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JON S. CORZINE
Governor

LISA P. JACKSON
Commissioner

**CERTIFICATION
OF THE OCTOBER 25, 2007
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 (now known as the New Jersey Meadowlands 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 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 October 25, 2007 adopted an amendment to its approved County Plan. The October 25, 2007 amendment proposes County Plan inclusion of the response to the Statewide Solid Waste Management Plan.

The amendment was considered administratively complete for review by the Department on December 18, 2007 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 October 25, 2007 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 October 25, 2007 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 amendment is

consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the elements relative to the October 25, 2007 amendment which are included below.

Elements of the October 25, 2007 Amendment

Element: Designation of County Plan Implementation Agency.

The October 25, 2007 plan amendment reaffirms the designation of the Cumberland County Improvement Authority as the County agency to supervise the implementation of the County plan.

Element: Inventory of the Quantity of Solid Waste Generated Waste Generated Within The County for the Next Ten Years.

Using Cumberland County's actual and projected solid waste tonnages, the total tonnages of solid waste types 10, 13, 23, 25, and 27 to be generated within the County in the years 2007 through 2013 are estimated at 185,208, 186,588, 187,978, 190,240, 192,530, 194,848, 197,193, respectively. However, the County is reminded of the obligation to periodically update this information, to satisfy the ongoing statutory requirement to maintain solid waste management planning in ten-year increments going forward.

Element: Inventory of all solid waste and recycling facilities (lot and block and street address) including approved waste types and amounts, hours of operation and approved truck routes.

Solid Waste Facilities

- Cumberland County Solid Waste Complex- This facility, located on Block 76, Lots 14-16, 18, 19 and portions of 2-4 on Jesse's Bridge Road in the Township of Deerfield, is included in the County Plan to accept waste types 10, 13, 13C, 23, 25, 27, 27I. The hours of operation are Monday through Saturday, 7:00 a.m. to 7:00 p.m.

The inventory of recycling facilities contained in the October 25, 2007 amendment was incomplete in terms of those operational details listed above. However, on April 16, 2008, the Department received the completed version of the facility inventory detailing lot and block locations, materials accepted, capacities where required and hours of operation for Classes A, B, C and D Recycling centers. This inventory includes, as Class A recycling centers: Cumberland County Materials Separation Facility, Cumberland recycling Corporation of South Jersey, Cumberland Recycling Corporation-Shredder Division, East Coast Recycling and Giordano's Vineland Scrap Materials Co. Class B recycling centers include: Kennedy Concrete, Inc., Mid-Atlantic Recycling Technology, Nature's Choice and South State. Class C recycling centers include Nature's Choice, and Class D recycling centers include Casie Ecology Oil Salvage, Inc.

Element: Solid Waste Disposal Strategy to be Utilized by the District for the Next Ten Years.

The solid waste disposal strategy contained in the October 25, 2007 amendment is a market participant strategy which provides voluntary delivery of solid waste to the Cumberland County Solid Waste Complex.

Element: District Plan Inclusion Process.

Inclusion Process for New/Expanded Solid Waste Facilities-

The October 25, 2007 plan amendment details the inclusion process that includes:

- A 30-day administrative/technical completeness review with status letter to applicant.
- A 30-day deadline for reply from applicant in cases of noted deficiencies.
- A 120-day submittal of completed applications to the Board of Chosen Freeholders.
- The Cumberland County Board of Chosen Freeholders shall hold a public hearing for the purpose of receiving comments pursuant to N.J.S.A.13:1E-21b.
- The Cumberland County Board of Chosen Freeholders shall submit to the Department a completed plan amendment.

The Department notes that a timeline for approval/rejection by the Cumberland County Board of Chosen Freeholders was not stated. Therefore, this deficiency needs to be addressed in the timeframe contained in Section C. of this certification.

Inclusion Process for Recycling Facilities-

This process is similar to that above, with the following noted differences-

- The applicant publishes two notices of the proposed application, once each week for two consecutive weeks, in a newspaper of general circulation in the host municipality.
- Once the application is deemed complete, the CCIA shall, within 90 days, submit the application to the Cumberland County Board of Chosen Freeholders.
- A public hearing is held on the application by the County Freeholders, where applicable.
- If substantive objections to the site are raised, the proposed site and facility may be subject to a formal plan amendment process. If no such objections are raised;
- The County Freeholders have approved the recycling center to be included in the County Plan under the blanket inclusion policy by duly adopted resolution and such resolution will be submitted to the Department along with the detailed project description.

Element: Additional tonnage of recycled materials in the MSW stream (by material commodity types) required to meet the mandated MSW recycling goal, and a strategy for the attainment of the recycling goals as outlined above, including, but not limited to: a listing of designated recyclable materials; those entities providing recycling collection,

processing and marketing services for each of the designated recyclable materials; the communication program to be utilized to inform generators of their source separation and recycling responsibilities, and a comprehensive enforcement program that identifies the county and/or municipal entity(ies) responsible for enforcement of recycling mandates.

Cumberland County's recycling rate for 2005 was 45.8% of the municipal waste stream and 61% of the total waste stream. Using 2005 data, Cumberland County will need to recycle an additional 12,000 tons of material in order to reach the 50% municipal solid waste recycling rate goal.

The October 25, 2007 plan amendment sets forth a multi-faceted strategy for the attainment of the 50% MSW recycling goal by each municipality as well as expansion of Countywide recycling efforts. These include expansion of the public partnership program; offering collection services to volunteer organizations that hold or sponsor events; a targeted public information campaign to inform different section of available programs to them; and, CCIA sponsored events to further educate the public on solid waste reduction and recycling initiatives.

The Designated Recyclables for the residential, commercial, industrial, and institutional sectors are as follows:

- Glass Jars and Bottles
- Aluminum Beverage Cans
- Steel, Tin, and Bi-metal Food Containers (Residential Only)
- PET #1 and HDPE #2 Plastic Containers
- Newspaper (Residential Only)
- High Grade Paper (Commercial and Institutional Only)
- Mixed Paper/Magazines
- Corrugated Cardboard (Commercial and Institutional Only)
- White Goods (Residential Only)
- Food Waste (Commercial and Institutional Only)
- Leaves and Branches (Residential Only)
- Materials unique to an Industry (Commercial and Institutional Only)
- Empty Aerosol Containers
- Electronics (Commercial and Institutional Only)
- Universal Wastes

The Department notes that the inclusion of "tin" and "Bi-metal" containers in the above list is somewhat problematic, as "tin" containers are actually primarily composed of steel, with a thin tin coating on the inside of the container, and "Bi-metal" containers are rarely used to package either food or beverages. The designation of these materials may remain, but the County may wish to clarify this designation in a subsequent Administrative Action.

Comprehensive enforcement program that identifies the county and/or municipal entity(ies) responsible for enforcement of recycling mandates

Under the County Environmental Health Act (CEHA), the Cumberland County Health Department has the lead role in recycling enforcement. By Interlocal Agreement, the County Health Department has partnered with the Cumberland County Improvement Authority to enforce the County Solid Waste Management Plan with respect to recycling. All municipalities have recycling coordinators who are, in part, responsible for enforcing their own town's recycling ordinances.

The October 25, 2007 plan amendment contains the required enforcement strategy that is consistent with the goals and objectives of the Statewide Solid Waste Management Plan.

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 county solid waste management plans, I have reviewed the October 25, 2007 amendment to the approved County Plan and certify to the County Freeholders that the October 25, 2007 amendment is approved. However, the County must submit a County Plan amendment to address the deficiency noted in Section B. of this certification within 180 days of the date of this approval. The County may submit the required amendment as an Administrative Action, pursuant to N.J.A.C. 7:26-6.11.

D. Other Provisions Affecting the Plan Amendment

1. 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.

2. Certification to Proceed with Implementation of 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 Freeholders shall

proceed with the implementation of the approved components of the amendment certified herein.

3. 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.

4. Effective Date of Amendment

The approved components of the amendment to the County Plan contained herein shall take effect immediately.

5. 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, 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 October 25, 2007.

4/25/08
Date

Garry Sondermeijer for L.P.J.
Lisa P. Jackson, Commissioner
Department of Environmental Protection