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Scott A. Welner
Commissioner

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

CERTIFICATION
OF THE JUNE 9, 1992
AMENDMENT TO THE CUMBERLAND 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 March 4, 1981, the Department of Environmental Protection approved, with modifications, the Cumberland 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. Amendments to the Act found in N.J.S.A. 13:1E-136 et seq. require that, among other things, counties amend their County Plan to include an outline of the proposed uses of the moneys in the County Resource Recovery Investment Tax (RRIT) Fund, as well as establish a schedule for disbursement of the moneys in that fund.

The Cumberland County Board of Chosen Freeholders (County Freeholders) completed such a review and on June 9, 1992 adopted a multifaceted amendment to its approved County Plan. The June 9, 1992 amendment proposed a strategy for addressing the recommendations of the Emergency Solid Waste Assessment Task Force Final Report and modifications to the disbursement of RRIT Fund moneys. The latter proposal is the subject of this certification and has been expedited for review at the request of the County. The other proposal will be the subject of a subsequent certification.

The amendment was received by the Department of Environmental Protection and Energy (Department or DEPE) on July 9, 1992 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 9, 1992 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the June 9, 1992 amendment to the County Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and N.J.S.A. 13:1E-150 and I find and conclude that this plan amendment is consistent with the Statewide Solid Waste Management Plan and N.J.S.A. 13:1E-150 in proposing an acceptable disbursement schedule for moneys in the County RRIT Fund.

In conjunction with the review of the amendment, the Department circulated copies to seventeen 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 Energy, DEPE
Division of Parks and Forestry, DEPE
Division of Fish, Game and Wildlife, DEPE
Division of Solid Waste Management, DEPE
Green Acres Program, DEPE
Groundwater Quality Management Element, DEPE
Land Use Regulation Element, DEPE

Wastewater Facilities Regulation Element, 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
Pinelands Commission

1. Agency Participation in the Review of the June 9, 1992 Amendment

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

Land Use Regulation Element, DEPE
Division of Fish, Game and Wildlife, DEPE
Green Acres Program, DEPE
Department of Agriculture
Department of Transportation

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

Office of Energy, DEPE
Groundwater Quality Management Element, DEPE
Wastewater Facilities Regulation Element, DEPE
Division of Parks and Forestry, DEPE
Pinelands Commission
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Health
Department of Community Affairs
Department of the Public Advocate
U.S. Environmental Protection Agency

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

Division of Solid Waste Management, DEPE

2. Comments Received for the June 9, 1992 Amendment

Issue: RRIT Fund Use and Disbursement

On June 9, 1992 the County Freeholders adopted an amendment to their County Plan which reaffirmed the use of moneys from the RRIT Fund and provided a modified schedule for disbursement of those moneys. The amendment reaffirmed the use of moneys to finance operational costs at the County's materials separation facility (recycling center), bulky waste recycling facility, and proposed preprocessing and regional compost facilities. The preprocessing facility is planned to be located at the site of the County landfill in Deerfield Township and will sort solid waste prior to delivery to a regional compost facility. The plan inclusion of this facility is being addressed in the certification of the other portion of the June 9, 1992 amendment. However, a site for the regional compost facility has not been selected pending regionalization discussions.

These uses of the RRIT Fund were previously approved by the Department in its January 3, 1992 certification of the County's July 18, 1991 plan amendment. However, at that time, the Department indicated the need for further clarification of the County's proposed resource recovery system prior to authorizing RRIT Fund expenditures for that proposal. The County has now satisfied that requirement by specifying that the resource recovery system will comprise the materials separation facility, the bulky waste recycling facility, the preprocessing facility and the use of a regional compost facility. Also, the need to modify the disbursement schedule arose from decreased revenues credited to the County's RRIT Fund due to a reduction in the quantity of solid waste received at the County landfill. The Department previously approved, in the above noted certification, a disbursement schedule for the County's RRIT Fund which restricted the disbursement of RRIT Fund moneys for the approved uses to \$400,000.00 in any individual calendar year through 1997. As proposed in the June 9, 1992 amendment, the amount of disbursements from the County's RRIT Fund for the years 1992 through 1997 will total \$3,151,891.00 and will vary, depending upon the volume of material handled by each facility, the price of recyclable material and the operating costs for each facility, from a maximum of \$700,000.00 in 1993 to a minimum of \$252,624.00 in 1997. The County will also use 2% of the available RRIT Fund moneys for administrative purposes as permitted by N.J.S.A. 13:1E-136.

The modified disbursement schedule for the County's RRIT Fund is consistent with the requirements of N.J.S.A. 13:1E-150c. and is also consistent with the Department's content and format criteria for provisions of a disbursement schedule. However, RRIT Fund expenditures for the regional compost facility should be withheld until such a site receives DEPE plan amendment approval. Also, RRIT Fund expenditures for the preprocessing facility should be withheld pending approval of this facility in the subsequent certification of the June 9, 1992 amendment.

The County Freeholders are hereby notified of these comments.

C. Certification of the Cumberland 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 and N.J.S.A. 13:1E-150 which establishes eligible uses and disbursement schedule requirements for a County's RRIT Fund, I have reviewed the June 9, 1992 amendment to the approved County Plan and certify to the County Freeholders that the June 9, 1992 amendment is approved as further specified below.

The County Plan inclusion of the modified disbursement schedule for moneys from the County's RRIT Fund is approved. Previously, in the Department's January 3, 1992 certification of the July 18, 1991 amendment, the Department had approved the uses of and modifications to the disbursement schedule of the County RRIT Fund. However, regarding the approved uses, the Department had indicated the need for further clarification of the County's proposed resource recovery system prior to authorizing RRIT Fund expenditures for that proposal. Also, the certification restricted the

disbursement of RRIT Fund moneys to \$400,000.00 in any individual calendar year through 1997. Within the June 9, 1992 amendment, the County has reaffirmed the use of RRIT Fund moneys to finance the County's resource recovery system comprising the materials separation facility, the bulky waste processing facility, and the proposed preprocessing and regional compost facilities. This designation sufficiently clarifies for the Department the County's proposed resource recovery system.

Therefore, the Department finds that the disbursement schedule for RRIT Fund moneys totaling \$3,151,891.00 for the years 1992 through 1997 is approved. Also approved is the use of 2% of the available RRIT Fund moneys for administrative purposes as permitted by N.J.S.A. 13:1E-136. However, the County is prohibited from expending RRIT Fund moneys for the planned regional compost facility, pending DEPE plan amendment approval of such a site, and the preprocessing facility pending approval in the subsequent certification of the June 9, 1992 amendment. The disbursements will vary according to the following schedule:

| <u>1992</u> | <u>1993</u> | <u>1994</u> | <u>1995</u> | <u>1996</u> | <u>1997</u> |
|-------------|-------------|-------------|-------------|-------------|-------------|
| \$600,000 | \$700,000 | \$610,516 | \$489,410 | \$499,341 | \$252,624 |

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 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 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 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 and -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of the Amendment

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

7. Reservation of Authority

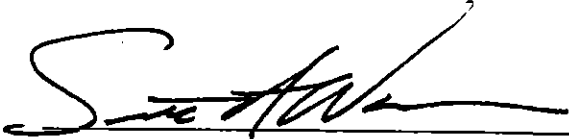
Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan. The Department has published a Statewide 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 Amendment 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 amendment, as outlined in Section C. of this certification, to the Cumberland County District Solid Waste Management Plan which was adopted by the Cumberland County Board of Chosen Freeholders on June 9, 1992.

DATE

9-18-92



SCOTT A. WEINER

COMMISSIONER

DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND ENERGY

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