27 as reflected in Condition #21 of the resource recovery facility's operational permit. In addition, the Division noted that the June 30, 1989 Emergency Redirection Order only directs type 10 waste from the BRI Transfer Station in Somerset County to the Warren County Resource Recovery Facility. Therefore, a redirection of additional waste types requires a rule amendment by the DEP and BPU pursuant to N.J.A.C. 7:26-6.6.

The Division further noted that the Warren County/Somerset County Interdistrict Agreement contained certain provisions which must be commented upon. Article 6.2 stated that "Somerset County shall negotiate and execute a contractual agreement on a long-term basis with a landfill or landfills in the Commonwealth of Pennsylvania or elsewhere for the disposal of all solid waste including acceptable waste generated in Somerset County not otherwise delivered to the (Warren County) Facility under the terms of this Agreement." The Division indicated that it is the position of the Department that long-term reliance on out-of-state

disposal is inconsistent with the Departmental goal of in-state self-sufficiency in solid waste disposal. Such long-term out-of-state disposal is approvable only as a contingency disposal strategy in the absence of long-term in-state back-up capacity. Other articles of the agreement provide for the use by Somerset County of the Warren County Landfill, if necessary, and the construction of a landfill in Somerset County, if necessary. The Division does not consider the Warren County Landfill to be a suitable back-up facility for all of Somerset County's solid waste. Therefore, while the current disposal practices in Somerset County involving the Warren County Resource Recovery Facility and Landfill, as well as out-of-state landfiling, are approved on a short-term basis, Somerset County's reliance on long-term out-of-state disposal as a primary disposal strategy is only approved as a component of that district's contingency plan. Also, another article in the agreement requires Warren County to study the possibility of expanding the resource recovery facility. A copy of this study shall be forwarded to the Department for review within ten days (10) of its completion. Should any expansion of this facility progress in the planning stages, Warren County will be required to submit a district plan amendment identifying the expansion.

Further, regarding the Interdistrict Agreement, the Division noted that the agreement fails to specify how both Somerset and Warren Counties will achieve the 60% recycling rate as called for in the Emergency Solid Waste Assessment Task Force Final Report of August 6, 1990. The agreement, which was signed on July 11, 1990, does address recycling issues. Specifically, that Warren County may use the Somerset County recycling center to process and market its recyclables. However, in compliance with the Task Force's Final Report, the Division recommends that Warren County adopt an amendment to indicate how it will achieve the 60% recycling goal by 1995 and, also, how it will achieve source reduction in light of increased solid waste generation through implementation of specific programs outlined in the report.

Finally, the Division of Solid Waste Management commented concerning the modifications to the Warren County Recycling Plan. The modifications as adopted and submitted have been previously incorporated into the district plan by way of the Departmental certification of the May 24, 1988 amendment to the Warren County Plan pursuant to N.J.S.A. 13:1E-24(8) which allows for the modification of a recycling plan. These modifications need not have been submitted to the freeholder board for plan inclusion and should not be addressed in Section C. Further, the Division noted that the certification of the May 24, 1988 amendment required Warren County to submit to the Department a report detailing the status of the planned intermediate processing facility and a report listing municipal leaf composting arrangements. These reports must still be submitted, however, they need not be in a plan amendment form.

In response to the Division of Solid Waste Management's comments, the Department directs Warren County in Section C. below to acquire the appropriate permit modification prior to accepting waste type ID 25 at the resource recovery facility. In addition, the Department concurs that leaves can not be disposed of at the Warren County Landfill or Resource

Recovery Facility. Also, the Department advises Warren and Somerset Counties to adhere to all permit requirements regarding acceptance of ID type 27 but until a redirection order is issued or rule amendment adopted by BPU and DEP, only ID type 10 waste from the BRI Transfer Station is directed to Warren Resource Recovery Facility. Regarding a comprehensive assessment of the facility's unused disposal capacity, the Department determines that an analysis of the capacity at the resource recovery facility shall be accomplished as part of the expansion study the Department is requiring Warren County to submit to the Department pursuant to Section C. of this certification. Further, the Department directs Warren County to submit to the Department an amendment which specifies truck access routes and a traffic study which identifies the impacts of vehicles on these routes from Somerset County to the Warren County Resource Recovery Facility in an amended environmental impact study. In addition, the Department is requiring Warren County to submit the recycling reports required by the May 24, 1988 certification. Also, in Section C. the Department approves with modification the Warren/Somerset Interdistrict Agreement. In this regard, the basic provisions of the agreement have been approved, but the long-term reliance by Somerset County upon out-of-state disposal has been modified for approval only as a portion of the Somerset County Contingency Plan. More specific requirements of this modified portion of the Interdistrict Agreement will be outlined as part of the Department's certification of a Somerset County plan amendment proposing incorporation of this same agreement which is currently pending. Further, the Department is requiring in Section C. that Warren County indicate in a subsequent amendment how it will achieve the 60% recycling goal by 1995 and, also, the source reduction programs called for in the Task Force Final Report. Lastly, the Department concurs that the portion of the plan amendment outlining the process for modification to the district recycling plan has already been certified and need not be addressed in this certification.

C. Certification of Warren County District Solid Waste Management Plan Amendment

I, Judith A. Yaskin, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq. and N.J.S.A. 13:1E-21, which established specific requirements regarding the contents of the district solid waste management plans, have reviewed the July 11, 1990 amendment to the approved Warren County District Solid Waste Management Plan and certify to the Warren County Board of Chosen Freeholders that the July 11, 1990 amendment is approved in part, modified in part and rejected in part as further specified below.

1. The district plan inclusion of the solid waste type #13, Bulky Waste, waste flow proposal is approved. Specifically, solid waste ID type #13 Bulky Waste from the Warren County Resource Recovery Facility is directed to an out-of-state landfill until such time as the Warren County Landfill is operational and can accept the waste. In the event the Warren County Landfill is temporarily unable to accept ID #13 Bulky Waste, that waste shall be directed to an out-of-state landfill until such time as the Warren County Landfill can accept ID #13 Bulky Waste. It is the Department's position that

the phase-in of waste type ID #13 is included within the provisions of the Emergency Waste Flow Order dated June 1, 1988, which directs all solid waste from Warren County to the resource recovery facility and, subsequently, to the landfill. Therefore, upon such time as the by-pass cell of the landfill becomes operational, this facility shall be the primary disposal site for Warren County solid waste type ID #13. Thereafter, the use of an out-of-state landfill shall only be approved as a backup facility for waste ID #13 and is approved solely as part of the county's contingency plan.

2. The district plan inclusion of the BPU/DEP Emergency Waste Flow Redirection Order dated June 30, 1989, which directs up to 250 tons per day (TPD) of type 10 processible waste from the BRI Transfer Station in Somerset County to the Warren County Resource Recovery Facility, facility #2117A, is approved. The direction of other waste types from Somerset County to Warren County requires a new order or rule amendment by the Department and the Board of Public Utilities.
3. The district plan inclusion of the expanded allowable waste types at the Warren County disposal facilities is approved. Specifically, the acceptance of solid waste ID type #25 Animal and Food Processing Waste at the resource recovery facility is approved, as is solid waste ID type #23 Vegetative Waste and solid waste type #25 Animal and Food Processing Waste at the landfill. However, Warren County is hereby notified that a formal petition must be made to the Department's Division of Solid Waste Management requesting changes to the permit for the resource recovery facility, and the modification must be approved prior to accepting this waste. It must be noted that the Warren County Landfill's permit already provides for the acceptance of waste types #23 and #25.
4. The district plan inclusion of the Warren County/Somerset County Interdistrict Agreement dated July 11, 1990 is approved with modification. This agreement establishes, among other things, that 1400 tons per week of acceptable waste will be sent from Somerset County to the Warren County Resource Recovery Facility through the year 2001. From January 1, 2002 through November 30, 2008, Somerset County shall increase the acceptable waste it directs to the Warren County Resource Recovery Facility to 1977 tons per week. According to the agreement, Somerset County will deliver only acceptable waste to the resource recovery facility and Warren County agrees to provide the necessary landfill capacity to provide for the disposal of the residue or by-pass of the wastes that are subject to this agreement. While the general concept of the agreement (as just noted) is approved, specific sections of the agreement are addressed in greater detail below.
  - a) Article 1.1 defines "acceptable waste". If the definition of this term includes solid waste type ID #27, then the waste stream originating from Somerset County must be subject to the same restrictions placed upon Warren County's waste type ID #27 as reflected in Condition #21 of the resource recovery



facility's operating permit. The June 30, 1988 Emergency Redirection Order pursuant to which Somerset County waste is directed to the Warren County Resource Recovery Facility, only directs type 10 waste from the BRI Transfer Station. Direction of other waste types or waste from other locations in Somerset County requires a new order or rule amendment.

- b) Article 4.2 states that Somerset County shall direct 1400 tons of acceptable waste per week to the Warren County Resource Recovery Facility. The impact created by bringing this waste to the Warren County Resource Recovery Facility must be fully addressed to ensure that the delivery does not violate any provisions of the facility's permit concerning truck traffic to the facility. Also, action to designate formal routing plans for waste delivery to the facility in both Somerset County and Warren County must be adopted by each county and submitted as amendments to the Department for review. Further, a traffic study of major intersections impacted by the delivery of waste from Somerset County must be provided to the Department for review in an amended environmental impact study.
- c) Article 6.2 states that Somerset County shall negotiate and execute a contractual agreement on a long-term basis with a landfill or landfills in the Commonwealth of Pennsylvania or elsewhere for the disposal of all solid waste including acceptable waste generated in Somerset County not otherwise delivered to the Warren County Resource Recovery Facility under the terms of this agreement. Article 6.3 states that in the event Somerset County is foreclosed from using their designated landfill by a change-in-law or uncontrolled circumstance, Somerset County shall be permitted to use the Warren County Landfill as a back-up landfill for a period limited to a total of thirty-six (36) months whether consecutive or intermittent. Article 6.4 states that in the event Somerset County's use of the Warren County Landfill becomes necessary, Somerset County shall immediately initiate the process for developing a landfill to be used at the end of the thirty-six (36) month period by Somerset County and Warren County.

It is the position of the Department that long-term reliance on out-of-state disposal is inconsistent with the Departmental goal of in-state self-sufficiency in solid waste disposal. Such out-of-state disposal is approvable only as a contingency disposal strategy in the absence of long-term in-state back-up capacity. The Department does not concur with Somerset County's position that the Warren County Landfill provides suitable in-state disposal back-up. The Warren County Landfill has been constructed to provide disposal capacity for ash, bypass waste and non-processibles from the 440 ton per day Warren County Resource Recovery Facility. It was never intended to accommodate up to 900 tons per day of solid waste

generated from Somerset County for a three year period. Furthermore, based upon historical experience, three years may not be sufficient time for Somerset County to site, design, acquire all necessary permits and construct a landfill. Therefore, the Department is modifying Article 6 of the interdistrict agreement to be a contingency plan and not a long-term disposal strategy. This is a modification which does not require subsequent action by the Warren County freeholder board. This position will be reiterated in the certification of a Somerset County amendment incorporating this agreement and does not relieve the Somerset County freeholder board from adopting a plan amendment which specifies its long-term disposal strategy.

- d) Article 7.1 states that the Pollution Control Financing Authority of Warren shall undertake a review, analysis and determination of the feasibility of a permit expansion at the Warren County Resource Recovery Facility within eighteen (18) months of the execution of the interdistrict agreement. Warren County is hereby directed to submit the results of this study to the Department within ten days (10) of its completion. Also, Warren County is not relieved from the requirement of submitting a subsequent plan amendment should this expansion project progress in the planning process.
  - e) Article 8.2 states that the Pollution Control Financing Authority of Warren County, upon the exercise of its option, shall collect recyclable materials within Warren County and assemble same at the Warren County Landfill. The Department's approval of this provision of the agreement is contingent upon the delivery and stockpiling of this material being consistent with the conditions of the Warren County Landfill's permit to operate. Further, Warren County is hereby directed within 120 days of the date of this certification to submit to the Department a subsequent amendment which indicates how the county shall achieve the 60% recycling rate by 1995 and, also, how it will achieve source reduction in light of increased solid waste generation through implementation of the programs called for by the Emergency Solid Waste Assessment Task Force Final Report of August 6, 1990.
5. The Department is not addressing this portion of the plan amendment incorporating the methodology for major and minor modifications to the county recycling plan and the policy of priority consideration for recycling businesses because it was previously approved in the Department's certification of the May 24, 1988 amendment. Warren County is hereby directed to submit the recycling reports required in the Departmental certification of the May 24, 1988 recycling plan amendment. Finally, the designation of a recycling coordinator is approved.
6. The district plan inclusion of the operating conditions for the previously approved Ingersoll-Rand Company class II landfill, located in Phillipsburg, is rejected. The operating conditions for

sanitary landfills are only determined by the Department during the permitting process and not by Warren County during the plan amendment process. However, the Department will consider the county's operating condition that leachate from the landfill shall be stored on-site until testing procedures have been performed to determine its ultimate disposition when we review the permit application.

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 Warren County District Solid Waste Management 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 of Environmental Protection 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 Warren County District Solid Waste Management 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 of Environmental Protection, and for good cause shown, obtain an extension of time to complete such renegotiation.

2. Compliance

All solid waste facility operators and collector/haulers registered with the Department of Environmental Protection and operating within Warren 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 Warren County District Solid Waste Management Plan. Any facility operator or collector/hauler 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 of Environmental Protection 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 Warren County District Solid Waste Management 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. Also, all non-hazardous 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 (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 of Environmental Protection to the Warren County Board of Chosen 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 contained 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 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 Warren County District Solid Waste Management Plan contained herein shall take effect immediately.

7. Reservation of Authority

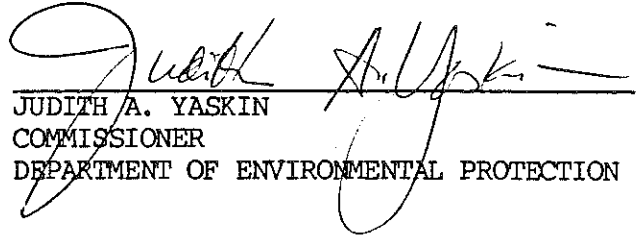
Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Warren County District Solid Waste Management Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan. The Department has published a Statewide Solid Waste Management Plan with appendices which includes the Department's planning guidelines and rules, regulations, and orders of the Department, including the 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, Modification 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, modify in part, and reject 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 July 11, 1990.

DATE

1/17/91

  
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JUDITH A. YASKIN  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION