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Scott A. Weiner
Commissioner

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

CERTIFICATION
OF THE JULY 9, 1991
AMENDMENTS TO THE ATLANTIC 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 June 24, 1982, the Department of Environmental Protection approved, with modifications, the Atlantic 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 plan at any time and, if found inadequate, a new plan must be adopted. The Atlantic County Board of Chosen Freeholders (County Freeholders) completed such a review and on July 9, 1991, adopted amendments to its approved County Plan. The amendments proposed site inclusion of a vegetative waste composting facility and an enclosed composting facility at the Fritz Haneman Environmental Park (Environmental Park) in Egg Harbor Township, and inclusion of the Atlantic County/Mercer County Interdistrict Agreement and attendant modified waste flows. The amendments also proposed deletion of the waste-to-energy incineration technology and site designation at the Environmental Park, inclusion of modifications to the County Recycling Plan and source reduction policies, inclusion of a household hazardous waste management program and Joe's Auto Wreckers tire recycling center.

The amendments were received by the Department of Environmental Protection and Energy (Department or DEPE) on July 31, 1991 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed these amendments, as well as the entire County Plan, and has determined that the amendments adopted by the County Freeholders on July 9, 1991 are approved as provided in N.J.S.A. 13:1E-24. While the immediate plan amendments have been approved, deficiencies in the County Plan have been identified within Section C. of this certification.

B. Findings and Conclusions with Respect to the Atlantic County District Solid Waste Management Plan Amendments

Pursuant to N.J.S.A. 13:1E-24a(1), I, Scott A. Weiner, Commissioner of the Department, have studied and reviewed the July 9, 1991 amendments 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 these plan amendments are consistent with the Statewide Solid Waste Management Plan.

In conjunction with the review of the amendments, the Department circulated copies to eighteen 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 as well as the Federal Government. Among these agencies were the following:

Division of Environmental Quality, DEPE
Division of Coastal Resources, DEPE
Division of Parks and Forestry, DEPE
Division of Fish, Game and Wildlife, DEPE
Division of Solid Waste Management, DEPE
Green Acres Program, DEPE
Bureau of Water Quality Planning, DEPE
New Jersey Geological Survey, DEPE
Pinelands Commission
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
U.S. Department of Agriculture, Animal Damage Control Program

1. Agency Participation in the Review of the July 9, 1991 Amendments

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

Division of Parks and Forestry, DEPE
New Jersey Turnpike Authority
Department of Agriculture
Department of Transportation
U.S. Environmental Protection Agency

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

Division of Coastal Resources, DEPE
Green Acres Program, DEPE
New Jersey Advisory Council on Solid Waste Management
Department of Health
Department of Community Affairs
Department of the Public Advocate

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

Pinelands Commission
Division of Environmental Quality, DEPE
New Jersey Geological Survey, DEPE
Bureau of Water Quality Planning, DEPE
Division of Fish, Game and Wildlife, DEPE
Division of Solid Waste Management, DEPE
U.S. Department of Agriculture, Animal Damage Control Program

2. Issues of Concern Regarding the July 9, 1991 Amendments

Issue: Specific Permitting Requirements for the Planned Composting Facilities

Composting facilities and transfer stations 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, which 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.

The enclosed composting facility is consistent with the Atlantic County Water Quality Management Plan (WQMP) as long as wastewater generated from this facility is treated at the Atlantic County Utilities Authority (ACUA)

sewage treatment plant. If any other method of wastewater disposal is proposed for this facility, an amendment to the Atlantic County WQMP would be required. Similarly, before any sludge is processed at this facility, such action must be consistent with the approved District Sludge Management Plan.

The County has yet to conduct an Endangered Species Survey at the Environmental Park site. Continued development at this site may occur on land that should be set aside for preservation or open space for displaced wildlife. A survey should be conducted which identifies existing development, proposed development, areas protected by regulation (i.e. wetlands), and valuable habitat areas.

These permitting issues of concern are more appropriately addressed during the Department's technical phase of the permit review process. By copy of this certification, the County Freeholders and the ACUA are notified of these requirements.

Issue: Specific Permitting Requirements for Joe's Auto Wreckers Tire Recycling Center

Due to the history of the site as an auto salvage facility, a comprehensive site assessment should be completed. This area of the County has ground water exceeding maximum concentration limit standards for volatile organics and heavy metals and given the potential for past/present uses of solvents/degreasers and refrigerants/oils, it is advisable to have the site fully characterized in terms of chemical quality to eliminate this salvage yard as a potential remedial property and for future considerations.

Also, the Pinelands Commission noted that the tire recycling facility is predominantly located in a Pinelands Forest Management Area with a small portion located in a Pinelands Rural Development Management Area. Therefore, a detailed application must be submitted before a consistency determination can be made by the Pinelands Commission.

These issues of concern are more appropriately addressed during the Department's technical phase of the approval review process. By copy of this certification, the County Freeholders and the applicant are notified of these requirements.

Issue: Specific Concerns Regarding the Atlantic County/Mercer County Interdistrict Agreement and the Appropriateness of Incineration

The interdistrict agreement relies on the utilization of an out-of-state disposal facility with which both counties have long-term disposal contracts. With regard to Atlantic County, the contractual agreement is for the disposal of 2 million tons of solid waste within a ten-year period, commencing in 1990. This long-term reliance on out-of-state disposal facilities is not consistent with the State's policy of long-term self-sufficiency in solid waste management.

Also, Atlantic County agreed to provide backup ash residue disposal capacity at their limited use landfill. The current permit for the limited use landfill restricts the allowable waste types to be accepted at this facility to be solid waste type 13 bulky waste and solid waste type 27 dry industrial waste (excluding incinerator ash residue). Therefore, for the limited use landfill to be able to accept ash residue from the Mercer County waste-to-energy facility, Atlantic County must obtain a modification to the limited use landfill's solid waste facility permit.

Concerns have been raised over the appropriateness of counties which are not adjoining signing an interdistrict agreement. Also, whether a "cap" on the capacity of the proposed resource recovery facility has been considered to minimize air contaminants/emissions levels. Further, whether increasing the size of the planned resource recovery facility would require a new health risk assessment and jeopardize mitigation features previously presented by the applicant for the project which addressed only Mercer County waste. These mitigation features included preservation of certain wooded areas around the site perimeter, cleanup/establishment of a successional landscape park and part of the resource recovery facility site, as well as the use of air cooled condensers. Finally, whether new technologies in upgraded recycling and high-tech composting have been considered by the counties as an alternative to incineration.

The concerns which relate to the technical review portion of the resource recovery application will be addressed during the Department's technical review process. In this regard, limits will be assessed to determine environmental acceptability concerning facility capacity relative to air emissions. Regarding the planning concerns raised, although the "region" as defined by the Mercer/Atlantic agreement does not involve adjoining counties, the agreement is appropriate in that it benefits both counties and limits the need for an incinerator in each county. Regarding alternative technologies, as noted in Section C., the Atlantic County plan addresses the Solid Waste Assessment Task Force goals in proposing the use of an integrated solid waste system involving source reduction, 60% recycling, bulky waste processing, leaf, grass and food waste composting, incineration and landfilling. As part of this system, the use of a regional incinerator employing state-of-the-art environmental safeguards is consistent with the Task Force goals and statewide solid waste policy. Finally, as noted in Section C., despite the fact that in-state back up capacity has been identified, both Mercer and Atlantic Counties must continue to investigate alternate in-county or in-state disposal capacity for ash and by-pass waste. By copy of this certification, the County Freeholders and the ACUA are notified of these comments.

Issue: Air Traffic Safety and Bird Attraction Concerns

The U.S. Department of Agriculture's (USDA) Animal Damage Control Program noted that the Environmental Park is located in a very sensitive area with respect to the Atlantic City International Airport (referred to under aviation nomenclature as ACY). When considering what effects additional solid waste handling operations will have on aviation safety at the ACY, it is essential to weigh the cumulative effects. The airport safety

environment extends well beyond its physical boundaries. Additional sites with the potential to attract birds into the ACY's safety environment should only be permitted after considering the bird attraction potential. Bird strikes at the airport are increasing; it may only be a matter of time before the hazard birds pose to aviation safety is realized at the ACY.

The amendments of July 9, 1991 will increase the solid waste handling activity at the Environmental Park, thereby increasing its attractiveness to gulls and increasing chances for an operational failure that will reward gulls with food. Specifically, the vegetative composting facility and limited use landfill may provide food sources which are not enclosed. Both will provide scraps for scavengers to pick through and harbor insects that attract birds. Composting piles will yield an abundance of insects (flies and beetles) and earthworms. Monthly turning of windrows will expose the insects creating a situation with the potential to attract large concentrations of birds.

An additional concern is the potential for future disposal of ash from the Mercer County waste-to-energy facility. Specifically, the Atlantic County/Mercer County agreement states that the "Atlantic County Utilities Authority (ACUA) agrees to provide backup disposal capacity at the Limited Use Landfill . . ." Ash from municipal waste incinerators contains recognizable remains of putrescible trash. Gulls, crows and vultures are attracted to incinerator ash. They flock to the trucks when the ash is dumped and pick through the debris retrieving charred food remains as the ash is being spread throughout the cell.

These issues of concern of the USDA have been received in response to previous amendments siting other facilities at the Environmental Park. The Department's response has been that appropriate conditions and/or restrictions may be able to mitigate the possibility of the bird attraction problem of the new facilities proposed within the amendment and that the ability of such conditions to reduce bird activity to a level which does not pose an unacceptable risk to aviation should be assessed during the technical phase of permit review. Therefore, as noted within Section C. of this certification, specific bird deterrent measures, monitoring procedures, and contingency plans are required of the applicant/ACUA for submission and approval by the Department prior to operations at the facilities sited by this plan amendment, specifically, the vegetative waste composting facility and the enclosed composting facility. By copy of this certification, the County Freeholders and the ACUA are notified of these requirements.

Issue: Solid Waste Assessment Task Force Requirements

Numerous comments concerning the County's attaining the Solid Waste Assessment Task Force requirements have been raised and are outlined below:

- a. **Procurement Strategies** - Information concerning the procurement approach used by the County in contracting for recycling services should be described in order for the Department to assure that competition was, and will be, encouraged while the expansion in the recycling effort occurs.

b. **Marketing** - A schedule should be provided to address the continued development of marketing programs for the County's recyclables.

c. **Education Programs** - The County Plan should include additional details and schedules regarding the expansion of existing and proposed education programs, associated timeframes and the scope of activities. Program specifics should be included within a subsequent plan amendment and address educational/promotional needs in the area of source reduction, procurement of recycled products, household hazardous waste management and County/municipal enforcement. The education strategy should also consider approaches necessary to reach different sectors of the County, including individuals, multi-family dwellings, commercial establishments, industry and community groups.

d. **Designated Recovery Targets** - In the September 14, 1988 certification of the March 15, 1988 amendment to the County Plan, the Department directed the County to modify the way in which it computed the then required 15% and 25% recycling recovery rates. In the July 9, 1991 amendment, the County acknowledged the directive and reworked the manner in which it determined the recycling rates. The current amendment also provides data to indicate that the County will recycle 60% of the total waste stream by 1995. However, the data does not indicate whether 50% of the municipal waste stream will be recycled by that year. The County should address this deficiency in a subsequent plan amendment submission. Further, the County should not consider the 50% and 60% rates as maximum planning targets and should continue to refine plans and programs toward achievement of even higher levels of recycling.

e. **General Comments** - In addition to the above comments regarding the County's amendment, additional areas of source reduction and recycling planning which should be given further consideration by the County have been identified. These areas are as follows:

1. Provide a schedule for the development of per container rate systems on a pilot project basis;
2. Amend the plan to incorporate an explicit ban on the acceptance of designated recyclable materials at transfer stations, landfills and incinerators within Atlantic and Mercer Counties;
3. Expand the existing service station collection of used motor oil to identify a network of County or municipally sponsored collection sites. The feasibility of incorporating used oil collection into curbside collection programs of recyclable materials should also be considered;
4. Develop a financial incentive systems for community groups and the private sector to assist in the achievement of the established recycling goals;
5. Expand designated recyclables to include brush, wood wastes, junk mail, white goods, and used motor oil.

6. Establish a guidance document which will be distributed to each municipality in the County and outline a model municipal permit program for construction and demolition activities. Such a municipal permit program would guide construction/demolition work toward maximizing source separation and recycling. The program could also be used to complement the operations of the planned bulky waste processing facility.
7. Provide blanket plan inclusion policies for recycling centers, designated recyclables, and compost facilities which will establish procedures by which needed facilities and recyclable materials can gain expedited County Plan inclusion.

As noted in Section C. of this certification, the proposed July 9, 1991 amendments are approved. However, the above mentioned areas of source reduction and recycling should be considered for further refinement by the County as outlined within Section C. in a subsequent plan amendment. Further, staff at the Department will be available to discuss the preceding comments and to work with the County to structure the plan amendment submission.

C. Certification of the Atlantic County District Solid Waste Management Plan Amendments

I, Scott A. Weiner, Commissioner of the Department, 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, have reviewed the July 9, 1991 amendments to the approved County Plan and certify to the County Freeholders that the July 9, 1991 amendments are approved as further specified below.

1. July 9, 1991 Amendments

- a. The amended site designation of the vegetative waste composting facility at the Environmental Park, Egg Harbor Township, Atlantic County, is approved. Specifically, the correct designation is Block 13-A, Lots 4 and 8; Block 17-A, Lots 8, 9, 11 and 12; Block 18-A, Lots 1 through 5 and 8; Block 19-A, Lots 1 and 2; Block 20-A, Lots 1 and 2; and Block 21-A, Lots 1 through 5, in Egg Harbor Township.
- b. The County Plan inclusion of the enclosed composting facility, to be located at the Environmental Park, Egg Harbor Township, Atlantic County, at Block 23-A, Lots 1, 2, 6 and 16; Block 22-A, Lots 1, 2 and 3; and Block 397A, Lots 1, 2 and 3 is approved.
- c. The inclusion of the concepts set forth within the interdistrict agreement of August 23, 1991 between the Mercer County Improvement Authority and the Atlantic County Utilities Authority as previously outlined in Sections A. and B. are approved. While the basic provisions of the interdistrict agreement are herein approved; specific elements of the proposal, such as tariff rates, facility and operations

financing, etc. are subject to regulatory submission requirements applicable to Mercer and Atlantic Counties and review and subsequent action by the Department. Further, the solid waste flow component of the plan amendment which is included within the interdistrict agreement is also approved as summarized below, but is subject to revision and clarification during waste flow rulemaking.

All processible solid waste type 10 generated from within all of the municipalities in Mercer and Atlantic Counties (after composting and recycling) shall be directed to the proposed Mercer County Resource Recovery Facility located in Hamilton Township, Mercer County for disposal.

All solid waste type 13 generated from within all of the municipalities in Mercer and Atlantic Counties shall be directed to the ACUA bulky waste recycling facility located in Egg Harbor Township for processing when it becomes available. All residue generated from the bulky waste recycling facility shall be disposed of at the ACUA limited use landfill located at the same site in Egg Harbor Township, Atlantic County.

All solid waste type 23 generated from within all of the municipalities in Mercer County shall be directed to the proposed ACUA compost facility located in Egg Harbor Township, Atlantic County only to the extent that capacity in Mercer County cannot accommodate the waste for composting.

All solid waste type 25 generated from within all the municipalities in Mercer and Atlantic Counties shall be directed to the Mercer County Resource Recovery Facility located in Hamilton Township, Mercer County (to the extent permitted by applicable licenses and approvals) and to the extent not permitted, to be disposed of by the County generating such waste.

All solid waste type 27 generated from within all the municipalities in Mercer and Atlantic Counties shall be directed to the ACUA limited use landfill located in Egg Harbor Township, Atlantic County for disposal consistent with the Mercer County/Atlantic County Interdistrict Agreement.

Additionally, all ash residue from the Mercer County Resource Recovery Facility and by-pass waste will be directed to the G.R.O.W.S. landfill in Pennsylvania. However, in the event that the G.R.O.W.S. landfill becomes unavailable for disposal of ash residue and by-pass waste, the Trenton Sludge Lagoons landfill (if permitted) and the ACUA landfill (if permitted) will serve as backup disposal capacity.

It is hereby noted that the agreement and plan amendment permit Atlantic County to accept recyclable materials generated in Mercer County. Pursuant to N.J.A.C. 7:26-6.3,

recyclable materials are exempt from the waste flow rules. However, this exemption from the waste flow rules does not preclude Atlantic County recycling facilities from accepting recyclable materials generated within Mercer County pursuant to the interdistrict agreement.

- d. The County Plan deletion of the waste-to-energy incineration technology and the deletion of the designated site for the facility at the Environmental Park, Block 397A, Lot 1, and Block 23A, Lots 1 and 16, in Egg Harbor Township, Atlantic County, are approved.
- e. The County Plan inclusion of modifications to the Atlantic County Recycling Plan are approved. Specifically,
 - 1. The following comprehensive listing of designated recyclables to be source separated in the residential, and commercial and institutional sectors of each municipality is approved.

Residential

Glass containers*
Newspapers*
Aluminum cans*
Corrugated cardboard*
HDPE, PET, and LDPE plastic
Household batteries
Tin and steel cans
Telephone books

Commercial and Institutional

Glass containers*
Newspapers*
Aluminum cans*
Corrugated cardboard*
Office paper*
Computer paper*
HDPE, PET, and LDPE plastic
Polystyrene
Tin and steel cans
Telephone books

*Previously designated recyclables

- 2. The inclusion within the ACUA's curbside recycling collection program of residential developments not serviced by municipal trash collection is approved.
- 3. The inclusion within the County Plan of the County's goal to recycle 60% of the district's total waste stream by December 31, 1995 is approved. However, as noted within Section B. of this certification, the

County has failed to indicate whether 50% recycling of the municipal waste stream by December 31, 1995 will be achieved. This deficiency must be addressed in a subsequent plan amendment submission.

4. The inclusion within the ACUA's curbside recycling collection program to include pickup at Atlantic County institutions and commercial establishments is approved.
5. The procedures by which the Atlantic County Recycling Plan may be modified are approved. Minor modifications such as, but not limited to, changes to collection schedules, and/or changes in municipal or county recycling coordinators may be made after consideration by the Atlantic County Solid Waste Advisory Council at a meeting for which public notice has been published at least once in a newspaper of general circulation no less than ten (10) days prior to the meeting, and upon affirmative resolution by the County Freeholders. Major modifications such as, but limited to, the designation of additional recyclable materials and/or siting of recycling facilities, shall follow the procedures for modifying the district solid waste management plan as contained in N.J.S.A. 13:1E-23. However, the County should consider the adoption of blanket plan inclusion policies for additional recycling centers and designated recyclables.
6. The inclusion within the recycling plan of the procedure by which the ACUA will issue notices of noncompliance to all solid waste transporters who, after January 1, 1992, transport loads for disposal containing recyclables in excess of 10% by volume is approved.
- f. The County Plan inclusion of the household hazardous waste management program is approved. This program provides collection days on an as needed basis for residents to safely dispose of materials such as paints, solvents, gasoline, pesticides, and other hazardous household materials. The County is investigating the siting of a permanent household hazardous waste collection facility at the Environmental Park in Egg Harbor Township. This facility will require plan inclusion approval, as well as any necessary permits from the Department, once a specific site has been identified .
- g. The County Plan inclusion of source reduction policies is approved. These policies include capping 1990 per capita waste generation by 1995 and reducing total waste generation by 2000; the ACUA conducting waste audits at County facilities and offices, municipalities, and public institutions; the ACUA endorsing a recycled products procurement policy for all its Departments and Divisions; the ACUA encouragement of

commercial recycling enterprises; the investigation by the ACUA of price per container disposal charges; a public education program by the ACUA; the encouragement by the ACUA of the development of community and civic reuse centers and programs; and the ACUA endorsement of backyard composting. However, the County should submit in a subsequent plan amendment a schedule for the implementation of the source reduction policies outlined above.

- h. The County Plan inclusion of Joe's Auto Wreckers tire recycling center located on Block 882, Lots 1.01, 1.02, 1.03, 2, 3, and 4, and Block 883, Lots 1, 2, and 3, in Hamilton Township, Atlantic County, is approved. The facility will recycle tires by shredding them into chips. No more than 62,500 whole tires shall be stored on site, shredded tires shall be stored no longer than six months, and the number of shredded tires stored on site shall not exceed 375,000 tires. All necessary permits and approvals required/issued by the Pinelands Commission must be obtained prior to construction and operation of this facility.

For the facilities identified in 1.a. and 1.b. above, the following are required by applicants in the form of submissions to address the potential for air traffic safety concerns associated with birds:

1. A bird deterrent plan, as part of a permit application package, which outlines mitigating measures to be used as part of facility construction. These shall include the use of systems to keep solid waste within enclosures whenever possible, constructing building structures with wire grids or rooftops to deter roosting, and a grading plan to avoid the ponding of rain water to the extent possible.
2. Formulation of a monitoring plan as part of an operations and maintenance manual for the routine observation, recording, and reporting of the presence of birds.
3. Development of contingency plans in the event that significant numbers of birds threaten air traffic safety and result in temporary or permanent facility closure.

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 to be deserving of licensing under the provisions on N.J.S.A. 13:1E-126.

2. Atlantic County District Solid Waste Management Plan Deficiencies

The entire County Plan, including this amendment, has been reviewed to determine whether the plan fulfills the requirements set forth in N.J.S.A. 3:1E-21. The result of that review is as follows:

- a. N.J.S.A. 13:1E-21b(4) requires a survey of proposed collection districts and transportation routes with projected transportation costs from collection districts to existing or available suitable sites for solid waste disposal facilities.

Pursuant to the Atlantic County/Mercer County Interdistrict Agreement, Atlantic County shall utilize the Mercer County resource recovery facility and Mercer County shall have access to various Atlantic County disposal facilities and recycling facilities. As a result, truck routes with projected transportation costs to the specific solid waste facilities are required. Therefore, I find the Atlantic County solid waste management plan deficient with regard to the provisions of N.J.S.A. 13:1E-21b(4) until such truck routes are identified. This deficiency must be addressed by Atlantic County within a subsequent plan amendment submission.

D. Other Provisions Affecting the Plan Amendments

1. Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with these amendments to the County Plan and which was executed prior to the approval of these amendments 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 these amendments and of the County Plan if such renegotiation is not completed within ninety (90) days of the effective date of these amendments, 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 amendments contained herein shall operate in compliance with these amendments 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.

4. Certification to Proceed with the Implementation of the Plan Amendments

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 amendments certified herein.

5. Definitions

For the purpose of these amendments 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 and N.J.A.C. 7:26-1.4 and -2.13.

6. Effective Date of the Amendments

The amendments 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 of the Amendments and Notification of Deficiencies by the 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 the amendments, as outlined in Section C. of this certification, to the Atlantic County District Solid Waste Management Plan which were adopted by the Atlantic County Board of Chosen Freeholders on July 9, 1991. I hereby also require, as noted in Section C., the Atlantic County Board of Chosen Freeholders to address the noted deficiencies.

12-17-91
DATE


SCOTT A. WEINER
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND ENERGY