



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROBERT E. HUGHEY, COMMISSIONER  
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(IN THE MATTER OF CERTAIN AMENDMENTS)  
(TO THE ADOPTED AND APPROVED SOLID )  
(WASTE MANAGEMENT PLAN OF THE )  
(MONMOUTH COUNTY SOLID WASTE )  
(MANAGEMENT DISTRICT )

CERTIFICATION OF THE  
APRIL 11, 1985 AMENDMENT  
TO THE MONMOUTH 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 August 31, 1980, the Department approved, with modification, the Monmouth 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.)

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 Monmouth County Board of Chosen Freeholders completed such a review and on August 9, 1984, adopted an amendment to its approved district solid waste management plan. On January 17, 1985, Commissioner Robert E. Hughey issued a certification of the August 9, 1984 amendment to the Monmouth County District Solid

Waste Management Plan. The certification directed the Monmouth County Board of Chosen Freeholders to conduct a public hearing within 45 days of the date of the certification to inform the public of deficiencies identified in the plan, identify the county's plan for addressing the deficiencies, and to solicit public comment on the deficiencies. Further, the certification directed Monmouth County to amend its plan to address the deficiencies within 90 days from the date of the certification.

Also, on March 8, 1985, Judge Stephen Skillman issued a Consent Order for Judgment between the New Jersey Department of Environmental Protection and the Monmouth County Board of Chosen Freeholders as a result of ongoing litigation concerning solid waste planning. Provisions of this order required Monmouth County to adopt amendments to their solid waste management plan by April 15, 1985 to designate a plan implementation agency; develop a recycling strategy consistent with the state's goal of recycling 25% of the county's waste by 1986; develop a strategy for the use of each terminated landfill; proceed with a resource recovery study which was to be completed by April 30, 1985; and to consider adoption of a plan amendment to designate a specific resource recovery site and implementation schedule.

On April 11, 1985, the Monmouth County Board of Chosen Freeholders amended their district solid waste management plan to include selection of a county solid waste plan implementation agency, a county recycling strategy, a strategy for resource recovery development, a plan for terminated landfills, and a method of financing the district's solid waste management plan. This amendment was received by the Department on April 17, 1985.

The Department has reviewed this amendment as well as the entire Monmouth County District Solid Waste Management Plan with respect to the requirements of the Solid Waste Management Act and Judge Skillman's March 8, 1985 Consent Order for Judgment, and has determined that the amendment adopted by the Monmouth County Board of Chosen Freeholders on April 11, 1985 is approved in part and rejected in part as provided in N.J.S.A. 13:1E-24. While the requirements of the Act concerning the report have been met, the district's plan still remains deficient in several important ways.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I, Robert E. Hughey, Commissioner of the Department of Environmental Protection have studied and reviewed the April 11, 1985 amendment to the Monmouth County District Solid Waste Management 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 approved in part and rejected in part as further specified in Section C.

In addition, the Division of Waste Management circulated the plan amendment to sixteen review agencies and solicited their review and recommendations. Pursuant to N.J.S.A. 13:1E-24(2) and (3), these agencies included various agencies, bureaus and divisions within the Department of Environmental Protection as well as the Board of Public Utilities. In addition, the plan

amendment was submitted to the Department of Community Affairs, the Office of Recycling, the Department of the Public Advocate, the Department of Health, the Department of Agriculture, the Department of Transportation and the New Jersey Turnpike Authority.

Only two of the agencies submitted substantive comments; the Office of Recycling noted that they would withhold comment on the recycling amendment until Monmouth County's new recycling coordinator is able to develop a recycling plan. In addition, the Board of Public Utilities indicated that while the plan amendment was intended to correct certain plan deficiencies (including a method of financing solid waste management pursuant to N.J.S.A. 13:1E-21b(6)), there is no information or data contained in the proposed amendment concerned with economic effects on citizens, collectors, and disposal sites in Monmouth County. The Department acknowledges the Board's concern and has within Section C. 4. found the Monmouth plan to remain deficient with respect to N.J.S.A. 13:1E-21b(2) and (6).

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

I, Robert E. Hughey, 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 April 11, 1985 amendment to the approved Monmouth County Solid Waste Management Plan and certify to the Monmouth County Board of Chosen Freeholders that the April 11, 1985 amendment is approved in part and rejected in part as further specified below.

1. N.J.S.A. 13:1E-21b(1) requires the designation of a department, unit, or committee of county government...to supervise the implementation of the county's solid waste management plan.

Monmouth County's Plan Amendment #1 designates the Monmouth County Solid Waste Advisory Council as its solid waste management plan implementation agency. However, the solid waste advisory council does not consist of county employees and, in accordance with N.J.S.A. 13:1E-20b.(1), has the statutory role of assisting in the development and formulation of solid waste management plans, which is a distinct and separate function from supervising plan implementation. In addition, membership on the council may include representation by individuals engaged in private business in the field of waste management whose involvement in county decision making could raise serious conflict of interest concerns. Therefore, Plan Amendment #1 is rejected, and the Monmouth plan remains deficient with respect to the requirements of N.J.S.A. 13:1E-21b.(1).

2. N.J.S.A. 13:E-21b.(2) requires a statement of the solid waste disposal strategy to be applied . . . which strategy shall include the maximum practicable use of resource recovery procedures and a plan for using terminated landfill disposal sites . . . in the Solid Waste Management District.

Monmouth County's Plan Amendment #2 to recycle 25% of the county waste stream within 2 years, hire a recycling coordinator, and propose recycling plans as necessary are positive proposals. However, the amendment still does not provide a comprehensive plan which is consistent with the goal of the State Recycling Plan to recycle 25% of the county's solid waste by 1986. Also, while the Department considers Monmouth County's Amendment #3 to specify a strategy for the use of each terminated landfill, including a mapping of all known terminated landfills etc., an appropriate first step, the county plan still does not comply with Judge Skillman's March 8, 1985 Consent Order for Judgement which specified the identification of proposed uses for each site and any legal or institutional measures necessary to implement the individual land use strategies. Therefore, the Monmouth County District Solid Waste Management Plan still remains deficient with respect to the requirements of N.J.S.A. 13:1E-21b(2).

3. N.J.S.A. 13:1E-21b(3) requires a site plan which shall include all existing solid waste disposal facilities located within the Solid Waste Management District . . . and sufficient additional available suitable sites to provide solid waste facilities to treat and dispose of the actual and projected amounts of solid waste contained in the report accompanying the plan.

While Monmouth County's Plan Amendment #4 provides for the evaluation of Monmouth County's recently completed resource recovery technology study and a proposal to amend the district plan to include a resource recovery implementation schedule, the Monmouth district has still not included the site of its proposed resource recovery facility in the district plan. Therefore, the Monmouth County plan remains deficient with respect to the requirements of N.J.S.A. 13:1E-21B.(3).

4. N.J.S.A. 13:1E-21b(6) requires a method or methods of financing solid waste management in the Solid Waste Management District pursuant to the Solid Waste Management plan.

Monmouth County's Plan Amendment #5 indicates that solid waste management funding sources will include county funds and Reclamation Center revenues. The amendment also states that a plan for financing the Monmouth County resource recovery facility has not yet been completed. Therefore, since the April 11, 1985 amendment does not provide a detailed plan for financing all solid waste management activities, including the development of resource recovery, the Monmouth County District Solid Waste Management Plan remains deficient with respect to the requirements of N.J.S.A. 13:1E-21b.(6).

5. Inclusion of the compost facilities outlined in the plan amendment is approved and made part of the Monmouth County plan.

These include facilities in the following municipalities whose specific lot and block designations are outlined in the April 11, 1985 plan amendment:

Brielle Borough (DEP #1308A), Eatontown Borough (DEP #1311A), Howell Township (DEP #1319C), Manasquan Borough (DEP #1327A), Middletown

#1344A), Shrewsbury Borough (DEP #1345A), Spring Lake Borough (DEP #1348A), Tinton Falls Borough (DEP #1353B), Wall Township (DEP #1351C), Wall Township (DEP #1352C) and (DEP #1352D), West Long Branch Borough (DEP #1353A), Englishtown Borough (Application Pending), Spring Lake Heights Borough (Application Pending), Matawan Borough (Application Pending) Allaire State Park, Wall Township (DEP #1352A), Foggia Florist Inc., Oceanport (DEP #1338A), Monmouth Battlefield, Manalapan Township (DEP #1326B). The construction or operation of any facilities at these sites shall be preceded by the obtainment of all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq. and all other applicable laws. Issuance of construction and/or operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department to be fit and competent to manage such facilities.

6. Inclusion in the plan of the revised site identification of the Monmouth County Reclamation Center solid waste facilities on Block 131, Lot 19.01 located in the borough of Tinton Falls is approved. As a result of the January 1984 revision of the local tax map, several blocks and lots previously noted in the December 1983 Monmouth County Solid Waste Management Plan were consolidated necessitating this change.

#### 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 the within amendment to the Monmouth 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 Monmouth 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 Monmouth County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Monmouth County District Solid Waste Management Plan. Any 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, 10, and 12 and all other applicable laws.

3. Types of Solid Wastes Covered by the District Solid Waste Management Plans

The provisions of the Monmouth 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 sale 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) which are part of the Monmouth County District Solid Waste Management Plan.

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 Monmouth County Board of Chosen Freeholders, as provided for by N.J.S.A. 13:1E-24f., to proceed with the implementation of the approved portions of the 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 -2.13.

6. Effective Date of Amendment

The approved portions of 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 Department of Environmental Protection pursuant to its authority under the law. The Monmouth 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.

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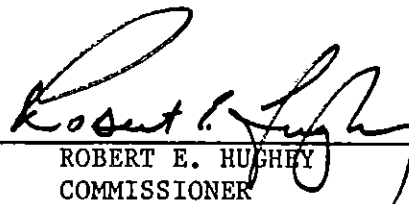
E. Certification of Approval in Part and Rejection in Part of the Amendment and Notification of Deficiencies by the Commissioner of the Department of Environmental Protection

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 Monmouth County District Solid Waste Management Plan which was adopted by the Monmouth County Board of Chosen Freeholders on April 11, 1985.

In accordance with N.J.S.A. 13:1E-24, I am directing that a public hearing be conducted by the Monmouth County Board of Chosen Freeholders within forty-five (45) days of the date of this certification. The hearing shall be conducted pursuant to the procedures contained in N.J.S.A. 13:1E-23. The purpose of the hearing shall be to inform the public of the deficiencies identified in the plan, and to solicit public comment on these matters. Further, Monmouth County is directed to amend its plan to address the deficiencies identified above. This amendment shall be adopted by the county and submitted to the Department of Environmental Protection within ninety (90) calendar days from the date of this certification.

September 16, 1985

DATE



ROBERT E. HUGHEY  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION