



**State of New Jersey
Department of Environmental Protection and Energy**

Office of the Commissioner

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Scott A. Weiner
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 JULY 18, 1991
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 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 plan at any time and, if found inadequate, a new plan must be adopted. The Cumberland County Board of Chosen Freeholders (County Freeholders) completed such a review and on July 18, 1991, adopted an amendment to its approved County Plan.

The amendment partially addresses the recommendations of the Emergency Solid Waste Assessment Task Force Final Report (Task Force Final Report) and specifically proposes to include within the County Plan: certain existing private recycling centers; a proposed bulky waste recycling facility to be located at the Cumberland County Solid Waste Complex in Deerfield Township; expanded uses of the County's Resource Recovery Investment Tax (RRIT) funds and corresponding disbursement schedule. Specifically, the amendment includes Cumberland Recycling Corporation (Luciano Brothers) which has one recycling center located in Vineland and another located in Millville; Foster Forbe Glass Manufacturing Company and Kane Brothers Scrap Metal, located in Millville; Gagliardi Demolition and Excavating Company, Giordano Vineland Scrap Metal and Levin and Sons, Inc., located in Vineland; and John's Scrap Iron and Metal located in Bridgeton as existing private recycling centers which handle Class A recyclable materials. The amendment also includes Likanchuk's, Inc. and J.E.D. Fleet Services, both located in Fairfield Township; Robert T. Winzinger, Inc., as a mobile unit; Thompson's Paving, Inc. and South State, Inc., both located in Bridgeton; and Energy and Minerals, Inc. located in Millville as existing private recycling centers which handle Class B recyclable materials. Further, the proposed County bulky waste recycling facility to be located at the Cumberland County Solid Waste Complex in Deerfield Township will recover wood waste, concrete, scrap metal and cardboard from the County's bulky waste stream. Finally, the amendment proposed revision of the disbursement of RRIT funds for the period 1991-1997 to refinance the Cumberland County Improvement Authority's (CCIA) long-term debt due to less waste being received at the County landfill which has been attributed to a decrease in local construction activity combined with an increase in the County's recycling rate.

The amendment was received by the Department of Environmental Protection and Energy (Department or DEPE) on August 8, 1991 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this amendment, as well as the entire County Plan, and has determined that the amendment adopted by the County Freeholders on July 18, 1991 is approved in part and rejected in part as provided in N.J.S.A. 13:1E-24. Also, deficiencies in the County Plan have been identified within Section C. of this certification.

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 July 18, 1991 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 the approved parts of this plan amendment are consistent with the Statewide Solid Waste Management Plan.

In conjunction with the review of the amendment, the Department circulated copies to eighteen 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 as well as the Board of Public Utilities (Board), which merged with the Department on August 19, 1991. In this regard, comments from the Board have been included under the Division of Solid Waste Management's comments. The following are the review agencies:

Division of Environmental Quality, DEPE
Division of Coastal Resources, DEPE
Division of Parks and Forestry, DEPE
Division of Fish, Game and Wildlife, DEPE
Division of Solid Waste Management, DEPE
Green Acres Program, DEPE
Groundwater Quality Management Element, DEPE
Wastewater Facilities Regulation Element, DEPE
Water Supply Element, DEPE
Pinelands Commission
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 July 18, 1991 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 Transportation
Department of Community Affairs
U.S. Environmental Protection Agency

The following agencies did not respond to the Department's requests for comments:

Division of Coastal Resources, DEPE
Groundwater Quality Management Element, DEPE
Pinelands Commission
New Jersey Advisory Council on Solid Waste Management
Department of Health
Department of the Public Advocate

The following agencies submitted substantive comments which are further addressed below:

Division of Environmental Quality, DEPE
Water Supply Element, DEPE
Division of Solid Waste Management, DEPE

2. Issues of Concern Regarding the July 18, 1991 Amendment

Issue: Permit Requirements

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. Further, recycling centers are considered solid waste facilities, which 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. Also, the use of shredders, chippers, and crushers will necessitate the control of particulate emissions into the air. Pursuant to N.J.A.C. 7:27-8.2(a), 7, 11, 15 and 16, air pollution control permits to construct, install or alter control apparatus or equipment are required. Facilities to shred, chip and crush asphalt, brick, etc., must comply with the noise control code, N.J.A.C. 7:29-1. A recycling center handling Class B recyclable materials requires an approval as per N.J.S.A. 13:1E-99.34b. The proposed bulky waste recycling facility will recover materials such as scrap metal, concrete, cardboard and wood from the County's bulky waste stream prior to disposal at the County landfill. Also, this type of facility requires a solid waste facility permit prior to its construction and operation. Further, the exact location of this proposed facility at the County solid waste complex site should be specified in the permit application for this facility and the proposed facility shall not interfere with the landfill operations or encroach upon the buffer areas. Finally, a water allocation permit is required for any solid waste facility if diversion of more than 100,000 gallons per day of water is needed for operation of the facility.

These issues of concern are more appropriately addressed during the Department's technical phase of the permit/approval review process. The County is hereby notified of these requirements.

Issue: Solid Waste Task Force Requirements

The County is currently evaluating alternative methods to implement the recommendations of the Emergency Solid Waste Assessment Task Force. The County has also initiated engineering studies to evaluate the feasibility of installing additional recycling/waste processing facilities at the County solid waste complex to implement the Task Force recommendations. Based on this study, the County proposed to develop these facilities in two stages, however, the amendment does not currently include other plans and programs for implementing the Task Force recommendations. In this regard, the proposed stage one bulky waste recycling facility's capacity,

implementation schedule and end markets for the materials should be outlined in the plan. Further, the conceptual stage two recycling/waste processing facility, as described in the amendment will consist of processing equipment to capture the remaining residual waste material. In the event the County proposes to develop such a facility, its exact location, operational design, type of materials to be processed, capacity, end markets for materials and implementation schedule should be developed and specified in the County Plan. Also, it should be clarified how these stage one and two facilities will be incorporated into the existing recycling programs and whether additional materials will be designated in the County Plan for collection and recycling. Finally, quantitative estimates of the potential of these additional facilities to achieve the 50% municipal solid waste stream and 60% total solid waste stream goals should be addressed by the County.

As noted in Section C. of this certification, specific plans and programs to implement the Task Force Final Report recommendations, as well as other information noted above, need to be addressed by the County in a subsequent plan amendment to be submitted to the Department within 180 days of the date of this certification. The County is hereby notified of this requirement.

Issue: RRIT Fund Disbursement

The provisions of the "McEnroe" legislation (N.J.S.A. 13:1E-136 et seq.) which establish District Resource Recovery Investment Tax Fund accounts for the state's twenty-one counties, set out a clear state policy objective to generate revenues in order to subsidize anticipated resource recovery tipping fees to a level which is competitive with disposal costs at landfills utilized by the counties. If a county can demonstrate to the satisfaction of the Department that utilization of a resource recovery facility is not feasible for the disposal of solid waste generated in the county, then the RRIT Fund may be used to design, finance, construct, operate or maintain environmentally sound state of the art sanitary landfill facilities.

Prior to disbursement from its RRIT Fund, however, a county must prepare a plan amendment which outlines the proposed uses of the moneys in its district fund and establishes a disbursement schedule for those moneys in the Fund. Thus, two tests must be met: an eligible use test, which uses are limited to those identified in N.J.S.A. 13:1E-150b., and a disbursement schedule test, which test criteria are not specifically provided in the Act.

Eligible uses of the fund are provided in Attachment I, Part I, of this certification. In consideration of the intent and objectives of the Act outlined above and the specific limitations upon eligible uses of the fund provided in N.J.S.A. 13:1E-150b., projects not formally identified in the approved district solid waste management plan shall not be funded with RRIT Fund moneys. Therefore, in order to ensure users' rate reduction and facilitate timely project implementation, disbursements from a RRIT Fund shall be made only to projects formally identified in the approved district solid waste management plan.

Pursuant to law, in order to provide safeguards as to how the investment tax funds are to be spent, a schedule for the disbursement of the moneys must be provided through the plan amendment process established under the New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.). In this way, a formal procedure for quantifying contributions to and withdrawals from the fund is established in order to maintain a running fund balance. Such a procedure may be followed using a variety of specific steps and methods of data presentation. In order to evaluate the adequacy of the disbursement schedule, the Department has established criteria (See Attachment I, Part II).

On July 18, 1991, the County Freeholders adopted an amendment to its approved County Plan which proposed to revise the disbursement schedule of the County RRIT Fund to provide for its continued uses to cover certain operational costs associated with the County's Materials Separation Facility (MSF), as well as to expand the uses of RRIT monies to create a fund for a future resource recovery system, over the period 1991 through 1997. As proposed, the need to revise the disbursement of the County's RRIT Funds arose from the decreasing amount of revenues credited to the County's RRIT Fund due to a reduction in the quantity of solid waste being received at the County landfill. This situation has been attributed to a decrease in local construction activity combined with an increase in the County's recycling rate. The Department previously approved the uses and disbursement of the County's RRIT Fund for the design and construction of the County's MSF located on the site of the County's Solid Waste Complex in Deerfield Township, operating subsidies for the MSF, the purchase of residential recycling containers in 1989 and the County's 2% administrative expenses permitted by the Act, through the certifications of the County's June 13, 1989 and December 14, 1989 amendments. As proposed in the revised disbursement schedule, the amount of disbursements for the County's MSF will vary depending upon the revenues received by the CCIA from the sale of recyclables recovered at the MSF and will not exceed \$400,000.00 in any individual calendar year consistent with the County's plan amendment. Finally, although the amendment expanded the uses and revised the disbursement schedule to allocate the remaining district RRIT Fund balance to be used for a future resource recovery system, a site and a technology for the same have not been designated in the County Plan. Also, the specific details of that part of the revised disbursement schedule as it relates to the future resource recovery system is not sufficient to enable the Department to conduct a meaningful review and to discharge its statutory responsibilities.

The proposed revised disbursement schedule for the County's MSF is consistent with the requirements of N.J.S.A. 13:1E-150b. However, as noted in Section C., the uses for the future resource recovery system can only be conceptually approved at this time, since the project site and technology are not currently an approved part of the County Plan. Also, that part of the disbursement schedule as it relates to the future resource recovery system is rejected because of its lack of specificity.

In this regard, the County must submit a subsequent plan amendment to the Department to include the project site, the technology and a detailed disbursement schedule for a future resource recovery system or propose an alternative use and schedule within 180 days of this certification. Accordingly, the disbursement from the RRIT Fund for this use cannot be made prior to the Department's approval of the subject plan amendment. The County is hereby notified of this requirement.

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

I, Scott A. Weiner, Commissioner of the Department, 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, have reviewed the July 18, 1991 amendment to the approved County Plan and certify to the County Freeholders that the July 18, 1991 amendment is approved in part and rejected in part as further specified below.

1. July 18, 1991 Amendment

- a. The inclusion within the County Plan of the following existing private recycling centers handling Class A recyclable materials is approved.
 1. Cumberland Recycling Corporation (Luciano Brothers) located on Block 233 and Lots 33 and 34 in Vineland to recycle corrugated cardboard.
 2. Cumberland Recycling Corporation (Luciano Brothers) located on Block 718, Lot 20 in Millville to recycle glass, white goods, steel, scrap metal, and cast iron.
 3. Foster Forbes Glass Manufacturing Company located on Block 154, Lot 95A in Millville to recycle glass bottles (color and clear separated).
 4. Gagliardi Demolition and Excavating Company located in Vineland to recycle building debris including such items as wood, masonry, iron, copper, etc.
 5. Giordano Vineland Scrap Metal located on Block 398, Lot 2 in Vineland to recycle scrap metals, glass, plastic, wastepaper, newspaper, and corrugated cardboard.
 6. John's Scrap Iron and Metal located in Bridgeton to recycle scrap metal, iron, steel and aluminum cans.
 7. Kane Brothers Scrap Metal located on Block 417, Lot 2 and Block 46, Lot 14 in Millville to recycle ferrous and nonferrous metals.
 8. Levin and Sons, Inc. located on Block 158, Lot 7 in Vineland to recycle scrap iron, nonferrous metals, aluminum cans, and white goods.

- b. The inclusion within the County Plan of the following existing private recycling centers handling Class B recyclable materials is approved.
1. Likanchuk's, Inc. located on Block 5, Lots 40, 43, 44, and 45 in Fairfield Township to recycle concrete and asphalt.
 2. J.E.D. Fleet Services located in Fairfield Township to recycle tires.
 3. Robert T. Winzinger, Inc. mobile unit to recycle wood subject to the provisions for Mobile Recycling Equipment found at N.J.A.C. 7:26A-3.3.
 4. Thompson's Paving, Inc. located on Block 24, Lot 26 in Bridgeton to recycle concrete.
 5. South State, Inc. located on Block 1, Lot 30 in Bridgeton to recycle concrete and asphalt.
 6. Energy and Minerals, Inc. located on Block 257, Lots 6 and 7 in Millville to recycle concrete, asphalt, wood demolition debris and brick.
- c. The inclusion within the County Plan of the proposed bulky waste recycling facility to be located on the portion of the Cumberland County Solid Waste Complex which encompasses Block 76, Lots 14, 15, 16, 18, and 19, in Deerfield Township is approved. As proposed, this facility will recover scrap metal, concrete, cardboard and wood waste from the County's bulky waste stream. The existing permitted area of the Cumberland County Solid Waste Complex landfill, facility number 0603B, encompasses Lots 14, 15 and 16 of Block 76 and does not include Lots 18 and 19 of the same block. Also, the Department's certification of the County's March 15, 1984 plan amendment included Block 42, Lots 34, 35, 36 and 37 for the same site of the County Solid Waste Complex (the County landfill). This amendment, therefore, includes the revised Lot and Block specifications as well as the addition of Lots 18 and 19 of Block 76 for the Cumberland County Solid Waste Complex. In this regard, the exact location of the proposed facility on the site of the County Solid Waste Complex should be specified in the solid waste facility permit application, as noted in this certification. Further, the capacity of the proposed facility, its implementation schedule, end markets for the recovered materials and other specific information including estimates of the potential of this facility to help achieve statewide recycling goals must be addressed in a subsequent plan amendment to be submitted by the County within 180 days of this certification as noted in Section C.2.

With respect to Sections C.1.a., b. and c. above, the construction and operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals pursuant to N.J.S.A. 13:1E-1 et seq., and all other applicable laws. The

issuance of operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department and the Attorney General to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126. Also, the above mentioned recycling centers and the proposed county bulky waste recycling facility must comply with the requirements stated in Section B. of this certification.

- d. The revised disbursement schedule of the district RRIT Fund to provide for its continued use to cover certain operational costs associated with the County's MSF and 2% administrative expenses is approved. As noted in Section B., the Department previously approved the use and disbursement schedule of the district RRIT Fund for the County's MSF through the certifications of the County's June 13, 1989 and December 14, 1989 plan amendments. Therefore, the proposed revised disbursement schedule of the district RRIT Fund is approved to the extent that disbursements are made to cover 2% administrative expenses and to cover certain operational costs associated with the County's MSF in an amount not to exceed \$400,000.00 in any individual calendar year through 1997 consistent with the County's plan amendment. However, the expanded uses of the County's RRIT Fund for the future resource recovery system is only approved in concept since the project site and technology are not yet designated in the approved County Plan. Also, that part of the revised disbursement schedule as it relates to the future resource recovery system is rejected because it is not specific. In this regard, the County is directed to submit a subsequent plan amendment within 180 days of this certification which identifies the specific project site, technology and a detailed RRIT Fund disbursement schedule for the future resource recovery system or propose an alternative use and schedule. Accordingly, disbursement from the County's RRIT Fund for this use cannot be made prior to the Department's approval of the subject plan amendment.

2. Cumberland County Response to the Solid Waste Task Force Final Report

I have also reviewed the County Plan to determine whether the plan fulfills the recommendations contained within the Task Force Final Report accepted by the Governor on November 16, 1990. Although the County has partially addressed the recommendations and proposed development of a bulky waste recycling facility with the potential for expansion, the County Plan does not specifically indicate how it will achieve the 50% municipal waste stream and 60% total waste stream recycling rates by December 31, 1995. Further, the County has yet to develop specific source reduction plans or analyzed regionalization opportunities for future programs or facilities. Therefore, the County is hereby directed to submit a subsequent plan amendment to the Department within 180 days of this certification to address the following provisions of source reduction, recycling and regionalization:

- a. Source Reduction: The County shall determine what source reduction measures can be taken at the County level to eliminate the trend of increased per capita solid waste generation. For each noted source reduction measure, the County shall estimate its potential impact upon total solid waste generation with the district.

- b. Recycling: Although the County proposed to develop a bulky waste recycling facility, the County shall determine what additional measures will be taken by the district to achieve at least a 50% recycling rate for the municipal waste stream, including yard waste, and at least a 60% recycling rate for the total waste stream by December 31, 1995. This determination shall address, at a minimum, the potential of the proposed bulky waste recycling facility to help achieve the recycling goals, what additional facilities will be needed within the district; what sites already exist or under what procedure the district will select necessary sites; and under what schedule the district feels that each necessary facility can be brought into operation.

Also, for each component of the recycling strategy, the district shall outline estimates of the tonnages which can be recycled in a mass balance format taking into consideration the total projected solid waste generation in the district. Further, based upon the minimum 50% and 60% recycling rates, the district must outline the amount of solid waste still requiring disposal. Finally, although the County Plan includes approved blanket facility inclusion policies for vegetative waste composting facilities and for municipal convenience/recycling centers, the County must consider the establishment of a similar policy and plan modification procedures to enable the expedited development of needed capacity and approvals for private recycling centers, materials markets, and minor program policies.

- c. Regionalization: The County shall determine the extent to which it can undertake long-term regionalization of its solid waste facilities and programs with other districts to provide regional solutions to solid waste management. Consideration should be given to regional plans for materials processing, recycling, transfer and disposal facilities.

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. 7:26-6.

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 part of the 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 and N.J.A.C. 7:26-1.4 and -2.13.

6. Effective Date of the Amendment

The approved part of 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. The Department has published a 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 Rejection in Part of the Amendment and Notification of Deficiencies 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 reject in part 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 July 18, 1991. I hereby also require, as noted in Section C., the Cumberland County Board of Chosen Freeholders to address the noted deficiencies within the timeframe specified. This certification memorializes the determinations made by me on or before January 4, 1992.

JAN 3 1992
DATE


SCOTT A. WEINER
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND ENERGY

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ATTACHMENT I

Content and Format Criteria for District Resource Recovery Investment Tax Fund Plan Amendment Submissions, in Accordance with N.J.S.A. 13:1E-150

I. Proposed Uses

The money in the fund shall be disbursed only for the following purposes:

- 1) To reduce the rates charged to all users by a resource recovery facility serving the county in order to provide a gradual transition to resource recovery facility rates from sanitary landfill facility rates. A county may achieve reductions through the use of moneys in its district investment tax fund to pay directly part of the fees charged for disposal to all users of a resource recovery facility;
- 2) To design, finance, construct, operate or maintain environmentally sound state-of-the-art sanitary landfill facilities to be utilized for disposing of those solid wastes which cannot be processed by a resource recovery facility or the waste products resulting from the operation of a resource recovery facility;
- 3) To design, finance, construct, operate or maintain environmentally sound state-of-the-art sanitary landfill facilities to be utilized for disposal of solid waste, on a long-term basis, if a county can demonstrate to the satisfaction of the department that utilization of a resource recovery facility is not feasible for disposal of the solid waste generated in that county;
- 4) To finance the closing costs for the proper closure of any terminated sanitary landfill facility located within a county whenever that county has made an investment tax rate adjustment for this purpose in accordance with the study conducted pursuant to N.J.S.A. 13:1E-146; and
- 5) To administer the investment tax fund, up to an amount not to exceed 2% of the total moneys appropriated to the fund during the fiscal year.

II. Disbursement Schedule

All disbursement schedules for District Resource Recovery Investment Tax Fund moneys shall be consistent with, but not be limited to, the following:

- 1) Narrative which outlines the purpose, background and legislative justification of and authorization for the use of the funds;
- 2) Narrative which provides the purpose, description and objectives of the project proposed for receipt of fund moneys;
- 3) Narrative which provides specific project performance data, implementation schedules and project status;

- 4) A spreadsheet or other tabular or budgetary format which provides at least the following information, the activities over time (choice of the time interval is at the discretion of the county, but shall not be longer than annually):
- a) Initial fund balance;
 - b) Additional deposits to fund based upon tax rates and projected waste generation and disposal figures, under various recycling or other reduction assumptions and population and/or economic growth assumptions;
 - c) Interest accrued on fund balance, by year;
 - d) Recipients of fund moneys, by amount, by proposed use, by time intervals;
 - e) Use of moneys by recipients, by amount, by time interval; and
 - f) A budget for fund disbursements.