



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

OFFICE OF THE COMMISSIONER
CN 402
TRENTON, N.J. 08625
609-292-2885

*Recycling
Plan*

(IN THE MATTER OF CERTAIN AMENDMENTS)
(TO THE ADOPTED AND APPROVED SOLID)
(WASTE MANAGEMENT PLAN OF THE)
(OCEAN COUNTY SOLID WASTE)
(MANAGEMENT DISTRICT)

CERTIFICATION OF THE
JULY 20, 1988 AMENDMENT
TO THE OCEAN 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 Board of Chosen Freeholders and the Hackensack Meadowlands Development Commission develop comprehensive plans for waste management in their respective districts. On July 21, 1980, the Department approved, with modifications, the Ocean County District Solid Waste Management plan.

The Act requires that all district plans be based on and accompanied by a report detailing the existing waste disposal situation in the district, and a plan which includes the strategy to be followed by the district in meeting the solid waste management needs of the district for the ten-year planning period. The report must detail the current and projected waste generation for the district, inventory and appraise all facilities in the district, and analyze the waste collection and transportation systems which serve the district. The disposal strategy must include the maximum practicable use of resource recovery techniques. In addition to this strategy, the plan must designate sufficient available suitable sites for the disposal of the district's waste for the ten-year period; which sites may be in the district or, if none are available, in another district. (The Act provides procedures for reaching any necessary interdistrict agreements.)

Amendments to the Act found in N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-99.11 et seq., require that counties amend their district solid waste management plans to include a district recycling plan. The Ocean County Board of Chosen Freeholders adopted the district recycling plan on October 21, 1987. The district recycling plan was approved with modifications by the Commissioner of the Department of Environmental Protection on March 22, 1988. The Ocean County Board of Chosen Freeholders

adopted an amendment to the approved district solid waste management plan on July 20, 1988, which addressed the modifications required pursuant to the March 22, 1988, certification. The July 20, 1988, amendment was not distributed for state level review because the state level review agencies' (NJDEP Division of Solid Waste Management's Bureau of Resource Recovery and the Office of Recycling) comments on the district recycling plan were satisfied with submission of the July 20, 1988, amendment.

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

The amendment was received by the Department of Environmental Protection on August 8, 1988. The Department has reviewed this amendment and has determined that the amendment adopted by the Ocean County Board of Chosen Freeholders on July 20, 1988, is approved with the modifications herein included, as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24f and N.J.S.A. 13:1E-99.13, I, Christopher J. Daggett, Acting Commissioner of the Department of Environmental Protection have studied and reviewed the July 20, 1988, amendment to the Ocean County District Solid Waste Management Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and N.J.S.A. 13:1E-99.11 et seq., and I find and conclude that this plan amendment is consistent with these requirements as modified herein.

The county is hereby directed to include corrugated paper as one of the designated recyclable materials in the district recycling plan in addition to those materials previously designated. The county is furthermore directed to amend the model municipal recycling ordinance contained in appendix F, section 3, of the recycling plan which was approved with modifications on March 22, 1988, to include corrugated paper as a designated recyclable material.

The county is directed to amend section 3.0 of the recycling plan which was approved with modifications on March 22, 1988, to incorporate corrugated paper into subsection 3.3, Collection of Materials, and subsection 4.1, Commercial Recycling Transfer Facilities and Similar Private Commercial Recycling Facilities. Specifically as regards subsection 4.1, the county shall prepare an inventory of those commercial sector generators of corrugated paper and inventory providers of recycling services that are currently in place to collect and market said material. The county shall determine where recycling services are lacking, and pursuant to N.J.S.A. 13:1E-99.14, "solicit proposals from, review the qualifications of, and enter into contracts or agreements on behalf of municipalities with persons providing recycling services or operating recycling centers for the collection, storage, processing, and disposition of recyclable materials

designated in the district recycling plan in those instances where these services are not otherwise provided by the municipality, interlocal service agreement or joint service program, or other private or public recycling program operator."

In addition, the department recommends that any offices with more than one hundred employees, and where such paper is generated, be required to source separate mixed high grade office paper.

The county shall, within six months of the date of this certification, prepare a report to be submitted to the New Jersey Department of Environmental Protection, Division of Solid Waste Management, Office of Recycling, detailing the actions taken by the county to implement the above modification.

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

I, Christopher J. Daggett, Acting 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 July 20, 1988, amendment to the approved Ocean County District Solid Waste Management Plan and certify to the Ocean County Board of Chosen Freeholders that the July 20, 1988, amendment is approved with the modifications identified in Section B. of this certification.

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 Ocean 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 Ocean 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

Ocean County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Ocean County District Solid Waste Management Plan. Any solid waste facility operator or collector/ hauler who fails to comply with the provisions contained herein shall be deemed to be in violation of N.J.S.A. 13:1E-1 et seq. in violation of N.J.A.C. 7:26-1 et seq. and in violation of their registration to operate a solid waste facility or a collection system issued thereunder by the Department of Environmental Protection and shall be subject to the provisions and penalties of N.J.S.A. 13:1E-9, and 12 and all other applicable laws.

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

The provisions of the Ocean County District Solid Waste Management Plan shall apply to all solid wastes defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-2-13 and shall not apply to liquid wastes, sewage sludge, septage, and hazardous wastes. Also, all non-hazardous materials separated at the point of generation for recycling or reuse are excluded from the waste flows designated in the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6).

4. Certification to Proceed with the Implementation of Plan Amendment

This document shall serve as the certification of the Commissioner of the Department of Environmental Protection to the Ocean County Board of Chosen Freeholders and pursuant to N.J.S.A. 13:1E-24c. and f., the county shall proceed with the implementation of the approved amendment contained herein.

5. Definitions

For the purpose of this amendment and unless the context clearly requires a different meaning, the definitions of terms shall be the same as those found at N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-1.4 and N.J.A.C. 7:26-2.13 and N.J.S.A. 13:1E-99.12.

6. Effective Date of Amendment

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

7. Reservation of Authority

Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Ocean County District Solid Waste Management Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan. The Department has published a Statewide Solid Waste Management Plan with appendices which includes the Department's planning guidelines and rules, regulations, and orders of the Department, including the

interdistrict and intradistrict waste flow rules, and also includes the compilation of individual district plans and amendments as they are approved.

E. Certification of Approval of the Amendment by the Commissioner of the Department of Environmental Protection.

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve with modification the amendment as outlined in Section C. of this certification, to the Ocean County District Solid Waste Management Plan which was adopted by the Ocean County Board of Chosen Freeholders on July 20, 1988.

September 6, 1988
DATE



CHRISTOPHER J. DAGGETT,
ACTING COMMISSIONER