



State of New Jersey
Department of Environmental Protection and Energy
Office of the Commissioner
CN 402
Trenton, NJ 08625-0402

Jeanne M. Fox
Acting Commissioner

**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 JUNE 24, 1993
AMENDMENT TO THE MONMOUTH COUNTY
DISTRICT SOLID WASTE MANAGEMENT PLAN**

BY ORDER OF THE ACTING 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 of Environmental Protection approved, with modifications, the Monmouth 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 Monmouth County Board of Chosen Freeholders (County Freeholders) completed such a review and on June 24, 1993 adopted an amendment to its approved County Plan.

As adopted, the amendment proposed to:

- * Address the Governor's Emergency Solid Waste Assessment Task Force (Task Force) Final Report recommendations concerning source reduction, recycling, and regionalization;
- * Include recycling centers for Class A and Class B materials, vegetative waste compost facilities, farm mulch sites for leaves, municipal recycling depots, and regulated medical waste treatment/destruction facilities;
- * Modify the use of and disbursement schedule for the Resource Recovery Investment Tax (RRIT) Fund;
- * Provide a long-term disposal strategy;
- * Site a County household hazardous waste storage facility and a Mazza and Sons materials recovery facility;
- * Delete the County incinerator from the County Plan but reaffirm the intent to proceed with a materials recovery facility at this site.

The amendment was received by the Department of Environmental Protection and Energy (Department or DEPE) on July 6, 1993, 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 June 24, 1993 is approved in part, modified in part, and rejected in part as provided in N.J.S.A. 13:1E-24.

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 have studied and reviewed the June 24, 1993 amendment to the County Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and N.J.S.A. 13:1E-150 and I find and conclude that this plan amendment, as modified, is consistent with the Statewide Solid Waste Management Plan and N.J.S.A. 13:1E-150. In this regard, the County Freeholders are also notified of the issues of concern relative to the June 24, 1993 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, DEPE
Land Use Regulation Element, DEPE
Wastewater Facilities Regulation Element, DEPE
Division of Parks and Forestry, DEPE

Division of Fish, Game and Wildlife, DEPE
Division of Solid Waste Management, DEPE
Green Acres Program, DEPE
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 June 24, 1993 Amendment

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

Land Use Regulation Element, DEPE
Wastewater Facilities Regulation Element, DEPE
Division of Parks and Forestry, DEPE
Green Acres Program
Division of Fish, Game and Wildlife, DEPE
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Health
Department of Community Affairs

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

Office of Air Quality Management, DEPE
Department of Transportation
Department of the Public Advocate
U.S. Environmental Protection Agency

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

Division of Solid Waste Management, DEPE

2. Issues of Concern Relative to the June 24, 1993 Amendment

Issue: County Response to Task Force Recommendations

In the Department's March 11, 1993 certification of the October 8, 1992 amendment, the Department directed the County to immediately submit a plan amendment to address the Task Force Final Report recommendations relative to source reduction, recycling, and regionalization. The amendment was received on July 6, 1993. The following is an overview of the County's response to the Task Force recommendations, as reviewed within the context of the DEPE's Draft Solid Waste Management State Plan Update: 1993-2002, as well as the Department's comments on the proposed plans and programs.

Source Reduction

a. Source Reduction Goals

The amendment proposes to implement the source reduction goal of capping waste generation rates by January 1, 1996 and to remain steady at that rate. The County is focusing on education as the catalyst to achieve source reduction. However, the Task Force and DEPE's goals for source reduction are to cap per capita generation of waste at 1990 levels, cap total waste generation within five years, and reduce total waste generation within 10 years. The County must consider adopting this source reduction strategy in a subsequent plan amendment submission.

b. Yard Waste Management

The amendment sets forth the County's policy to encourage home composting and its "Cut It and Leave It" program through the distribution of several educational guides made available to citizens. Also, the implementation of a Master Composter Program through Municipal Environmental Commissions will be developed to train communities on the techniques and benefits of backyard composting. Further, as of May 3, 1993 grass clippings are banned from the Monmouth County Reclamation Center Landfill (County Landfill). Additionally, the County will revise its efforts of supplying "greenboxes" or other containers for vegetative waste to municipalities for use by local residents to deposit leaves and/or grass clippings for temporary storage prior to transport to an approved composting facility. The containers must be emptied every 24 hours and must be located at a permitted solid waste facility to be in compliance with N.J.A.C. 7:26-3.4. Also, the County is investigating the siting of regional yard waste composting sites to handle leaves, grass clippings, brush and garden waste. Finally, the County is investigating a small scale pilot project for composting organic food waste. Once finalized, the County should notify the DEPE by letter of the schedule for conducting this project.

c. Household Hazardous Waste

The County currently conducts six household hazardous waste collection days per year. The amendment states that the County will construct and operate a permanent, drive-through household hazardous waste collection facility with a special storage area for the use of residents. The hazardous household waste will be stored no longer than 90 days prior to pickup from a licensed contractor. As discussed below in Section C.8., the DEPE strongly encourages the County to design and operate this facility in a manner that minimizes air pollution from automobiles using the facility. In addition, the County must submit in a subsequent plan amendment an implementation schedule for the siting and development of this facility.

d. Procurement

The County will continue to purchase high quality durable goods with a long useful life as a means to reduce waste. County offices will further procure office equipment that has duplexing capability to reduce paper use. The County will also purchase recycled products whenever possible and restructure the purchasing specifications to require the use of products which incorporate recycled materials. The County is taking the

lead on educating its employees and will continue to influence and offer support to other public institutions. Also, in this regard, on April 22, 1993 Governor Florio signed P.L. 1993, Chapter 109 which establishes specific goals for the purchase of recycled paper and allows preferential purchase of recycled nonpaper finished products. Additionally, Executive Order No. 91 on the procurement of recycled products was signed by the Governor on May 3, 1993. The County should consider the scope of these state level programs, as well as the state's cooperative program for recycled products, for application at the County level. Further, the County should consider programs or strategies to achieve municipal participation in the purchase of recycled products through the adoption of state and county practices. Finally, the County must provide in a subsequent plan amendment submission a schedule for implementing its numerous procurement policies.

e. Waste Audits

Waste audits of commercial establishments have been conducted since 1991 by the County Solid Waste Enforcement Team (SWET). The SWET will now conduct waste audits for all County facilities and then apply the procedures to local businesses. Waste audits for businesses will begin during 1995, in accordance with the following schedule:

- (1) The County will conduct waste audits of County buildings by December 1993;
- (2) The County will prepare a concise "waste audit manual" complete with forms and information for office and store managers by December 1993;
- (3) Workshops will be held for municipalities and schools by April 1994. Municipal officials will then conduct waste audits of buildings and submit results to the County by November 1994.
- (4) Waste audits for businesses begin during 1995, in accordance with the following schedule:
 - (a) Businesses with more than 500 employees will be audited by June 1, 1995;
 - (b) Businesses with 200-500 employees will be audited by December 1, 1995;
 - (c) Businesses with 100-200 employees will be audited by June 1, 1996; and
 - (d) Businesses with less than 100 employees are encouraged to do waste audits during 1996.

The County should submit the results of the waste audits conducted for all County facilities within the next amendment adopted by the County. Also, the County should provide the DEPE with a copy of the waste audit manual when finalized, and periodically report back to the Department by letter the results of the waste audits conducted in the private sector.

f. Per Container Fee System

The County proposes to investigate the feasibility of implementing a per container fee system for curbside collection of solid waste. The County is investigating two options for implementing this program, either a label and sticker or a flat rate. To encourage the program, the County has applied for EPA grants to fund a technical workshop which would bring county and municipal officials together with interested haulers to utilize the experience of those currently involved in the program. The County must submit in a subsequent plan amendment a schedule for investigating a per container system.

g. Education

The County's public education source reduction and recycling programs focus on residents, institutions, school children and educators, and local waste management professionals. Further, the SWET will implement education and prevention rather than penalties. Public education efforts sponsored by the County include:

- Recycling in public areas
- Distribution of brochures and publications
- Special events (local fairs, workshops and seminars)
- Recycling Hotline
- Clean Communities
- Environmental Shopping
- Junk the Junk mail
- Worm composting
- School programs
- Technical workshops geared toward local professionals
- Networking of the County solid waste and recycling staff

h. Enforcement

The County has the functioning SWET, which is a part of the County Health Department, stationed at the County Landfill. The SWET conducts recycling enforcement activities throughout the County and levies specific fines ranging from \$100 to \$15,000 for violations of recycling requirements.

Recycling

a. Recycling Goals

The amendment proposes to recycle at least 60% of the County's total waste stream and 50% of the municipal waste stream by December 1995. The amendment provides documentation to indicate achievement of a 41% recycling rate of the municipal waste stream and a 54% recycling rate of the total waste stream in 1991. Although the County provides specific targets for recyclable materials to show attainment of the two recycling goals, the DEPE questions how significant increases in the recycling of mixed paper will be achieved without designating this material as a mandated recyclable. The County should provide to the DEPE by letter an explanation of this issue.

b. Designated Recyclable Materials

The following is the listing of recyclable materials to be source separated in the residential and commercial sectors:

Newspaper
Glass beverage containers
Aluminum beverage containers
Tin beverage containers
Leaves
Used motor oil
Corrugated cardboard (commercial only)
High-grade office paper (commercial only)
Concrete
Asphalt
Tree stumps and large tree parts
CFC and HCFC containing appliances
Grass *
Batteries *
White goods *
Asphalt shingles *
*Newly designated materials

c. Enforcement

As indicated in Section B.2.h. above, the County has a functioning SWET conducting recycling enforcement activities throughout the County. The SWET levels appropriate fines for recycling violations.

d. Education

As indicated in Section B.2.g. above, the County has developed a comprehensive education program targeting all population sectors to increase source reduction and recycling activities throughout the County.

Regionalization

The County is pursuing discussions with Union County and other counties on potential regional cooperation for waste disposal. Additionally, the American Soil Inc. compost facility receives an estimated 80% of its annual loading from northern New Jersey. Further, supermarkets from two other counties participated in the American Soil, Inc. pilot food waste composting program. The County is encouraged to continue its multicounty discussions to regionalize various solid waste facilities. However, in the interest of reducing the mileage that solid waste vehicles must travel to disposal sites (and reducing the air pollution that results from additional mileage), it is important to include neighboring counties in those discussions and to examine whether there are direct truck routes that would not suffer adverse traffic effects from the increased truck traffic. The County shall provide within a subsequent plan amendment submission the results of its discussion with neighboring counties to regionalize its solid waste facilities along with a proposed implementation schedule.

As noted in Section C. of this certification, the Task Force strategy adopted by the County concerning source reduction, recycling and regionalization is approved. However, specific schedules for developing a household hazardous waste collection facility, for implementing

procurement policies, for regionalizing solid waste facilities, and for investigating the feasibility of a per container system, as well as adopting the waste generation goal endorsed by the DEPE, must be provided within 180 days in a subsequent plan amendment submission.

Issue: County Administrative Procedures and Policies

Within the June 24, 1993 amendment, the County has identified numerous administrative procedures and policies for implementing its County Plan. Some of these procedures and policies conflict with DEPE regulations and/or the Solid Waste Management Act and must be modified or rejected. The DEPE's comments are as follows:

"Municipal recycling depot" is defined on page 42 of the amendment as a municipally owned and operated facility accepting Class A and/or Class B recyclables from local residents. The County Plan is hereby modified to indicate that such a recycling depot (accepting Class B recyclable materials) would be regulated as a Class B recycling center unless its operation is restricted as per N.J.A.C. 7:26A-1.4(a)8. Specifically, the depot could not accept scrap tires, leaves or petroleum contaminated soil, and all other Class B recyclable materials could be stored for not more than two months. Moreover, the materials must be stored in a manner which prevents run-off, leakage or seepage from the storage area; no processing of Class B recyclable materials may occur at the depot; the Class B recyclable materials must be transferred to an approved recycling center; and records must be kept of the daily amount and type of Class B recyclable materials received, stored and transferred at the depot.

The amendment states on page 42 that scrapyards which handle Class A or B recyclable materials, with the exception of tin or aluminum cans, are subject to the DEPE's requirements for recycling centers which process Class A or B materials. However, tin and aluminum cans are Class A recyclable materials and the County Plan is hereby modified to indicate that the receipt, storage, processing or transfer of these materials will subject the facility to the requirements of N.J.A.C. 7:26A-1.1. et seq.

Municipal development regulations, as described on page 41, shall require that every site plan or subdivision of more than 25 units submitted to the municipal planning or zoning board shall identify provisions for handling designated recyclables. On July 16, 1993, pursuant to P.L. 1993, c.81, the DEPE formally adopted a model ordinance which requires that any future development of multifamily housing, which means a building containing three or more dwelling units, must include facilities for the collection or storage of source separated recyclable materials. The County's municipal development regulations are subject to P.L. 1993, c.81 and the County Plan is hereby modified to reflect this requirement. Also, since the County is requiring each municipality to submit a certified copy of its Source Separation and Recycling Ordinance to the County Solid Waste Coordinator, the DEPE is hereby requesting a copy of a typical ordinance received by the County.

Page 45 of the amendment specifies general requirements for the operation of recycling centers processing Class A or Class B materials. The County Plan is hereby modified to indicate that such recycling centers must operate pursuant to the recycling regulations found at N.J.A.C. 7:26A-1.1 et seq. Also, despite the County's provision of an exemption providing for the commingling of Class A and B materials, pursuant to N.J.A.C. 7:26A-4.1(a)1-iii, Class A materials may be commingled only with other Class A recyclables and Class B materials may be commingled only with other Class B recyclables. The amendment is hereby modified to comply with this requirement.

Also, regarding general requirements for recycling centers as identified on page 45, the County specifies that any recycling center which processes Class A or Class B recyclables shall be in compliance with appropriate municipal approvals or ordinances. Since the DEPE's solid waste and recycling regulations preempt municipal approvals or ordinances which overlap or are inconsistent with DEPE's solid waste management or recycling regulations, the County requirement is hereby modified to read ". . . compliance with applicable municipal approvals or ordinances which are not preempted by DEPE solid waste management regulations at N.J.A.C. 7:26-1 et seq., and recycling regulations at N.J.A.C. 7:26A-1 et seq.

On Page 47 of the amendment, the County lists a procedure for the removal of all recycling centers processing Class A or B materials which have been included within the June 24, 1993 amendment that is unacceptable. Specifically, for any of the recycling centers which are included in this amendment which have failed to submit within 60 days of the June 24, 1993 adoption date specific information to the County, the County will request to the DEPE the removal of said facility(s) from the amendment prior to certification. Although the Department received no such request from the County, the only appropriate mechanism for the deletion of a recycling center from the County Plan is the adoption of an amendment providing for same. Therefore, this component of the June 24, 1993 amendment is rejected.

Registration requirements for recycling haulers are specified on page 48. In a November 19, 1993 letter, the County has clarified that the registration requirement involves no fee or specific criteria, and all applications for registration are accepted. Further, the registration list will be used solely as a data base to disseminate information to recycling haulers and to aid in the County's enforcement of its DEPE approved recycling program. With these specific limitations in place, the Department approves the County's recycling hauler registration program. The Department notes, however, that a registration program by the County which assessed a fee or which contained regulatory criteria would be preempted by the Solid Waste Management Act and the DEPE's recycling regulations. Pursuant to the Act, the Legislature declared that no recycling center shall be required to obtain a registration statement. N.J.S.A. 13:1E-99.34a. The Department construes this exemption from

registration to extend to haulers of recyclable material who are transporting recyclable material to DEPE approved recycling centers. Similarly, such haulers are exempt from obtaining a general or limited approval from the Department under the recycling regulations. N.J.A.C. 7:26A-1.4(a)7. The courts of this State have consistently held that the Act and implementing regulations preempt local regulation in the field of solid waste management which overlaps or is inconsistent with State law. See, e.g. Ringlieb v. Parsippany-Troy Hills Tp., 59 N.J. 348 (1971); Little Falls Tp. v. Bardin, 173 N.J. Super 397 (App. Div. 1979); Chester Tp. v. Environmental Protec. Dep't., 181 N.J. Super. 445 (App. Div. 1981); Ocean County Util. v. Planning Bd., 223 N.J. Super. 461 (App. Div. 1988). Given the limited scope of the County's registration program, as noted above, the Department finds at this time that the registration requirement is not preempted by the Act and the DEPE's recycling regulations.

Recycling recordkeeping requirements are specified on page 49 of the amendment. The DEPE is in the process of revising its recordkeeping and reporting requirements for recycling centers. The County is hereby advised that the DEPE's requirements, when finalized, will supersede those of the County and the County must modify their requirements, if necessary.

Page 52 of the amendment indicates that there are no exemptions to the source separation requirements for municipal or vegetative waste. The County is hereby notified that the Mandatory Source Separation and Recycling Act of 1987 at N.J.S.A. 13:1E-99.16(d) provides for the governing body of a municipality to exempt persons occupying commercial and institutional premises within its municipal boundaries from the source separation requirements if those persons have otherwise provided for the recycling of recyclable materials designated in the County Plan from solid waste generated at those premises. The amendment is hereby modified to comply with this exemption requirement.

Page 52 of the amendment also states that there are no exemptions to the source separation requirements for bulky waste except that bulky waste that contains both solid waste and recyclables may be collected for separation off-site provided the waste generator or recycling hauler has obtained prior approval of both the municipality and the County. Pursuant to the DEPE's "Mixed Loads Rule" adopted at 25 N.J.R. 4763, such separation must occur off-site at a materials recovery facility or transfer station and a prior approval is not required, only proper recordkeeping notification on a monthly basis to the DEPE and the County in which the facility is located. The amendment is hereby modified to ensure compliance with the mixed loads rule found at N.J.A.C. 7:26-2.11 et seq.

Issue: Regulatory Requirements

The amendment provides a comprehensive inventory of all solid waste facilities that have been approved for inclusion within the County Plan. If any of the facilities noted within the amendment's inventory of solid waste facilities will discharge pollutants as defined in N.J.A.C. 7:14A-1.9, a New Jersey Pollutant Discharge Elimination System Permit and/or a Treatment Works Approval for pollutant discharges must be obtained from the DEPE's Wastewater Facilities Regulation Element.

Further, recycling centers, composting facilities, and transfer stations/materials recovery facilities 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. These operations are also considered solid waste facilities and 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.

Issue: Medical Waste Management

The amendment provides an inventory of regulated medical waste (RMW) treatment and destruction facilities approved for inclusion within the County Plan. Pursuant to N.J.A.C. 7:26-3A et seq., any alternative technology for regulated medical waste treatment/destruction to be used by the County must be authorized, prior to purchase and installation, by the DEPE and the Department of Health. Further, in accordance with the Regulated Medical Waste State Plan, all Counties must submit a regulated medical waste plan within one year of receiving the Department's five year capacity assessment or by April 19, 1994. The facilities approved in Section C.4. of this certification must operate in accordance with the regulations imposed by the State of New Jersey.

Issue: Long-term Strategy

Due to wetlands constraints, the County's existing permitted capacity for Phase II of the County Landfill is estimated to be exhausted by July 1, 1996. Therefore, in 1992 the County proposed new designs for the Phase III landfill expansion which included revised DEPE wetlands delineation criteria. With receipt of these new landfill designs, the Department held a public hearing in December 1992 on a wetlands permit which would provide for a 100 acre Phase III landfill expansion. A wetlands permit was issued by the DEPE on April 8, 1993. This permit allows for the impacting of about 10 acres of freshwater wetlands within the Phase III expansion area in exchange for increasing by 20 acres the size of freshwater wetlands located elsewhere on the County Landfill site. This Phase III expansion will provide 16 million cubic yards of disposal capacity which is estimated to keep the County self-sufficient through mid 2015.

Issue: Plan Amendment Changes

On May 27, 1993, the County held a public hearing on the multifaceted amendment which was formally adopted on June 24, 1993. The amendment, as indicated in Section A., includes numerous recycling centers and compost facilities within the County Plan. In the interim time period between the date of the public hearing and that of the adoption, the County identified two errors within the plan amendment and initiated one change to the document. Regarding the errors, the amendment incorrectly lists the

mailing address of the Lertch Recycling Company as Farmingdale, NJ 07727 instead of Wall Township, NJ 07719. Also, the amendment incorrectly identifies the location of the American Soil, Inc. compost facility as Block 40, Lot 92 in Freehold Township instead of Block 92, Lots 39 and 40 in Freehold Township. The DEPE considers these errors to be minor in nature and, therefore, the blanket approval of vegetative waste compost facilities, recycling centers for Class A and B materials, farm mulch sites, and municipal recycling depots as identified within Section C. 6 of the certification includes these two facilities at their corrected locations.

Regarding the County change which was initiated subsequent to the public hearing date, the June 24, 1993 amendment was accompanied by a County Freeholder resolution of June 24, 1993 excluding the Jude Meehan recycling center for Class B materials from the County Plan adoption for a history of violations as well as litigation before the Superior Court concerning the legality of this facility's operation in a residential zone. Therefore, the blanket approval within Section C.6 of the certification of vegetative waste compost facilities, recycling centers for Class A and B materials, farm mulch sites, and municipal recycling depots excludes the Jude Meehan recycling center, located on Block 263, Lot 11 in Wall Township.

C. Certification of the Monmouth 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, and N.J.S.A. 13:1E-150 which establishes eligible uses and disbursement schedule requirements for a County's RRIT Fund, I have reviewed the June 24, 1993 amendment to the approved County Plan and certify to the County Freeholders that the June 24, 1993 amendment is approved in part, modified in part, and rejected in part as further specified below.

1. Task Force Recommendations

The County Plan inclusion of Monmouth County's response to the recommendations of the Task Force Final Report is approved as follows:

a. Source Reduction

The County's strategy to enact specific source reduction tasks comprising source reduction goals, waste audits, per container fee system, yard waste management, household hazardous waste, procurement strategies, enforcement, and education, as described in Section B., is approved. However, as noted in Section B., the County must provide within 180 days in a subsequent plan amendment submission schedules for developing a household hazardous waste collection facility, for implementing procurement policies, and for investigating the feasibility of a per container rate system, as well as adopting the waste generation capping goal endorsed by the DEPE.

b. Recycling

The County's strategy to achieve a goal of recycling 50% of the municipal waste stream and 60% of the total waste stream by December 31, 1995 is approved. Further, the additional designated recyclable materials, enforcement strategy, and education programs, as described in Section B., are also approved.

c. Regionalization

The County's efforts to regionalize solid waste facilities is approved. However, as noted in Section B., the County must provide within 180 days in a subsequent plan amendment submission the results of its discussions with neighboring counties to regionalize its solid waste facilities along with a proposed implementation schedule.

2. Blanket County Plan Inclusion Policy

The County Plan inclusion of a blanket policy for including recycling centers for Class A and B materials is approved. A recycling center will be included within the County Plan under the blanket inclusion policy where the following conditions are met:

- a. All recycling centers for Class A and B materials shall provide a detailed description to the County Solid Waste Planning Office including the following information:
 - (1) corporate name, address, phone number, and contact person
 - (2) site location, including block and lot numbers, street address and mailing address
 - (3) site map, showing facility layout and including acreage of site and square footage of buildings
 - (4) vicinity map, showing location in relation to surrounding roads and properties and zoning for adjacent parcels
 - (5) description of materials to be received, processing equipment to be used and transport and storage provisions
 - (6) projected daily, monthly and yearly tonnage to be handled and estimated maximum capacity
- b. Any recycling center for Class B materials shall provide the County with a copy of the application to the DEPE for a Class B approval or a letter certifying that such application will be forwarded when prepared with an estimated timeframe for completion.
- c. All recycling centers for Class A and B materials shall submit to the County documentation of municipal approvals or status of their efforts to receive such approval. Such documents shall include: letter from municipal official noting that the existing or proposed operation is consistent with municipal requirements; a letter from facility owner or attorney describing efforts to secure municipal approval; or a copy of the approved site plan for the operation.

- d. All applicants for plan inclusion shall publish two notices, once each week for two consecutive weeks, in a newspaper of general circulation within the host municipality. The last notice is to be not less than 15 days prior to the public hearing and/or formal action by the County Freeholders. The following information must be provided in the notice:
 - (1) nature of a project
 - (2) street address and lot and block of site
 - (3) location for inspection of maps, project description, and, in the case of recycling centers for Class B materials, a statement that an application has been or will be made to the DEPE for approval
 - (4) statement that written comments will be accepted by the County solid waste coordinator for a period of 30 days from the date of the first public notice.
- e. After public notice and prior to action by the County Freeholders, a copy of the Affidavit of Publication shall be provided to the County solid waste coordinator.
- f. Provided substantive written objections have not been submitted during the comment period, the County Freeholders may approve the inclusion of the recycling center in the County Plan by adoption of resolution. Copy of such resolution will then be forwarded to the DEPE, Division of Solid Waste Management, and the applicant.
- g. Should there be substantive written objection, or other valid reasons for the County Freeholders to delay its decision, the proposed recycling center may then be subject to the complete plan amendment process pursuant to N.J.S.A. 13:1E-23 and 24. In such cases, all costs associated with the preparation and printing of the plan amendment, required public hearing notices, certified mailings, and the preparation and printing of the plan amendment, required public hearing notices, certified mailings, and the preparation of a public hearing transcript shall be borne by the applicant.

3. Long-Term Disposal Strategy

The County's long-term disposal strategy of relying on the Monmouth County Landfill for capacity until 2015 is approved. The existing permitted capacity for Phase II of the Monmouth County Reclamation Center Landfill is estimated to be exhausted by July 1, 1996. Thereafter, 16 million cubic yards of capacity at Phase III is estimated to then be available until approximately mid 2015. This time frame and capacity reflects the DEPE approved wetlands mitigation project for the approximate 9.8 acres of wetlands the Phase III landfill would impact.

4. Medical Waste Management

The County Plan inclusion of the following RMW treatment and destruction facilities is approved:

- a. Centrastate Medical Center, West Main Street, Freehold Township, on-site microwave shredding/disinfection unit awaiting DEPE permit approval.
- b. Monmouth Medical Center, 300 Second Avenue, Long Branch, existing on-site incinerator with a capacity of 750 pounds per hour.
- c. Riverview Medical Center, 35 Union Street, Red Bank, on-site incinerator with a capacity of 800 pounds per hour awaiting DEPE permit approval.
- d. US Army Patterson Hospital, Fort Monmouth, existing on-site incinerator with a capacity of 57 pounds per hour.

In addition, the amendment deletes from the County Plan an incinerator located at the Bayshore Community Hospital, 727 Beers Street, Holmdel. This incinerator was dismantled in June 1990 and its deletion from the County Plan is approved. Finally, the County notes that all RMW generated at the Jersey Shore Medical Center, 1945 Highway 33, Neptune Township, is hauled off-site for treatment and disposal. Since no RMW facility inclusion or deletion is indicated, no DEPE certification relative to this hospital is required.

All future plan amendments which propose inclusion of medical waste facilities will be reviewed within the context of the RMW management hierarchy and source reduction initiatives as identified in the Comprehensive Regulated Medical Waste Management Plan. More specifically, the DEPE has proposed an RMW disposal hierarchy which represents a listing in descending order of the options the DEPE views as the best management practices to safely dispose of RMW in environmentally sound and economical ways and to achieve self-sufficiency as quickly as possible. The DEPE's disposal strategy hierarchy is as follows:

- a. County Management strategies which include regional planning for the use of existing or planned RMW processing/treatment/disposal capacity on the multicounty basis through interdistrict agreements;
- b. Strategies which demonstrate the capacity and timeframes for achieving self-sufficiency through more efficient use of existing in-county RMW disposal capacity at state-of-the-art hospital and other facilities such as microwaves, chemical disinfection and grinding systems, upgraded incinerators and sanitary sewer systems;
- c. Plans for the development of new commercial or noncommercial disposal capacity on a singular county-wide basis;
- d. Plans for the development of new commercial or noncommercial disposal capacity for use by a single large generator;

- e. Plans which call for the merger of RMW disposal within the existing solid waste infrastructure of the county through revision of existing regulations to allow for the acceptance of untreated RMW; and,
- f. Out-of-state disposal which will only be acceptable as a short-term option pending development of in-state capacity and which will not be authorized for long-term use other than as part of a broad county contingency plan.

Each facility proposed by a County will be evaluated by the DEPE in relation to the RMW disposal hierarchy on a case by case basis in the plan amendment phase. As part of any future amendment for RMW facility inclusion, the County must indicate how the facility fits into the overall RMW plan being developed and provide a rationale, where appropriate, for why more preferred management options within the above hierarchy are not being pursued.

5. RRIT Fund Use and Disbursement Schedule

The County Plan inclusion of the modified use of and disbursement schedule for the County's RRIT Fund is approved. Specifically, the County had previously designated RRIT Fund moneys for the development of a materials recovery facility and an incinerator to be located in Tinton Falls. With the deletion from the County Plan of the incinerator, the County will now disburse \$25,900,000 in RRIT Fund moneys for the development of the materials recovery facility in disbursements commencing 1993 and terminating in 1997.

6. Inclusion of Vegetative Waste Compost Facilities, Recycling Centers for Class A and B Materials, Farm Mulch Sites, and Municipal Recycling Depots

The County Plan inclusion of the inventory of recycling centers for Class A and B materials, vegetative compost facilities, farm mulch sites, and municipal recycling depots is approved.

7. Inclusion of a Private Materials Recovery Facility

The County Plan inclusion of the Mazza & Sons materials recovery facility to be located at the Mazza and Sons existing recycling center on part of Block 145, Lots 12, 14, 26, and 26A at 3230 Shafto Road in Tinton Falls, Monmouth County, is approved. Although the amendment specifies that the facility will accept up to 100 tons per day of type 13 waste which contains recyclable material such as wood, metal and concrete mixed with nonrecyclable waste from job sites in Monmouth County, the County Plan inclusion of the Mazza and Sons materials recovery facility is hereby modified so that its operation will be in compliance with the mixed loads regulations found at N.J.A.C. 7:26-2.11 et. seq.

The construction or 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 of the State of New Jersey to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126. Further, this certification shall not be construed as an expression of the Department's intent to issue a solid waste facility permit.

8. Household Hazardous Waste Collection Facility

The County Plan inclusion of a household hazardous waste collection facility to be located at Block 134, Lots 11.01, 13, and 13.01 in the Borough of Tinton Falls, Monmouth County is approved. Household hazardous waste will be stored no longer than 90 days prior to pick-up by a licensed contractor. However, the DEPE strongly encourages the County to design and operate the facility in a manner that minimizes air pollution from automobiles using the facility. The more time that such automobiles spend idling at the facility, the more air pollution they will generate. Accordingly, the County should explore means of minimizing automobile idling at the facility, through educational efforts and through parking availability if possible, and discuss with the Department the results of that exploration.

9. Deletion of County Incinerator

The County Plan deletion of a mass burn-incinerator located at Block 131, Lots 12, 16, and 17 in the Borough of Tinton Falls, Monmouth County, is approved. However, the County has reaffirmed its commitment to construct a materials recovery facility to be located at Block 131, Lots 12, 16, and 17 in the Borough of Tinton Falls, Monmouth County, which was to have been used in conjunction with the incinerator.

10. County Administrative Procedures and Policies

As noted within Section B. of the certification, the County has identified numerous administrative procedures and policies. Some of these procedures and policies conflict with DEPE regulations and/or the Solid Waste Management Act and are modified or rejected as specifically noted within Section B.

11. WDI Landfill

In its October 8, 1992 amendment to the County Plan, Monmouth County proposed to delete from the County Plan the Waste Disposal, Inc. (WDI) landfill located in Howell Township as a solid waste disposal site. The County's deletion of the WDI site was based on the premise that the landfill's limited useful disposal capacity, as well as environmental, economic and other limitations, effectively eliminated any role the landfill may serve as a component of the County Plan.

In its March 11, 1993 certification of the October 8, 1992 plan amendment, the Department rejected the County's deletion of the WDI site from its plan on the grounds that the County had failed to identify sufficient alternative disposal capacity, had failed to provide the Department with an adequate long-term plan for solid waste disposal, and had failed to address the source reduction and recycling goals of the Governor's Task Force Final Report. The Department concluded that it could not make a decision on the County's removal of the WDI site from its Plan absent this information. The Department directed the County to submit another

amendment that addressed available disposal capacity, long-term planning, and source reduction and recycling.

As noted above, the June 24, 1993 plan amendment comprehensively addresses all deficiencies identified in the March 11, 1993 certification. The County has demonstrated that sufficient disposal capacity remains in Phase II of the Monmouth County Reclamation Center Landfill through 1996, and that Phase III of the landfill will provide the County with disposal capacity through 2015. In addition, the County has adopted a comprehensive long-term disposal plan that adequately addresses the Department's goals on source reduction and recycling.

Although the County has adequately addressed the deficiencies identified in the Department's March 11, 1993 certification, the County has not stated whether it presently intends to remove the WDI site from its Plan. The June 24, 1993 plan amendment does express the County's belief that it has now overcome the Department's limitations on the removal of the WDI site by providing significant long-term disposal capacity, but the amendment does not specifically address the removal of the WDI site.

If the County's intention is to remove the WDI site from its County Plan in conjunction with its newly-adopted long-term disposal plan, then the County must submit an amendment to the Department that clarifies this point. Such an amendment should address the removal of the WDI site in the context of the County's new long-term disposal plan. If the County does not intend to remove the WDI site from the Plan, then the County should submit an amendment to the Department which addresses the use of the WDI site in the context of the County's long-term disposal plan. In this regard, the County may wish to consider use of the WDI site for materials which will not be managed at the Monmouth County Reclamation Center Landfill.

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, but are subject to regulation in accordance with 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 Acting 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 portions 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, N.J.A.C. 7:26-1.4 and -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of the Amendment

The approved portions 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, Modification, and Rejection of the Amendment by the Acting 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, modify 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 June 24, 1993.

December 2, 1993
DATE

Jeanne M. Fox
JEANNE M. FOX
ACTING COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND ENERGY