



## State of New Jersey

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHRISTINE TODD WHITMAN  
Governor

ROBERT C. SHINN, JR.  
Commissioner

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 14, 1994  
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 (DEP or Department) 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 14, 1994, adopted a multifaceted amendment to its approved County Plan.

The amendment proposed an expanded strategy for addressing the State requirements concerning source reduction and recycling, inventoried vegetative waste composting facilities and recycling centers which process Class A and Class B materials, and provided for the on-site disposal of construction debris at the County Manor Hospital in Hopewell Township. The amendment is in response to the Department's November 17, 1992 certification of the County's plan amendment of June 9, 1992. That certification directed the County, within a subsequent plan amendment submission, to provide greater specificity regarding its enforcement strategy, education programs, vegetative waste, procurement, and source reduction policies, the planned preprocessing facility, and achievement of the statutorily mandated 50% municipal and 60% total waste stream recycling rates.

The amendment was received by the Department on May 3, 1994 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 14, 1994 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 14, 1994 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 and the applicant are notified of the issues of concern relative to the April 14, 1994 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, DEP  
Division of Parks and Forestry, DEP  
Division of Fish, Game and Wildlife, DEP  
Division of Solid Waste Management, DEP  
Green Acres Program, DEP  
Land Use Regulation Element, DEP

Wastewater Facilities Regulation Element, DEP  
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  
Pinelands Commission  
U.S. Environmental Protection Agency

**1. Agency Participation in the Review of the April 14, 1994 Amendment**

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

Division of Parks and Forestry, DEP  
Division of Fish, Game and Wildlife, DEP  
Wastewater Facilities Regulation Element, DEP  
New Jersey Advisory Council on Solid Waste Management  
Department of Agriculture  
Department of Transportation  
Department of Community Affairs  
Pinelands Commission

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

Office of Air Quality Management, DEP  
Green Acres Program, DEP  
Land Use Regulation Element, DEP  
New Jersey Turnpike Authority  
Department of Health  
U.S. Environmental Protection Agency

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

Division of Solid Waste Management, DEP

**2. Issues of Concern Regarding the April 14, 1994 Amendment**

**Issue: County Response to State Requirements regarding Source Reduction and Recycling**

On June 9, 1992 the County adopted an amendment to address the State requirements concerning source reduction, recycling, and regionalization planning. The Department, in its certification of November 17, 1992, approved the County's general strategy but noted deficiencies in certain areas relative to source reduction and recycling and directed the County to address these deficiencies within 180 days in a subsequent plan amendment submission. Specifically, the County was directed to provide greater detail

regarding its enforcement strategy, education programs, vegetative waste, procurement, and source reduction policies, the planned preprocessing facility, and achievement of the statutorily mandated 50% municipal and 60% total waste stream recycling rates. On April 14, 1994, the County adopted the required subsequent plan amendment. Although due by May 17, 1993, the amendment was not received by Department until May 13, 1994. The DEP has reviewed the April 14, 1994 amendment within the context of the adopted Solid Waste Management Plan Update: 1993-2002 and relevant State law. The following is an overview of the County's response to the above noted deficiencies concerning source reduction and recycling.

a. Designated Recyclable Materials

The County was directed to indicate how it would achieve the statutorily mandated 50% and 60% recycling rates in the absence of designating additional materials for recycling. Specifically, the County had projected recycling rates for 39 separate materials to achieve the required recycling rates. However, of those 39 materials, only six are designated recyclables: newspaper, glass, plastic and aluminum containers, leaves, and corrugated cardboard. The County has outlined programs to add additional recyclables. For example, since the opening of the County's material separating facility, the County is processing tin and bimetal food containers. Four additional sites that provide capacity for the collection of used motor oil and antifreeze have also been added. Finally, the County is seeking funding sources to include paper sorting as a component of a planned bulky waste recycling facility. This paper sorting will allow the County to process newspaper, corrugated cardboard, and mixed paper into marketable commodities. However, the County does not indicate whether all these additional recyclables are or will be mandated or recommended.

Also, the amendment directs each municipality to adopt an ordinance requiring the recycling of the six designated materials plus food waste, high-grade paper, white goods, and other materials. Further, commercial generators are directed to recycle other materials for which a market is available. Additionally, adoption of a municipal recycling ordinance shall be based upon the collection strategy for recyclables adopted by the municipality. The New Jersey Statewide Mandatory Source Separation and Recycling Act (Recycling Act) of 1987 (N.J.S.A. 13:1E-99.11 et seq.) directs the County to designate recyclable materials (-99.13 b.(2)) and a strategy for the collection, marketing, and disposition of designated recyclables(-99.13 b.(3)). Further, the County must enter into contracts for the marketing of designated materials (-99.14). Therefore, the recycling strategy of the County is inconsistent with that specified in the Recycling Act. The County, not a municipality, must designate the materials to be recycled, develop the strategy for collecting and marketing those materials, and enter into contracts for said marketing. Within a subsequent plan amendment submission, the County should provide a strategy for

designating, collecting, and marketing recyclable materials that is consistent with the Recycling Act.

b. Enforcement

The County was directed to provide greater specificity regarding its enforcement program including methods and resources needed for implementation. The County indicates that the enforcement efforts of the Cumberland County Improvement Authority (CCIA) are hampered by the lack of the right of entry and the ability to issue summons. Therefore, the CCIA must rely on local health departments for enforcement. As a result the CCIA is investigating interagency agreements to heighten its enforcement efforts. The County provides guidelines in the area of enforcement and reiterates that the County Health Department and municipal governments should continue their efforts in this important area. Sample municipal ordinances are provided by the CCIA and area communities are encouraged to enact these ordinances, modified as necessary to reflect local conditions, to enhance enforcement efforts. Also, the CCIA may hire an additional employee to assist in enforcement investigations. Finally, the amendment indicates that inspection of solid waste entering the County solid waste complex will be made to ensure compliance with local municipal ordinances. As indicated above in Section B.2.a., the designation of materials to be recycled must be determined by the County and not a municipality. Therefore, until such time as uniformity exists in the designated materials for all municipalities in the County, the enforcement inspections program as proposed is not viable.

c. Education

The County was directed to provide greater specificity regarding its education program including timeframes for accomplishment. The County provides a list of recycling education programs that commenced in 1993. The County also lists recycling programs that are to be initiated in 1994. Included in the mix are TV commercials, give-a-ways, school presentations and efforts that target the commercial sector. Enforcement as a tool to foster the educational process is also a part of the total program.

d. Source Reduction

The County was directed to prepare a schedule for conducting waste audits, particularly at County buildings, and consider the implementation of per container rates. The County indicates that in the first six months of 1994 waste audits were conducted on governmental generators, and during the last six months the top twenty-three generators plus all other institutions and business with 100 employees will be audited. From the information gathered during these audits, the County will monitor the effectiveness of its source reduction campaign. The County should periodically report back to the DEP by letter the results of these waste audits.

Finally, the County does not feel that a per container rate program is a valid strategy at this time due to the lack of a countywide waste removal system, but will continue to observe similar programs in other counties and inform individual communities of its findings. The DEP notes that it is not necessary for a countywide waste collection system to be in place for the County to investigate a per container rate system. For example, a private hauler is offering per container rates to residential customers in two central New Jersey counties which he serves.

e. Vegetative Waste

The County was directed to inventory existing vegetative waste compost facilities, conduct a capacity analysis of present and future compost needs, and specify efforts to reduce the disposal of vegetative waste. The County has provided an inventory of existing vegetative waste compost facilities, indicates that the need for additional compost facilities is small, and relies on municipal facilities for the composting of vegetative waste and its "cut and leave it" programs, due to the rural nature and sparse density of the population within the County, to reduce the disposal of vegetative waste. The County feels that these policies allow each municipality to tailor a program that meets its individual needs without centralized compost facility capacity at the County level.

f. Procurement

The County was directed to provide greater specificity regarding procurement including a timetable for implementation. The County will conduct a series of waste audits that will target governmental and large generators of solid waste within the County. As an outgrowth of these audits, an assessment of current procurement policies will be possible. Based upon this data, the CCIA will formulate consumer specific procurement recommendations that will encourage the purchase of recycled goods and those with minimal packaging. Since no specific timetable is presented for the formulation of these recommendations, the County should provide within a subsequent plan amendment submission a specific timetable for development of its procurement policy.

g. Preprocessing Facility

In the County's June 9, 1992 amendment, the concept of the development of a preprocessing facility in conjunction with a regional compost facility, once this latter facility is sited, was discussed. However, specifics for the preprocessing facility were not available at that time and the County was directed to provide more information in a subsequent plan amendment submission. The April 14, 1994 amendment is silent relative to the development of this preprocessing facility. The County is reminded that once

specifics are available for this facility, a site must be identified in a subsequent plan amendment submission.

**h. Household Hazardous Waste**

In the June 9, 1992 amendment, the County indicated that it will continue to fund and implement a household hazardous waste program. The County was directed to provide greater detail regarding this program in a subsequent plan amendment submission. The April 14, 1994 amendment is silent relative to this issue. Therefore, the County should provide the requested information, along with an investigation of the feasibility of developing a permanent household hazardous waste collection facility within the County or developing an interdistrict arrangement for shared use of a permanent facility in another county on a regional basis, within a subsequent plan amendment submission.

As noted within Section C. of this certification, the County's responses to the deficiencies relative to source reduction and recycling, exclusive of household hazardous waste, designated recyclable materials, and procurement, are approved. Relative to these three outstanding deficiencies, Section C. directs the County to provide within 180 days in a subsequent plan amendment submission greater specificity regarding their implementation.

**Issue: On-Site Disposal of County Manor Hospital**

The County has proposed a project which entails the on-site disposal of asbestos contaminated debris resulting from the demolition of the County Manor Hospital located in Hopewell Township. Pursuant to N.J.A.C. 7:26-1.7(e)1.i.(6), such on-site disposal may be exempt from DEP solid waste facility permitting if evidence that the applicable solid waste management plan has been modified to provide for this exemption from registration and that the appropriate county or local health agency has assumed responsibility for enforcing the on-site disposal program is provided. The April 14, 1994 amendment not only provides for the required modification to the County Plan but also delegates the CCIA to enforce the on-site disposal project. Further, the amendment includes a letter from the NJ Department of Labor, cosigned by the DEP and the NJ Department of Health, endorsing the project if all applicable state requirements are followed. Therefore, as noted within Section C., the County Plan inclusion of the County Manor Hospital on-site disposal project is approved.

**Issue: Permit Requirements**

The amendment provides an inventory of existing composting facilities. This inventory lists facilities in Bridgeton, Hopewell/Greenwich, Upper Deerfield and Vineland as receiving grass clippings. It is noted, however, that these facilities are permitted by the Department for leaves only and must be permitted

by the DEP to accept grass clippings. This table also identifies an unnamed local nursery for receipt of leaves and grass clippings. As such, this nursery must be included in the County Plan and be permitted by the Department to operate as a composting facility. Finally, the amendment provides an inventory of existing recycling centers which process Class B materials. Concerning this inventory, the County is hereby advised that Likanchuk's Inc. had its Class B permit revoked on August 30, 1993. The facility received an approval by the DEP on February 13, 1991 to operate pursuant to the Department's 22 point recycling center check list. Pursuant to the DEP's revised recycling regulations (N.J.A.C. 7:26A-1:1 et seq.) the facility's owners were directed to submit specific information and appropriate fees. The failure of the applicant to provide this material resulted in an August 30, 1993 decision by the Department to revoke its existing recycling center approval and deny its application to operate a recycling center for Class B materials. Also, at its request, JED Fleet Service was notified by the DEP that its review of an application for an approval to operate a recycling center for Class B materials was terminated on May 14, 1992. Finally, the County is hereby advised that Thompson's Paving Inc., Energy & Minerals Inc., and Easmunt Paving Inc. have no permit applications on file and may not operate until they are permitted by the DEP as recycling centers for Class B materials.

**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 14, 1994 amendment to the approved County Plan and certify to the County Freeholders that the April 14, 1994 amendment is approved with modifications as further specified below.

**1. Source Reduction and Recycling Deficiencies**

The County's responses to the deficiencies relative to source reduction and recycling, exclusive of household hazardous waste, designated recyclable materials, and procurement, previously identified in the Department's November 17, 1992 certification are approved. As noted within Section B., the County must provide within 180 days in a subsequent plan amendment submission greater specificity relative to implementation of its procurement and household hazardous waste programs, and its strategy for designating, collecting, and marketing recyclable materials.

**2. County Manor**

The County Plan inclusion of the on-site disposal of the debris resulting from the demolition of the County Manor Hospital in

Hopewell Township, Block 74, Lot 23, as required by N.J.A.C. 7:26-1.7(e)1.i.(6) is approved.

**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 Waste 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.

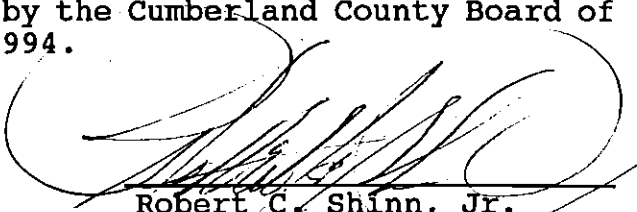
**7. Reservation of Authority**

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 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 14, 1994.

8/15/94  
Date

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