



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  
MERCER COUNTY SOLID WASTE  
MANAGEMENT DISTRICT**

**CERTIFICATION  
OF THE JUNE 10, 1993  
AMENDMENT TO THE MERCER 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 July 31, 1980, the Department of Environmental Protection approved, with modifications, the Mercer 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 Mercer County Board of Chosen Freeholders (County Freeholders) completed such a review and on June 10, 1993, adopted an amendment to its approved County Plan. The amendment proposed to:

- \* Address outstanding Emergency Solid Waste Assessment Task Force (Task Force) Final Report deficiencies;
- \* Include a blanket policy for the inclusion of compost facilities, recycling centers for Class A and B materials, and mixed loads processing facilities;
- \* Inventory recycling centers for Class A materials and for compost and/or leaf mulching operations; and
- \* Revise the Recycling Plan modification procedure.

The amendment was received by the Department of Environmental Protection and Energy (Department or DEPE) on July 12, 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 10, 1993 is approved in part and rejected in part as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the June 10, 1993 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 approved portions of this plan amendment are consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the issues of concern relative to the June 10, 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 10, 1993 Amendment

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

Wastewater Facilities Regulation Element, DEPE  
Land Use Regulation Element, DEPE  
Division of Parks and Forestry, DEPE  
Division of Fish, Game and Wildlife, 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 Community Affairs

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

Department of Transportation  
Department of the Public Advocate  
U.S. Environmental Protection Agency

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

Division of Solid Waste Management, DEPE  
Office of Air Quality Management, DEPE

2. Comments Received for the June 10, 1993 Amendment

Issue: Blanket Plan Amendment Procedure

The County has adopted a comprehensive blanket inclusion policy for compost facilities, mixed loads processing facilities, and recycling centers which process Class A and B materials. In the DEPE's Solid Waste Policy Guidelines of June 1991, counties were encouraged to adopt blanket inclusion policies for compost facilities, recycling centers, and materials processing facilities. However, the materials processing facilities envisioned in that document were recycling centers processing commingled recyclables, not materials recovery facilities which remove recyclables from the solid waste stream. This type of processing facility, with its potential adverse environmental impacts, should be included into the County Plan through the standard plan amendment procedure to allow for proper public comment. The blanket inclusion policy is intended for facilities with benign or minimal effect on the

environment such as composting of vegetative material and certain recycling operations. Also, the County's blanket inclusion policy for mixed loads facilities specifies operating requirements for these facilities. The State has promulgated in the October 18, 1993 issue of the New Jersey Register mixed loads regulations which preempt the regulatory authority of the County concerning the operation of mixed loads facilities. Therefore, within Section C. the certification rejects both the blanket inclusion of mixed loads processing facilities and any operating conditions concerning these facilities.

**Issue: County Response to Task Force Recommendations**

On June 11, 1991, the County adopted a multifaceted plan amendment, a portion of which sought to address the recommendations of the Task Force Final Report. This amendment represented one of the first attempts of any county to address these important recommendations and preceded the issuance in late June 1991 of the Department's Solid Waste Policy Guidelines. The DEPE, in its certification of December 6, 1991, reviewed the June 11, 1991 amendment within the context of the Solid Waste Policy Guidelines and approved the County's strategy for addressing source reduction, recycling and regionalization. However, as noted below, the DEPE within the certification either directed or indicated that the County should consider further refinement of certain areas pertaining to source reduction and recycling in a subsequent plan amendment submission. Since a specific timeframe for the submission of the amendment was not identified, the required amendment was not received until July 12, 1993. The following is an enumeration of the deficiencies identified in the December 6, 1991 certification, the County's response to these Task Force deficiencies, and the Department's comments on the proposed plans and programs.

**Source Reduction**

**a. Source Reduction Goals**

Although not specifically directed, the County has provided additional information regarding its source reduction goals. As described in the amendment, prior to January 1, 1995, municipalities shall evaluate their waste collection and disposal practices to determine the feasibility of reducing waste collection to once per week. Municipalities shall encourage residents to limit the amount of waste disposed through weight and/or size, or number of collection containers set for disposal. Part of the County's 1992 Recycling Education Grant from the DEPE will be used to produce videos for the residential and commercial sectors. The MCIA has a schedule for filing waste audits in the public and private sector according to the number of employees which was provided within the June 11, 1991 amendment.

**b. Per Container Rate System**

The County was asked to consider the development of a per container rate system on a pilot project basis. As indicated within the amendment, the County does not believe that a countywide per container collection program

is feasible. The County believes per container programs are best implemented at the municipal level, and can be tailored to fit the individual needs of the community. Should a municipality adopt a per container collection system, the County will consider it as a pilot program.

**c. Source Reduction Education**

The County was directed to provide additional details regarding its various education programs. The County plans one or more workshops on source reduction in the areas of procurement and operations. The education program is further described in Section B.e. below. Since the County did not indicate a schedule, the County must provide within 180 days in a subsequent plan amendment submission a schedule for conducting these source reduction education workshops.

**d. Household Hazardous Waste Collection**

Although not specifically directed, the County has provided additional information regarding its household hazardous waste collection. The County will continue its public information efforts in regard to household hazardous waste through its collection days. The County is investigating the feasibility of a permanent household hazardous waste collection facility. When this facility is operational, a full-scale household hazardous waste education program will commence. Due to the importance of developing a permanent facility, the County must provide within 180 days in a subsequent plan amendment submission a schedule for investigating the development of a permanent household hazardous waste collection facility.

**Recycling**

**a. Ban on Designated Materials**

The County was asked to consider incorporating a ban on the acceptance of designated recyclables at solid waste facilities located within the County. The amendment indicates that mandated materials designated in the County Plan will be banned from disposal at registered solid waste disposal facilities in Mercer County. Unless authorized in writing by either DEPE or the County, no person shall transport or cause to be transported to an authorized solid waste facility any designated recyclable materials except in de minimus amounts. For purposes of this plan amendment, de minimus shall mean no more than 10% of a truckload or container. The Department considers 10% to be an excessive acceptable threshold and, as noted in Section C., has rejected this component of the amendment.

**b. Additional Designated Materials**

The County was asked to consider adding brush and wood waste to its list of designated recyclables and to expand its used motor oil collection system. The amendment has added two additional mandated recyclables, wood

and yard waste. The County will consider the designation of additional recyclables if markets are available. Also, the County has expanded its used oil collection system to include drop-off locations in East Windsor, Hamilton, and Lawrence Townships. The following materials are mandated to be recycled within the County:

- Office paper (commercial only)
- Mixed paper (commercial only)
- Newspaper (residential only)
- Magazines (residential only)
- Corrugated cardboard
- Glass containers
- Aluminum cans
- Plastic containers (PET and HDPE)
- Tin cans
- Bimetal cans
- Tires
- Vehicle batteries
- White goods
- Leaves
- Grass
- Used motor oil
- Ferrous auto scrap
- Yard waste \*
- Wood\* (commercial only)

\* Newly designated materials

c. Procurement Strategy

The County was directed to provide further information relative to its procurement strategy. The County encourages public entities such as the County administration, authorities, institution, school districts, and municipalities to revise all bid specifications to remove any prohibitions or restrictions against the purchase of recycled products to encourage the purchase of these products. The County will continue to educate the public and private sector on ways to increase the procurement of recycled products. 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 purchasing program and state distribution and support services 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 should note that in Executive Order No. 91, all grantees of State funding must adhere to all State procurement requirements.

**d. Marketing**

The County was directed to further address the development of marketing programs for the County's recyclables. The County has existing market contracts for the following materials: newspaper, corrugated cardboard, magazines, junk mail, aluminum cans, tin-plated steel cans, bi-metal cans, glass containers, P.E.T. beverage and H.D.P.E. beverage and detergent containers, aseptic juice boxes, and waxed milk/juice cartons. The listed items are collected curbside on a bi-weekly basis from the residential sector and multi-family complexes contracting with the County. Grass clippings are collected curbside on a weekly basis from May 1, through October 1. Consumer dry cell batteries were added to the curbside collection program on April 1, 1993. The County will continue developing markets for additional recyclables so that these materials may become mandated.

**e. Recycling Education**

The County was directed to provide additional details regarding its various education programs. The amendment describes the County's program for providing recycling education through the following:

- (1) Offer school education workbooks which cover all aspects of recycling including curbside collection, composting, Clean Communities, and household hazardous waste.
- (2) Provide signs at various supermarkets which describe the materials recycled in the County's curbside collection program.
- (3) Provide the recycling mascot, "Will U. Recycle", at schools, fairs, parades, and other events.
- (4) Offer a recycling hot line through a local radio station.
- (5) Offer videotapes promoting recycling to target groups.
- (6) Develop a general education pocket brochure which will provide up-to-date facts on available recycling programs.
- (7) Promote recycling by advertising on a routine basis in local newspapers and radio stations.
- (8) Issue awards on an ongoing basis to recognize recycling achievements by individuals and groups.

**f. Designated Recovery Targets**

The County was directed to provide targets for individual recyclable materials to show achievement of the 50% municipal waste stream and 60% total waste stream recycling rates by December 31, 1995. Although the County did not provide this data within the June 10, 1993 amendment, the County has projected achievement of these recycling goals within a separate document, "Addendum to the Mercer County, New Jersey Regional Waste Stream Assessment, November 1992."

**g. Financial Incentive Program**

The County was asked to consider the development of a financial incentive system for community groups and the private sector to assist in the achievement of the established recycling goals. The County has developed a Litter Bounty Program whereby community groups can clean public properties and be reimbursed for collected recyclables and litter. Regarding the private sector, incentives for achievement of the 60% recycling goal and source reduction measures will be developed. The County should provide within a subsequent plan amendment submission a schedule for achieving these measures.

**h. Transfer Station Modification**

The County was asked to consider modifying the existing transfer station to provide for the implementation of recycling activities. The transfer station is currently undergoing renovations. Once completed, the facility will be used to store and transfer vegetative and bulky waste for transport to the Atlantic County compost and bulky waste recycling facilities pursuant to the Atlantic/Mercer Interdistrict Agreement. The transfer station will also have provisions to collect and store other recyclable materials.

**i. Municipal Guidance Document**

The County was asked to consider the preparation of a municipal guidance document for distribution to each municipality outlining a model municipal permit program for construction and demolition activities. Such a program would guide construction and demolition work toward maximizing source separation and recycling. The County has not indicated within the plan amendment the development of this document. Therefore, the County should provide a schedule for the development of this document within a subsequent plan amendment submission.

As noted in Section C. of the certification, the Task Force strategy adopted by the County Freeholders concerning source reduction and recycling is approved. However, the above noted areas of source reduction and recycling should be considered by the County in further refinement and development of its solid waste program in a subsequent plan amendment submission.

**Issue: Regulatory Requirements**

Recycling centers and compost 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 and property. Also, recycling centers are 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. Finally, facilities that crush asphalt, concrete, brick, etc. must comply with the noise control code found at N.J.A.C. 7:29-1.



If any operation of the planned recycling centers will discharge pollutants as defined in N.J.A.C. 7:14-1.9, said operation must secure a New Jersey Pollutant Discharge Elimination System Permit and/or a Treatment Works approval for pollutant discharges prior to operation.

Further, the use of crushers, chippers and shredders will necessitate the control of particulate emissions to the air. Pursuant to N.J.A.C. 7:28-8.2(a), 7, 11, 15 and 16, air pollution control permits to construct, install or alter control apparatus or equipment are required.

The construction and operation of all recycling centers which receive, store process or transfer Class B recyclable materials, as defined at N.J.A.C. 7:26A-1.3, shall be preceded by the acquisition of the necessary approval as per N.J.A.C. 7:26A-3 et seq., and shall be in conformance with Department regulations and guidelines, including N.J.A.C. 7:26A-4 et seq.

C. Certification of the Mercer 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, I have reviewed the June 10, 1993 amendment to the approved County Plan and certify to the County Freeholders that the June 10, 1993 amendment is approved in part and rejected in part as further specified below.

1. Blanket Amendment Procedure

The County Plan inclusion of a blanket inclusion policy for recycling centers and compost facilities is approved. However, the County inclusion of a blanket inclusion policy for mixed loads facilities is rejected. As indicated in Section B., the DEPE advocates blanket inclusion of materials processing facilities which process commingled recyclables and not materials recovery facilities which remove recyclables from the solid waste stream. Further, the blanket policy for mixed loads processing facilities specifies operating conditions for these facilities which are preempted by the DEPE's mixed loads regulations which were promulgated on October 18, 1993 in the New Jersey Register.

A recycling center and a compost facility will be included within the County Plan under a blanket inclusion policy where the following conditions are met:

Prior to submitting the application to the County for plan inclusion for one of the facilities, the applicant shall schedule a preapplication conference with the Mercer County Improvement Authority (MCIA) to discuss the submission requirements, the review process, and the plan amendment procedures. The applicant shall have prepared for the preapplication conference the following:

- a) Site location map;
- b) Written description of the type of facility;
- c) Written estimate of the proposed design capacity of the facility;
- d) Written description of the proposed operations.

As a result of the preapplication conference for a compost facility, the applicant for plan inclusion shall submit an application/filing package pursuant to N.J.A.C. 7:26-1.7 and 1.11. Applications for plan inclusions for leaf mulching facilities pursuant to N.J.A.C. 7:26-1.12 shall indicate to the MCIA that the applicant shall comply with the provisions of N.J.A.C. 7:26-1.12. No other plan modification shall be required to include compost facilities or recycling centers which process Class A or B materials provided that:

**For Vegetative Compost Facilities**

The host municipality, the County Freeholders, and the MCIA are notified in writing of the proposed application/filing package and each receives a full copy of the complete application/filing package submitted to the DEPE including all engineering designs reports, maps etc. which the DEPE requires of the applicant. For leaf mulching operations seeking to operate pursuant to N.J.A.C. 7:26-1.12, the proposed owner or operator shall issue a notice to the above entities prior to operation and shall demonstrate compliance with N.J.A.C. 7:26-1.12.

**For Recycling Centers Processing Class A Materials**

The host municipality, the County Freeholders, and the MCIA are notified in writing of the request to be included in the plan and each receive a project description in which the applicant demonstrates the following:

- a. The corporate name, address, and telephone number of the person seeking to own or operate the proposed recycling center;
- b. the name of the individual serving as a contact person;
- c. the location of the recycling center, including the lot and block, and the generally recognized address of the site;
- d. the acreage of the site and/or square footage of the recycling center;
- e. the zoning of the site;
- f. a description of the material(s) to be received, stored, processed, or transferred at the recycling center;
- g. projected daily capacity in tons by material to be received, stored, processed, or transferred;
- h. the daily capacity of the recycling center;
- i. a narrative description of the daily operations;
- j. a map delineating the actual location of the facility in relationship to the host municipality and neighboring communities;
- k. a description of the major processing equipment in the recycling center;
- l. the applicant submits written documentation that all applicable local approvals have been secured;
- m. an indication of how the applicant will comply with N.J.A.C. 7:26A-4.1 which provides operational standards and general rules for recycling centers accepting Class A recyclables.

**For Recycling Centers Processing Class B Materials**

The host municipality, the County Freeholders, and the MCIA are notified in writing of the request to be included in the County Plan and each

receives a copy of the complete application to be submitted to the DEPE including all engineering designs, reports, maps, for approval of recycling center accepting Class B materials as set forth in N.J.A.C. 7:26A-3. The applicant submits written documentation that all applicable local approvals have been secured.

**For Compost Facilities and Recycling Centers Processing Class A and B Materials**

- a. Two weeks subsequent of notifying the appropriate agencies, the applicant publishes two notices of the proposed application for plan inclusion, once each week for two weeks, in a newspaper of general circulation within the host municipality. The notice shall set forth the following:
  - (1) The name of the applicant, owner and/or operator of the facility;
  - (2) The generally recognized address of the site;
  - (3) The lot and block number of the site location;
  - (4) The location of the depositories for inspection of the complete application and supporting documents;
  - (5) A statement that written comments on the proposed application will be accepted by the office of the Mercer County Improvement Authority and the host municipality for a period of 30 days from the date of first notice.
  - (6) In the event written or oral comments are received, those comments shall be forwarded to the Solid Waste Advisory Council and the County Freeholders for review.
- b. The applicant shall forward a copy of the notice to the MCIA that all notification requirements were met.
- c. The compost/mulching or recycling center shall provide the MCIA with the proper documentation of the amount of material collected at each site for the purposes of tonnage grant reporting.
- d. If no objections to the site or facility are raised within the 30 day comment period, the site or facility will be considered consistent with the goals and objectives of the County Plan and will be considered included in said plan upon adoption of a resolution to that effect by the County Freeholders. The MCIA shall notify the DEPE and the applicant in writing of such plan inclusion after adoption of a County Freeholder resolution. The County Freeholders shall make a determination as to what constitutes substantive comments.
- e. The facilities which process Class A and B materials shall keep, or cause to be kept, proper records of the amount and type of material collected at each site, as well as the origin of each material.

**2. Task Force Recommendations**

The County Plan inclusion of Mercer County's response to the Task Force Final Report deficiencies from the June 11, 1991 amendment is approved as follows:

**a. Source Reduction**

The County's strategy to enact specific source reduction tasks comprising source reduction goals, household hazardous waste, 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 investigating the development of a permanent household hazardous waste collection facility and for conducting source reduction education workshops.

**b. Recycling**

The County's strategy to enact specific recycling tasks comprising the designation of additional recyclable materials, procurement, marketing, education, a financial incentive program for community groups, modifications to the County transfer station, and banning designated recyclables is approved. However, as noted in Section B., within the County's policy on banning designated materials at solid waste facilities, an acceptance threshold for recyclables of 10% has been established. The DEPE considers this amount to be excessive and, therefore, this policy is rejected.

**3. Recycling Plan Modification Procedure**

The modification procedure for the Recycling Plan will be as follows:

a. Minor modifications (Section 7.1) to the Recycling Plan adopted by the County Freeholders on June 11, 1991 shall include matters directly relating to the operation of the recycling system and the availability of recycling facilities for use by municipalities and commercial/industrial/institutional establishments. Modifications to the Recycling Plan classified as minor shall be included and incorporated into the County Plan after the following events have occurred:

- (1) The modifications shall be adopted by the MCIA Board of Commissioners at a regularly scheduled meeting, following review by the Solid Waste Advisory Council at which the public is offered an opportunity to comment. Solid Waste Advisory Council review must be completed within 20 days.
- (2) The MCIA Board of Commissioners at a meeting advertised in accordance with the Open Public Meetings Act (P.L. 1975, c. 231), at which the public is offered the opportunity to comment, shall vote to recommend such minor modifications to the Mercer County Board of Chosen Freeholders.

- (3) An affirmative resolution shall be adopted by the Board of Chosen Freeholders.
  - (4) The Freeholders in their discretion may decide that a public hearing is necessary. In that event, the public hearing shall be conducted in accordance with the procedures for a public hearing outlined in Section 7.2 "Major Modifications."
- b. Section 7.2 of the Recycling Plan adopted June 11, 1991, "Major Modifications," shall remain as adopted.
- c. Section 7.3 of the Recycling Plan adopted June 11, 1991, "No Modification," shall be changed to include the following addition:
- (7) Changes in the operation of recycling depots, hours, collection schedules, and/or collection days.

The County is hereby notified that the DEPE has promulgated regulations concerning the construction and operation of recycling centers which supersede the authority of the County. Specifically, the DEPE's regulations at N.J.A.C. 7:26A-1 et seq. govern all technical operational standards at recycling centers.

**4. Recycling Centers Processing Class A Materials**

The County Plan inclusion of the following facilities for processing Class A materials which operate within the County and were operating prior to January 1, 1993 is approved:

A-1 Recycling Co., Inc. 1480 Parkside Avenue, Trenton  
C & R Waste Materials, Beakes Street, Trenton  
F & W Scrap Metal Co., 461 New York Avenue, Trenton  
Hamilton Auto Recycling, 225 Turnbull Avenue, Hamilton  
Mercer Wrecking & Recycling, 526 New York Avenue, Trenton  
Princeton Waste & Metal, 409 Alexander Road, Princeton  
Scarpati Scrap Metals, 10 Nottingham Way, Trenton  
Trenton Iron & Metal, 301 Enterprise Avenue, Trenton  
Trenton Recycling Center, 500 Brunswick Avenue, Trenton

**5. Compost and/or Leaf Mulching Operations**

The County Plan inclusion of the following compost and/or leaf mulching operations is approved:

Town	Facility
East Windsor Township	Astrab Farm/Mulch
Ewing Township Block 13, Lots 16 & 17	Ewing Twp. Compost
Hamilton Township Block 499, Lot 15	Hamilton Twp. Compost

Hightstown Borough Block 7, Lot 41	Hightstown Compost
Hopewell Borough	Johnson Farm/Mulch
Hopewell Township Block 92, Lots 5 & 49	Hopewell Twp. Compost
Lawrence Township Block 16, Lots 39, 40, 42, 43	Lawrence Twp. Compost
✓ Lawrence Township Block 44, Lot 4	Lawrence Twp. Compost
Pennington Borough	Hopewell Twp. Compost
Princeton Borough Block 3, Lot 2	Princeton U. Compost
Princeton Twp. Block 32.04, Lots 38 & 128	Princeton Twp. Compost Princeton U. Compost
Trenton City Block 102A, Lot 27	City of Trenton Compost
Washington Township Block 8, Lot 33	Astrab Farm/Mulch
West Windsor Township Block 6, Lots 17 & 32	West Windsor Compost

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 approved portions of this amendment to the County Plan and which was executed prior to the approval of the approved portions 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 the approved portions 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 approved portions of the amendment contained herein shall operate in compliance with the approved portions of 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 this amendment certified herein.

5. Definitions

For the purpose of the approved portions 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 this amendment to the County Plan contained herein shall take effect immediately.

7. Reservation of Authority

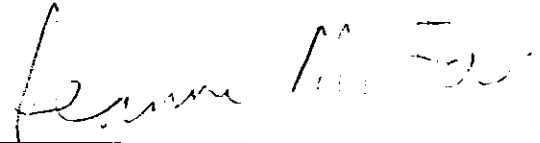
Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with

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 in Part and Rejection In Part 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 and reject in part the amendment, as outlined in Section C. of this certification, to the Mercer County District Solid Waste Management Plan which was adopted by the Mercer County Board of Chosen Freeholders on June 10, 1993.

Dec. 8, 1993  
DATE



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