



## State of New Jersey

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

**CERTIFICATION  
OF THE APRIL 10, 1997  
AMENDMENT TO THE CUMBERLAND 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 March 4, 1981, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Cumberland 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 Cumberland County Board of Chosen Freeholders (County Freeholders) completed such a review and on April 10, 1997, adopted an amendment to its approved County Plan.

The amendment (Amendment #13) modifies the use of and disbursement schedule for the County's Resource Recovery Investment Tax (RRIT) Fund and deletes from the County Plan the bulky waste recycling facility proposed for the County's Solid Waste Complex in Deerfield Township. The amendment also identifies for informational purposes reallocating the proceeds of the Cumberland County Improvement Authority Revenue Bonds, Series 1991.

The amendment was received by the Department on May 9, 1997, 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 April 10, 1997 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the April 10, 1997 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 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 April 10, 1997 amendment which are included within 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 DEP. All agencies contacted are as follows:

Division of Water Quality, DEP  
Division of Parks and Forestry, DEP  
Division of Fish, Game and Wildlife, DEP  
Division of Compliance and Enforcement, DEP  
Division of Solid and Hazardous Waste, DEP  
Office of Air Quality Management, DEP  
Green Acres Program, DEP  
Land Use Regulation Element, DEP  
New Jersey Turnpike Authority  
Department of Agriculture  
Department of Health  
Department of Transportation  
Department of Community Affairs

U.S. Environmental Protection Agency  
New Jersey Advisory Council on Solid Waste Management

**1. Agency Participation in the Review of the April 10, 1997 Amendment**

The following agencies did not object to the proposed amendment:

Division of Parks and Forestry, DEP  
Division of Compliance and Enforcement, DEP  
Division of Water Quality, DEP  
Division of Fish, Game and Wildlife, DEP  
Green Acres Program, DEP  
Land Use Regulation Element, DEP  
New Jersey Turnpike Authority  
Department of Agriculture  
Department of Community Affairs  
Department of Transportation

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

Office of Air Quality Management, DEP  
Department of Health  
U.S. Environmental Protection Agency  
New Jersey Advisory Council on Solid Waste Management

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

Division of Solid and Hazardous Waste, DEP.

**2. Issues of Concern Regarding the April 10, 1997 Amendment**

**Issue: Administrative Action Relative to Amendment #13**

After Amendment #13 was received by the Department, the County contacted DEP requesting that the RRIT Fund component of the amendment be expeditiously certified. The Department informed the County that pursuant to the regulations found at N.J.A.C. 7:26-6.11(b)1., changes to the use of and disbursement schedule for a RRIT Fund could be processed as an Administrative Action (instead of an amendment to the County Plan). Consequently, on June 5, 1997 the County submitted a letter requesting that the DEP process a modification to the RRIT Fund use and disbursement schedule as an Administrative Action. On June 17, 1997 the Department informed the County that this modification to the RRIT Fund was approved as an Administrative Action. However, pursuant to N.J.S.A. 13:1E-24, the DEP must act upon the RRIT Fund component of Amendment #13. Therefore, within Section C. of this certification, the Department approves a modification to the RRIT Fund while acknowledging that such approval is moot since the DEP previously approved the change as an Administrative Action on June 17, 1997.

**Issue: Series 1991 Revenue Bonds**

The April 10, 1997 amendment notes for informational purposes that financing for the construction of the bulky waste recycling facility was provided by the Cumberland County Improvement Authority County Guaranteed Solid Waste Systems Revenue Bonds Series 1991. The amendment notes that since this facility was never developed, the Cumberland County Improvement Authority desires to use the proceeds of these 1991 Bonds, which were allocated for the bulky waste recycling facility, for the development of leachate system improvements at the Cumberland County Landfill located in Deerfield Township. Since the Solid Waste Management Act does not stipulate that proceeds from the sale of bonds require approval through the county planning process, there is no need for the Department to certify approval of this component of the amendment within Section C. of the certification.

**C. Certification of the Cumberland 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 the April 10, 1997 amendment to the approved County Plan and certify to the County Freeholders that the April 10, 1997 amendment (Amendment #13) is approved as specified below.

**RRIT Fund**

The County Plan inclusion of a modification to the use of and disbursement schedule for the County's Resource Recovery Investment Tax Fund is approved. However, as noted within Section B. of the certification, this approval is moot since the Department previously approved the modification as an Administrative Action on June 17, 1997.

**Bulky Waste Recycling Facility**

The County Plan deletion of the bulky waste recycling facility proposed for the County's Solid Waste Complex located on Block 76, Lots 14, 15, 16, 18, and 19 in Deerfield Township, Cumberland County is approved. The County deleted this facility due to the decrease in the present bulky waste flow as well as a decrease in the future bulky waste flow that can be expected as a result of the presence of other bulky waste facilities and as a consequence of the unconstitutionality of flow control.

**1991 Bond Sale**

As noted within Section B. of this certification, since the April 10, 1997 amendment only includes for informational purposes the reallocation of proceeds from the sale of Cumberland County

Improvement Authority County Guaranteed Solid Waste Systems Revenue Bonds, Series 1991, and such inclusion is not required by the Solid Waste Management Act, there is no need for the Department to certify approval of this component of the amendment.

**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 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 waste, sewage sludge, septage, and hazardous waste. All nonhazardous materials separated at the point of generation for sale or reuse and all construction and demolition waste classified as Type 13C are excluded from the waste flows designated in the Interdistrict and Intradistrict Solid Waste Flow Rules set forth at N.J.A.C. 7:26-6, but are subject to regulation in accordance with N.J.A.C. 7:26A-1 et seq.

**4. Certification to Proceed with Implementation of the 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 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 DEP 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 DEP, interdistrict and intradistrict waste flow rules, and also includes the compilation of individual district plans and amendments as they are approved.

**8. Audit Requirements**

The County shall, by October 31 of each year in which moneys remain in its Resource Recovery Investment Tax Fund, file an audit of the fund and any expenditures therefrom with the Local Finance Board, Division of Local Government Services, Department of Community Affairs. The audit shall be conducted by an independent public accountant and a copy shall be provided to the Director, Division of Solid and Hazardous Waste, P.O. Box 414, Trenton, NJ 08625-0414.

**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 the amendment, as outlined in Section C. of this certification, to the Cumberland County District Solid Waste Management Plan which was adopted by the Cumberland County Board of Chosen Freeholders on April 10, 1997.

Date

8/4/97

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