



State of New Jersey

Christine Todd Whitman  
Governor

Department of Environmental Protection  
Office of the Commissioner  
CN 402  
Trenton, NJ 08625-0402  
Tel. # 609-292-2885  
Fax. # 609-292-7695

Robert C. Shinn, Jr.  
Commissioner

**IN THE MATTER OF CERTAIN AMENDMENTS  
TO THE ADOPTED AND APPROVED SOLID  
WASTE MANAGEMENT PLAN OF THE  
SOMERSET COUNTY SOLID WASTE  
MANAGEMENT DISTRICT**

**CERTIFICATION  
OF THE DECEMBER 17, 1996  
AMENDMENT TO THE SOMERSET COUNTY  
DISTRICT SOLID WASTE MANAGEMENT PLAN**

**BY ORDER OF THE COMMISSIONER:**

**A. Introduction**

The New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) established a comprehensive system for the management of solid waste in New Jersey. The Act designated all twenty-one (21) of the state's counties, and the Hackensack Meadowlands District, as Solid Waste Management Districts, and mandated that the Boards of Chosen Freeholders and the Hackensack Meadowlands Development Commission develop comprehensive plans for waste management in their respective districts. On July 31, 1980, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Somerset 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 Somerset County Board of Chosen Freeholders (County Freeholders) completed such a review and on December 17, 1996, adopted an amendment to its approved County Plan. The amendment revises the list of designated materials to be recycled by the nonresidential generators of solid waste located within the County.

The amendment was received by the Department on January 16, 1997, 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 December 17, 1996 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 Somerset County District Solid Waste Management Plan Amendment**

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the December 17, 1996 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 portion of this plan amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the issue of concern relative to the December 17, 1996 amendment which is included within 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. All agencies contacted are as follows:

Division of Parks and Forestry, DEP  
 Division of Fish, Game and Wildlife, DEP  
 Division of Compliance and Enforcement, DEP  
 Division of Solid and Hazardous Waste, DEP  
 Division of Water Quality, DEP  
 Office of Air Quality Management, DEP  
 Green Acres Program, DEP  
 Land Use Regulation Element, DEP  
 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  
 U.S. Environmental Protection Agency

1. Agency Participation in the Review of the December 17, 1996 Amendment

The following agencies did not object to the proposed amendment:

Division of Water Quality, DEP  
Division of Parks and Forestry, DEP  
Green Acres Program, DEP  
New Jersey Turnpike Authority  
Department of Agriculture  
Department of Community Affairs

The following agencies did not respond to our requests for comment:

Division of Fish, Game and Wildlife, DEP  
Office of Air Quality Management, DEP  
Division of Compliance and Enforcement, DEP  
Land Use Regulation Element, DEP  
Department of Health  
Department of Transportation  
U.S. Environmental Protection Agency  
New Jersey Advisory Council on Solid Waste Management

The following agency provided substantive comments as shown in Section B. of the certification document:

Division of Solid and Hazardous Waste, DEP

2. Issue of Concern Regarding the December 17, 1996 Amendment

**Issue: Amendment History for Designating Recyclable Materials**

On December 5, 1995, the County adopted an amendment which designated 33 materials to be recycled by the nonresidential generators of solid waste located within the County. In the May 25, 1996 certification of the December 5, 1995 amendment, the Department approved the list of designated recyclable materials but noted its concern pursuant to the number of materials designated for recycling by the commercial sector and the availability of markets for the materials. Specifically, the Recycling Act at N.J.S.A. 13:1E-99.14 requires "Each county, shall within six months of the adoption and approval by the Department of a district recycling plan required pursuant to section 3 of this amendatory and supplementary act, 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..." Therefore, by the actions taken in the December 5, 1996 amendment, Somerset County obligated its municipalities to provide recycling collection

services for all designated materials while also obligating the County to act as the marketer of last resort for all designated materials. The County was directed in the May 25, 1996 certification to submit a subsequent plan amendment to delete those designated materials for which markets could not be secured. In response to this directive, the December 17, 1996 amendment revises the list of designated recyclable materials to delete those materials for which sustainable markets do not exist. However, the Department is still concerned that at this time a secure market may not exist for one of the designated materials; namely, asphalt-base roofing shingles. Therefore, within Section C. of this certification, the DEP is approving in part and rejecting in part the amendment by approving all revisions to the list of designated materials to be recycled by the commercial sector with the exception of asphalt-base roofing shingles which is rejected. Also, the County is hereby advised that if in the future a secure market for this material becomes available, a modification to the designation of recyclable materials can be accomplished through an administrative action (pursuant to N.J.A.C. 7:26-6.11(b)6.) rather than by an amendment to the county plan.

**C. Certification of the Somerset 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 December 17, 1996 amendment to the approved County Plan and certify to the County Freeholders that the December 17, 1996 amendment is approved in part and rejected in part as further specified below.

The County Plan inclusion of revisions to the list of designated materials to be recycled by nonresidential generators of solid waste is approved. Specifically, the revised list of designated recyclable materials is as follows:

- Aluminum Cans
- Antifreeze
- Computer Printout/White Ledger
- Concrete, Asphalt, and Masonry/Paving Material
- Consumer Batteries
- Corrugated
- Glass Containers
- Heavy Iron
- Lead-Acid Batteries
- Leaves and Brush
- Magazines and Junk Mail
- Newspaper
- Mixed Office Paper
- Plastic Containers (PETE #1 & HDPE #2)
- Scrap Autos

Steel Cans  
Stumps, Logs and Tree Parts  
Textiles  
Tires  
Used Motor Oil  
White Goods and Light Iron  
Wood Scrap

However, as noted within Section B. of this certification, the designation of asphalt-base roofing materials as a material to be recycled by nonresidential generators of solid waste is rejected due to the lack of a secure market at this time. Also, as noted in Section B., the County is advised that if in the future a secure market for this material becomes available, a modification to the designation of recyclable materials can be accomplished through an administrative action rather than by an amendment to the county plan.

**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 waste, sewage sludge, septage, and hazardous waste. All nonhazardous materials separated at the point of generation for sale or reuse and all construction and demolition waste classified as Type 13C 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 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 portion 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, -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of the Amendment

The approved portion of the amendment to the County Plan contained herein shall take effect immediately.

7. Reservation of Authority

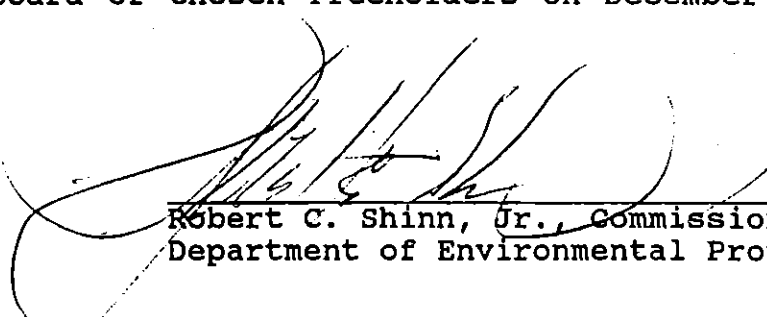
Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan, with appendices, which includes the Department's 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 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 in part and reject in part the amendment, as outlined in Section C. of this certification, to the Somerset County District Solid Waste Management Plan which was adopted by the Somerset County Board of Chosen Freeholders on December 17, 1996.

Date

5/8/97

  
Robert C. Shinn, Jr., Commissioner  
Department of Environmental Protection