



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Solid & Hazardous Waste

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. McCABE
Commissioner

April 23, 2019

Re: Solid Waste and Recycling Facility Solid Waste Management Plan Amendment Guidance

Dear Solid Waste Implementing Agency:

The purpose of this letter, to avoid delays in review of or rejection of Solid Waste Management County Plan Amendments (Plan Amendments) submitted to the New Jersey Department of Environmental Protection (Department), is to provide you with the Department's guidance, requirements, and expectations for Plan Amendments and associated Public Notices required pursuant to N.J.A.C. 7:26-6.10 for solid waste and recycling facility planning actions. Plan Amendments currently submitted to the Department vary widely in comprehensiveness and, in some cases, have failed to provide the public with complete information and convenience of access for public review and comment. Public Notices in some instances have not met minimum regulatory standards and have otherwise been inadequate to allow the public to fully understand and conveniently access the full proposed Plan Amendment information, especially but not limited to the identification of facility-related traffic routes.

Therefore, to ensure robust public input by providing sufficient Public Notice and convenient public access to complete Plan Amendment information, as well as to ensure accessibility to public hearings, the Department has established the following minimum elements for Plan Amendments and associated Public Notices.

1. The **Public Notice** shall be consistent with N.J.A.C. 7:26-6.10 and shall include the minimum following information (if applicable), much of which is already required in the Plan Amendment document for public review:
 - a. All information required at N.J.A.C. 7:26-6.10(c)2 including but not limited to the time, date, location of the public hearings;
 - b. Description of proposed activity (i.e., landfill expansion, new Class A recycling center, wasteflow redirection, transfer station capacity increase, disposal contract, etc.);
 - c. Traffic routes to and from the facility if affected¹;

¹ If the Plan Amendment concerns a change in transportation routes, or may impact traffic, a description of those routes shall be included in the public notice. Traffic routes may, for efficiency of posting in the public notice, entail a list of streets and municipalities utilized for ingress/egress to/from the facility. This provides information to

- d. Hours of operation if affected;
 - e. Plan Amendment Implementing Agency point of contact name and contact information (including office, phone and email communication/address information);
 - f. Location of and point of contact information (office, phone, email) to arrange for review of complete Plan Amendment documents, including a link on an appropriate website (such as County, municipal, or Implementing Agency website) to required on-line posting of same, containing all details of the proposed Plan Amendment.
2. For **Plan Amendments** associated with facility or other actions, the Plan Amendment documents made available to the public for review, including on-line posting, and submitted for Department review shall contain:
- a. Items required pursuant to N.J.A.C. 7:26-6.10 as applicable;
 - b. Proof of publication of public notice, with an affidavit of publication issued by the publishing newspaper (when available), in compliance with the requirements specified at N.J.A.C. 7:26-6.10(c);
 - c. A copy of the transcript of any public hearing(s), and a report of public comments to include all relevant oral and written comments received from the public and responses issued (when available);
 - d. A copy of the adopting ordinance or resolution;
 - e. The full Plan Amendment² including, but not limited to, the following information:
 - 1. Details of action being proposed (i.e. new transfer station, increased capacity at recycling center, wasteflow redirection, disposal contract, etc.)
 - 2. Legal name of the company;
 - 3. Owner/Operator name;
 - 4. Contact information (phone, email, office) for the Solid Waste Implementing Agency, the administrator of the public hearing process, the owner, operator, and representative of the subject of the Plan Amendment;
 - 5. Lot/Block numbers of the site (if applicable);
 - 6. Street Address of the site;
 - 7. Corporate Address (if different than the site address);
 - 8. Type of facility (i.e. Solid Waste/Recycling);
 - 9. Waste types or recyclable materials to be accepted;
 - 10. The current use of the site if a new site;
 - 11. Capacity being requested:
 - a. Daily (and/or weekly average, and/or yearly if applicable or as appropriate);

potentially interested or affected parties who may not be physically in proximity to a proposed facility, but who may be impacted by traffic. Plan Amendment documents shall contain complete traffic information.

² Currently 20 hard copies are required by N.J.A.C. 7:26-6.10(d). However, due to email distribution and online posting, multiple copies are not necessary.

- b. Landfills shall identify total volumetric capacity/change;
 12. Traffic routes to and from the facility; and
 13. Days and hours of operation.
3. Consistent with Governor Murphy's Executive Order 23 (EO 23) and recognizing that Environmental Justice in the context of EO 23 includes, but is not limited to, ensuring that residents of any and all affected communities are provided sufficient notice of and opportunity to review and comment on Plan Amendments, Implementing Agencies are expected to provide (and document how the below was achieved, or reasons why it was not possible/necessary), at a minimum:
 1. Notices of public hearings and opportunity for the public to participate in the public hearings in language(s) commonly spoken by the impacted communities;
 2. Direct notification to, and offer to assist, any established community group, advocates for a community, or an Environmental Justice group representing the impacted community to ensure full participation in the public hearing process;
 3. Physical posting of notices of public hearings in community buildings, municipal offices, supermarkets, as well other places that affected parties may frequent within the affected community;
 4. Public hearings that occur in the affected community in locations easily accessible to local residents and accessible by public transportation if available;
 5. For each Plan Amendment proposed, at least one public hearing shall be held during the business day and at least one public hearing shall be held during evening hours; and
 6. Other measures as necessary to ensure full participation by potentially affected parties.

For Plan Amendments currently in process as of the date of this letter, the Implementing Agency should contact their below Department Planning Representative to discuss how to proceed.

Should you have any questions regarding the above, please contact your Department Planning representative, Joanne McClendon at Joanne.McClendon@dep.nj.gov or Dawn Slawsky at Dawn.Slawsky@dep.nj.gov.

Sincerely,



Scott Brubaker, Deputy Director,
NJDEP Division of Solid and Hazardous Waste

c. Mary Jo M. Aiello, Director, DSHW
Ed Nieliwocki, DSHW Planning Supervisor
County Solid Waste Advisory Councils

