



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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*Modification to
Recycling Plan
Part of Plan Approved 11/6/89*

(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
JUNE 13, 1989
AMENDMENT TO THE
CUMBERLAND 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 Board 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 approved, with modifications, the Cumberland 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.)

Amendments to the Act found in N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-99.11 et seq., require that counties amend their district solid waste management plans to include a district recycling plan. The Cumberland County Board of Chosen Freeholders adopted the district recycling plan on October 15, 1987. The district recycling plan was approved with modifications by the Commissioner of the Department of Environmental Protection in his certification of March 14, 1988. The Cumberland County Board of Chosen Freeholders adopted an amendment to the approved district solid waste management

plan on June 13, 1989 which addressed the modifications required pursuant to the March 14, 1988 certification. The June 13, 1989 amendment was not distributed for state level review because the only state level review agencies which commented on the October 15, 1987 district recycling plan, necessitating the June 13, 1989 plan amendment, were the N.J. Department of Environmental Protection (NJDEP), Division of Environmental Quality, Bureau of Air Quality Planning and Evaluation; the Division of Solid Waste Management, Bureau of Solid Waste and Resource Recovery Planning, the Bureau of Resource Recovery, and the Office of Recycling. The June 13, 1989 plan amendment submitted to the Department has satisfied the comments made by those four agencies in the March 14, 1988 certification.

The amendment proposes to incorporate modifications to the district recycling plan into the approved district solid waste management plan as per the requirements of the New Jersey Statewide Mandatory Source Separation and Recycling Act, N.J.S.A. 13:1E-99.11 et seq. (herein referred to as the "Recycling Act").

The amendment was received by the Department of Environmental Protection on July 20, 1989. The Department has reviewed this amendment and has determined that the amendment adopted by the Cumberland County Board of Chosen Freeholders on June 13, 1989 is approved as modified herein, 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-24f and N.J.S.A. 13:1E-99.13, I, Christopher J. Daggett, Commissioner of the Department of Environmental Protection, have studied and reviewed the June 13, 1989 amendment to the Cumberland County District Solid Waste Management Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and N.J.S.A. 13:1E-99.11 et seq., and I find and conclude that this plan amendment is consistent as modified herein with these requirements.

1. In Section B, part 1, of the March 14, 1988 Certification of the October 15, 1987 amendment to the Cumberland County District Recycling Plan, the Office of Recycling directed the County to develop a strategy for the collection and disposition of designated recyclables in the commercial and institutional sectors that is consistent with N.J.S.A. 13:1E-99.13. While Section 2.4 of the June 13, 1989 plan amendment addresses this requirement to some extent, it does not go far enough toward ensuring that an adequate recycling strategy for the commercial and institutional sectors will be established. Therefore, the Office of Recycling requires that those businesses unable to contract directly with transporters or materials brokers for the disposition of recyclables, or those businesses unable to deliver materials to the County Material Separating Facility, shall be provided with a collection and disposition system by the municipality in which they are located. The collection and disposition system shall consist of, at a minimum, a municipal depot which will accept designated source separated recyclable materials from the commercial and institutional sectors in each municipality.

The County is hereby directed to submit to the Office of Recycling, within six (6) months of the date of this Certification, a report detailing the location of municipal depots or other collection systems put in place to satisfy this requirement, as well as the hours of operation, materials accepted, required methods of preparation of recyclable materials, and any other requirements for, or restrictions on, deposition of recyclable materials at each depot.

2. With reference to Section 6.0 of the June 13, 1989 plan amendment, the County is hereby directed to differentiate between major and minor plan amendments. The procedure for modifying the recycling plan outlined in Section 6.0 shall apply only to major plan amendments. The following procedure shall apply to minor plan amendments:

The minor plan amendment procedure shall be instituted when a municipality designates a new recycling coordinator, designates additional materials to be source separated in the residential, commercial or institutional sectors, revises collection methods and/or markets, or modifies its publicity campaign. Those plan modifications considered minor will be included in the plan upon recommendation by the Cumberland County Improvement Authority at a meeting for which public notice has been published at least once in a newspaper of general circulation no less than ten days prior to the meeting, and upon affirmative resolution of the Cumberland County Board of Chosen Freeholders.

3. In Section B, part 4 of the March 14, 1988 Certification of the October 15, 1987 plan amendment, the Office of Recycling directed the County to outline in greater detail the leaf composting facility capacity in the County. Appendix D (revised Table 10-1) of the June 13, 1989 plan amendment lists Cumberland County's existing and proposed leaf composting sites. Only three (3) of these sites have received DEP approval, and one (1) is pending approval. The DEP has not yet received an application for the remaining eight (8) sites. With reference to the composting operations proposed in Appendix D (revised Table 10-1), it should be noted that new rules established at N.J.A.C. 7:26-1.7 and 7:26-1.11 exempt leaf composting facilities from solid waste facility permitting if the owner or operator of the facility adheres to the requirements of the particular rule under which he/she proposes to operate. It should also be noted that, pursuant to new rule N.J.A.C. 7:26-1.12, leaf composting facilities that engage in leaf mulching operations on agricultural or horticultural lands are exempt from the Department's solid waste facility permitting process if the specific standards under the rule are met. Copies of N.J.A.C. 7:26-1.7, 1.11 and 1.12 are available through the Department's Division of Solid Waste Management, Bureau of Small Facility Review.

The County is hereby directed to prepare and submit to the Office of Recycling, by no later than October 1, 1989, a report specifically detailing where each municipality will deliver its leaves. In addition, this report must be incorporated into the Recycling Plan as a subsequent major plan amendment.

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

I, Christopher J. Daggett, 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 June 13, 1989 amendment to the approved Cumberland County District Solid Waste Management Plan and certify to the Cumberland County Board of Chosen Freeholders that the June 13, 1989 amendment is approved as modified in Section B. of this certification, except that there shall be a subsequent plan amendment identifying the vegetative waste or leaf composting or mulching facilities to be utilized by each municipality within the county. Cumberland County is hereby required to conduct a public hearing within forty-five (45) days of the date of this certification to address this deficiency, and to submit a plan amendment within thirty (30) days of the public hearing to the Department, as per N.J.S.A. 13:1E-24e(2), which remedies the outlined deficiency.

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 Cumberland County District Solid Waste Management 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 of Environmental Protection and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the Cumberland 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 Cumberland County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Cumberland County District Solid Waste Management Plan. Any solid waste 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 Plans

The provisions of the Cumberland 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 recycling 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 Plan Amendment

This document shall serve as the certification of the Commissioner of the Department of Environmental Protection to the Cumberland 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 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 N.J.A.C. 7:26-2.13 and N.J.S.A. 13:1E-99.12.

6. Effective Date of Amendment

The Amendment to the Cumberland County District Solid Waste Management Plan contained herein shall take effect immediately.

7. Reservation of Authority

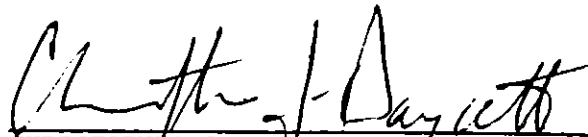
Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Cumberland County District Solid Waste Management Plan, including any amendment made thereto, shall conform with the Statewide 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 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 with modification 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 June 13, 1989. I further direct the Cumberland County Board of Chosen Freeholders to conduct a public hearing within forty-five (45) days of the date of this certification to address the deficiency outlined in Section B of this

certification and to submit a plan amendment within thirty (30) days of the public hearing to the Department as per N.J.S.A. 13:1E-24e(2), which remedies the outlined deficiency.

8/18/89
DATE


CHRISTOPHER J. DAGGETT
COMMISSIONER