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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. 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 amendment proposed the following: modifications to the disbursement of Resource Recovery Investment Tax (RRIT) Fund moneys; the inclusion of two recycling centers; the County's strategy to address the recommendations of the Emergency Solid Waste Assessment Task Force (Task Force) Final Report; and a blanket inclusion policy for recycling centers. This certification only addresses the latter components of the June 9, 1992 amendment. At the request of the County, the RRIT Fund disbursement schedule portion of the amendment was the subject of an earlier certification of September 18, 1992 in order to expedite the availability of monies to the County to fund elements of its recycling plan.

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 with modifications 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 I find and conclude that this plan amendment, as modified herein, is consistent with the Statewide Solid Waste Management Plan.

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  
Land Use Regulation Element, DEPE  
Groundwater Quality Management 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:

Division of Fish, Game and Wildlife, DEPE  
Division of Parks and Forestry, DEPE  
Green Acres Program, DEPE  
Land Use Regulation Element, DEPE  
New Jersey Turnpike Authority  
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  
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  
Pinelands Commission

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

Division of Solid Waste Management, DEPE

2. Issues of Concern Regarding the June 9, 1992 Amendment

Issue: Task Force Response

Numerous issues have been identified relative to the County's response to the Task Force Final Report. These issues are as follows:

a. Designated Recovery Target

The amendment indicates recycling recovery totals and rates for the municipal and total waste streams. The County has indicated achievement of a 60% total recycling rate and a 50% municipal recycling rate by December 31, 1995. However, the achievement of these recycling rates are predicated on facilities which have not been developed. Achievement of the 50% rate is based on development of a compost and preprocessing facility and the 60% rate is based on development of a bulky waste recycling facility. The development of these facilities will be critical to achievement of the recycling target rates, particularly in the absence of designating additional materials for mandatory recycling. Also, 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.

**b. Designated Recyclable Materials**

Although the County recommends that 39 materials of the waste stream be recycled, it has not specified additional designated recyclables for either the residential or commercial, institutional, and industrial sectors. Consideration should be given to adding more designated recyclables, such as the recycling of ferrous cans, vehicle and consumer batteries, used motor oil, mixed paper, roofing materials, grass and brush, white goods, and wood in both the residential and the commercial, institutional, and industrial sectors, and the recycling of asphalt, concrete and masonry in the commercial, industrial, and institutional sector. The County should reconsider its listing of designated materials toward the development of a more comprehensive program within a subsequent plan amendment submission. Also, since achievement of the 50% and 60% recycling rates may be difficult without designating additional recyclables, the County should provide in a subsequent plan amendment submission a description of how these rates can be achieved in the absence of expanded mandated recyclables.

**c. Enforcement**

The amendment identifies a proposal for requiring municipalities to adopt an ordinance establishing a program for enforcement of residential and nonresidential recycling. The strategy is to be submitted to the County within six (6) months of the Department's certification of the June 9, 1992 plan amendment. Enforcement will be a joint function of the County and municipalities. Also, inspections of solid waste entering the County landfill will be made to ensure compliance with municipal recycling ordinances. However, the County should describe the enforcement program in greater detail in a subsequent plan amendment submission, including methods and frequency of enforcement and resources needed to implement and maintain a proper enforcement program.

**d. Education**

The amendment indicates the County's intentions to continue to expand its public education program through enactment of four primary components over a three year period. The components are a school education program, a public information program, a business and industry education program, and a municipal government technical assistance program. The County will create a position of assistant recycling coordinator to implement this four part program. The County has prepared a comprehensive education program, but greater specificity should be provided in a subsequent plan amendment submission detailing timeframes and frequency of efforts to accomplish this program over a three year period.

**e. Vegetative Waste**

Although the County's program for reducing the amount of vegetative waste is an important component of its source reduction program, the amendment does not identify specific programs to accomplish this goal other than to encourage vegetative waste composting. The amendment indicates the quantity of vegetative waste composted in 1990 and provides an estimate of the amount of this waste to be composted in 1995. However, the County should provide an inventory

of existing vegetative waste compost facilities, a capacity analysis of present and future compost needs, and specific programmatic efforts to reduce the disposal of vegetative waste and to encourage the development/inclusion of additional vegetative and organic waste compost facilities in a subsequent plan amendment submission.

**f. Procurement Policies**

The amendment provides that the County intends to continue to implement procurement policies that favor the purchase of recycled materials. However, the amendment does not identify its procurement policy, specific procurement guidelines, procurement goals, a method of record keeping and enforcement, or a timetable for implementation. The County should develop its program to include current and future State procurement goals; sample bid specifications for use by governments and private businesses; and the purchase of photocopiers with duplexing capabilities, recycled products instead of virgin products, and recycled materials for road and other construction activities. All of this information should be included in a subsequent plan amendment submission.

**g. Regionalization**

The amendment indicates that the County is pursuing discussions with other counties to regionalize many of its solid waste facilities. Specifically, the County has a regional agreement with Atlantic County to market its newspaper and glass cullet. The County has had discussions with Salem and Gloucester Counties to regionalize the processing of recyclables at its material separation facility (recycling center). The County is also willing to regionalize the use of its bulky waste recycling facility. Finally, the amendment indicates that the selection of a site for and the use of a mixed waste compost facility will be finalized once regional discussions with Atlantic, Gloucester, and Salem Counties are finalized. The County is encouraged to continue its multicounty discussions to regionalize various solid waste facilities.

**h. Source Reduction Policies**

The amendment outlines an aggressive strategy to stimulate source reduction, specifically, to cap per capita generation of solid waste by 1995 at 1990 levels and to reduce the per capita generation rate within 10 years; to reduce the toxic component of products entering the solid waste stream; to conduct waste audit workshops for the County's 25 largest generators of solid waste and all institutions and businesses with more than 100 employees; to encourage consumers to purchase in bulk to minimize packaging; to award county and municipal agencies, business and institutions for effective source reduction programs; to reduce the amount of junk mail in the waste stream; and to promote backyard composting. While the County's goals for source reduction are commendable, greater detail of the achievement of these goals is needed. Specifically, the County should provide in a subsequent plan amendment submission the timeframes for achievement of these goals, the methods by which

these goals shall be accomplished, and the target groups necessary to attain these goals. In particular, the County must consider the development of a program and time schedule for performing waste audits at all County buildings. Also, the County must specify a time schedule for conducting waste audit workshops for the 25 largest generators of solid waste and all businesses and institutions with more than 100 employees. Finally, the County should consider the implementation of per container rates.

**i. Household Hazardous Waste**

The amendment indicates that the County will continue to fund and implement a household hazardous waste program. The County should provide greater detail regarding this program in a subsequent plan amendment submission. Specifically, a schedule indicating the frequency of collections for drop-off days should be provided. Also, the County should consider the siting of a permanent household hazardous waste collection facility. Further, as part of this investigation, the County should explore the possibility of regionalizing any proposed facility.

**j. Cost of Implementing 60% Recycling Strategy**

The amendment does not indicate a projected cost for implementing the many programs necessary to achieve the County's recycling strategy. The County should prepare such an estimate and include it in a subsequent plan amendment submission.

**k. Preprocessing Facility**

The County proposes to locate a preprocessing facility at the site of the County landfill in Deerfield Township. This facility will be used in conjunction with a regional compost facility once the latter facility is sited. However, the amendment does not describe the planned preprocessing facility. The County, once a site and specific type of regional compost facility are identified, must provide this information in a subsequent plan amendment submission. Also, depending on the nature of this facility, it may need to obtain Departmental approvals or permits prior to operation. Finally, the County should consider opportunities for regionalizing the proposed preprocessing facility.

As noted in Section C. of this certification, the June 9, 1992 amendment 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 to be submitted within 180 days. Further, staff at the DEPE will be available to discuss the preceding comments and to work with the County to structure future plan amendment submissions.

**Issue: Blanket Recycling Center Inclusion Policy**

Pursuant to the recommendations of the Task Force Final Report, the County has proposed a blanket inclusion procedure to include recycling centers accepting Class A recyclable materials and recycling centers accepting Class B recyclable materials. The Department, since it has been reviewing many such blanket inclusion policies, has established a standard format to ensure uniform implementation of blanket inclusion policies. The Department has reviewed the County's proposed policy with the Department's uniform policy criteria and commends the County for its efforts. The County has proposed a policy which, in some instances, is more stringent than the Department's. In particular, the County is requiring the holding of a public hearing for any proposed County plan inclusion of a recycling center accepting Class B recyclable materials. However, the blanket policy failed to include certain Departmental requirements. Therefore, the County's blanket policy must be approved with modifications. Specifically, all recycling centers are required to obtain all applicable local permits and approvals and the County Freeholders must approve by resolution the blanket inclusion of all recycling centers and submit the resolution to the Department. Accordingly, within Section C.1.f. of the certification, the County's blanket recycling center inclusion policy has been modified as necessary.

The County Freeholders are hereby notified of this comment.

**Issue: Regulatory Requirements for Recycling Centers**

If any operation of the planned recycling centers will discharge pollutants as defined in N.J.A.C. 7:14A-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.

The operation of all recycling centers which receive, store, process or transfer Class A recyclable materials, as defined at N.J.A.C. 7:26A-1.3, shall be in conformance with N.J.A.C. 7:26A-4 et seq. 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.

The County Freeholders and the applicants are hereby notified of this comment.

**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, 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 with modifications as further specified below.

1. June 9, 1992 Amendment

a. **60% Recycling Strategy**

**Designated Recovery Target:** The County's goal to recycle 50% of the municipal and vegetative waste stream and 60% of the total waste stream by December 31, 1995 is approved. However, the Department notes that the achievement of these rates is based on facilities that have not been developed. The development of these facilities will be critical to achievement of the recycling target rates. Also, 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.

**Designated Recyclable Materials:** The following listing of recyclable materials to be source separated in the residential and the commercial, institutional, and industrial sectors is approved:

- Newspaper
- Glass containers
- Aluminum cans
- Leaves
- Corrugated cardboard
- Plastic containers (HDPE and PET)

The County should consider mandating the recycling of the following additional materials: ferrous cans, vehicle and consumer batteries, used motor oil, mixed paper, roofing materials, grass and brush, white goods, and wood in both the residential and the commercial, institutional, and industrial sectors, and the recycling of asphalt, concrete and masonry in the commercial, industrial, and institutional sector. Achievement of the 50% and 60% recycling rates may be difficult in the absence of mandatory recycling of these additional materials. The County should provide in a subsequent plan amendment submission a description of how the 50% and 60% recycling rates can be achieved in the absence of expanded designated materials for mandatory recycling.

**Enforcement:** The County's plan to revise its existing recycling enforcement program is approved. However, as noted in Section B.2.c., the County should describe the enforcement program in greater detail in a subsequent plan amendment submission including methods and frequency of enforcement and resources needed to implement and maintain a proper enforcement program.

**Education:** The County's plans to expand its public education program through a four part strategy of school education, public information, business and industry education, and municipal government technical assistance is approved. However, as noted in Section B.2.d., the County should provide in greater detail in a subsequent plan amendment submission the timeframes and frequency of efforts to accomplish this program over a three year period.



**Vegetative Waste:** The County's goal to reduce the amount of vegetative waste in the solid waste stream is approved. However, as noted in Section B.2.e., the County should provide in a subsequent plan amendment submission an inventory of existing vegetative waste compost facilities, a capacity analysis of present and future compost needs, and specific programmatic efforts to reduce the disposal of vegetative waste and to encourage the development of additional vegetative and organic waste compost facilities.

**Procurement Policies:** The County's plan to continue to implement procurement policies that favor the purchase of recycled materials is approved. However, as noted in Section B.2.f., the County should provide a subsequent plan amendment submission which identifies its specific procurement policies and guidelines, procurement goals, method of enforcement, and timetable for implementation.

**b. Source Reduction Policies**

The County's strategy to enact specific source reduction policies is approved. Among these policies are to cap per capita generation of solid waste by 1995 at 1990 levels and to reduce the per capita generation rate within 10 years; to conduct waste audit workshops for the County's 23 largest generators of solid waste and all institutions and businesses with more than 100 employees; to reduce the toxic components of packaging; to continue to fund a household hazardous waste program; to reduce the amount of junk mail in the waste stream; and to promote backyard composting. However, as noted in Section B.2.h. and B.2.i., the County should provide in a subsequent plan amendment submission the timeframes for achievement of these goals, the methods by which these goals shall be accomplished, and the target groups necessary to attain these goals. In particular, the County must consider the development of a program and time schedule for performing waste audits at all County buildings. Also, the County should consider the implementation of per container rates.

**c. Regionalization**

The County's policy for regionalizing its solid waste facilities is approved. Specifically, the County is planning to regionalize its existing materials separation facility (recycling center) and its proposed bulky waste recycling facility. Also, the County is presently negotiating with other counties to construct a regional compost facility.

**d. Preprocessing Facility**

The County Plan inclusion of the County preprocessing facility is approved. The facility is proposed to be located at the County Solid Waste Complex on Block 76, Lots 14, 15, 16, 18, and 19 in Deerfield Township, Cumberland County. The capacity of the facility and the materials to be processed will be determined once the site of the regional compost facility is identified. The preprocessing facility is proposed to be utilized in conjunction with the regional compost facility. The County, once a site and specific type of regional compost facility are identified, must provide this information in a subsequent plan amendment submission. Finally,

depending on the nature of the preprocessing facility, it may need to obtain DEPE permits or approvals prior to operation.

**e. Recycling Centers**

The County Plan inclusion of Wheaton Plastics located at 1101, Wheaton Avenue, Millville, Cumberland County is approved. The facility will process plastic containers. Because this recycling center will be handling only Class A materials, as defined at N.J.A.C. 7:26A-1.3, no approval from the Department is necessary prior to operation. However, the recycling center must comply with the regulations at N.J.A.C. 7:26A-4.

The County Plan inclusion of Easmunt Paving Inc., located at 2103 Cumberland Road, on Lot 487, Blocks 1 and 2, and Lot 489, Block 2, Millville, Cumberland County is approved. This facility will process concrete, asphalt, block, and brick. Because this recycling center will be handling Class B recyclable materials, as defined at N.J.A.C. 7:26A-1.3, it must obtain a recycling center approval from the Department pursuant to N.J.A.C. 7:26A-3 prior to operation.

The operation of all recycling centers which receive, store, process or transfer Class A recyclable materials, as defined at N.J.A.C. 7:26A-1.3, shall be in conformance with N.J.A.C. 7:26A-4 et seq. 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. Also, pursuant to N.J.A.C. 7:26A-4.1(a)1.iii, Class A recyclable materials may be commingled only with other Class A recyclable materials. Class B recyclable materials may be commingled only with other Class B recyclable materials and only to the extent authorized in the general approval.

This certification shall not be construed as an expression of the Department's intent to issue a recycling center approval to any recycling center for Class B recyclable materials. A recycling center approval shall only be granted where the applicant has submitted an administratively complete application, as per N.J.A.C. 7:26A-3.5, where all substantive criteria for approval set forth in N.J.A.C. 7:26A-3.2, 3.3, and 3.4 are satisfied, where a fee has been paid in accordance with N.J.A.C. 7:26A-2, and where none of the criteria for denial of a recycling center approval are met, as per N.J.A.C. 7:26A-11 and 12.

**f. Blanket Inclusion Policy for Recycling Centers**

The blanket inclusion policy for recycling centers is approved with modifications as noted below. Specifically, all recycling centers are required to obtain all applicable regulatory permits and approvals and the County Freeholders must approve by resolution the blanket inclusion of all recycling centers and submit the resolution to the DEPE. Although these modifications are final and do not require the County Freeholders to adopt a subsequent plan amendment to include these modifications, the County may choose to take such action.

**For Recycling Centers Accepting Class A Recyclable Materials:**

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

- (1) The applicant has held a preapplication meeting with the County solid waste coordinator.
- (2) The host municipality and the County solid waste coordinator are notified in writing of the request to be included in the County Plan and each receives a full copy of an application which includes 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 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 tonnage by material to be received;
  - (h) the total daily capacity of the recycling center;
  - (i) the identity of specific end markets by material;
  - (j) a description of the daily operation in narrative form;
  - (k) a map delineating the actual location of the facility in relationship to the host municipality and neighboring communities;
  - (m) the routing of vehicles between the recycling center and all nearby roadways serving the site; and
  - (n) 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.
- (3) An application fee is submitted to the County in accordance with an application fee schedule adopted by the County.

- (4) The applicant submits written documentation that all applicable local approvals have been secured.
- (5) The applicant publishes two (2) notices of the proposed application, once each week for two consecutive weeks, in a newspaper of general circulation in the host municipality. A notice shall include the following:
  - (a) the name of the proposed recycling center, the name of the owner or operator, and the nature of the project;
  - (b) the lot and block number of the site location;
  - (c) the generally recognized address of the site;
  - (d) the location of the depositories for the inspection of a complete project description and any supporting documents; and
  - (e) a statement that written comments on the project will be accepted by the solid waste implementing agency for a period of 30 days from the date of first notice.
- (6) The applicant shall forward a copy of the notice to the Clerk of the County Freeholder Board, the County solid waste coordinator, and the host municipality upon its publication.
- (7) No substantive objections to the site are raised by the municipality, the Pinelands Commission, if applicable, and the County or any other person. If such substantive objections are raised, the proposed site and facility may be subject to a formal plan amendment process pursuant to N.J.S.A. 13:1E-23 and -24, including notice, public hearing, approval by the County Freeholders, and subsequent DEPE approval.
- (8) The recycling center owner shall keep, or cause to be kept, proper records of the type and amount of each material received, processed, stored and transferred, as well as the origin of each material.
- (9) The County Freeholders have approved the recycling center to be included in the County Plan under the blanket inclusion policy by duly adopted resolution and such resolution has been submitted to the Department, along with the detailed project description set forth in paragraph (1) above.

**For Recycling Centers Accepting Class B Recyclable Materials:**

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

- (1) The applicant has held a preapplication meeting with the County solid waste coordinator;

- (2) The host municipality and the County solid waste coordinator receive a copy of the complete application to be submitted to the DEPE including all engineering designs, reports, maps, etc. for approval of a recycling center accepting Class B recyclable materials as set forth in N.J.A.C. 7:26A-3;
- (3) An application fee is submitted to the County in accordance with an application fee schedule adopted by the County;
- (4) The applicant submits written documentation that all applicable local approvals have been secured;
- (5) The applicant publishes two (2) notices of the proposed application, once each week for two consecutive weeks, in a newspaper of general circulation in the host municipality. A notice shall include the following:
  - (a) the name of the proposed recycling center, the name of the owner or operator, and the nature of the project;
  - (b) the lot and block number of the site location;
  - (c) the generally recognized address of the site;
  - (d) the location of the depositories for the inspection of a complete recycling center approval application required of the DEPE and any supporting documents; and
  - (e) an indication that comments regarding the application can be made at the public hearing which shall be held by the County Freeholders. The second publication of the notice must be at least 15 days prior to the public hearing date.
- (6) The application shall forward a copy of the notice to the Chairman of the County Solid Waste Advisory Council, the Clerk of the County Freeholder Board, the County solid waste coordinator, and the host municipality upon its publication.
- (7) A public hearing is held on the application by the County Freeholders.
- (8) No substantive objections to the site are raised by the municipality, the Pinelands Commission, if applicable, and the County or any other person. If such substantive objections are raised, the proposed site and facility may be subject to a formal plan amendment process pursuant to N.J.S.A. 13:1E-23 and -24, including notice, public hearing, approval by the County Freeholders, and subsequent DEPE approval.
- (9) The recycling center owner shall keep, or cause to be kept, proper records of the type and amount of each material received, processed, stored and transferred, as well as the origin of each material.

- (10) The County Freeholders have approved the recycling center to be included in the County Plan under the blanket inclusion policy by duly adopted resolution and such resolution has been submitted to the Department, along with the detailed project description set forth in paragraph (1) above.

2. Cumberland County Response to Solid Waste Task Force Final Report

The County Plan has been reviewed to determine whether it fulfills the recommendations of the Emergency Solid Waste Assessment Task Force Final Report accepted by the Governor on November 16, 1990. As adopted, the County Plan has generally addressed the source reduction, recycling, and regionalization components of the Task Force Final Report. However, as noted in C.1. above, the County is directed to address certain deficiencies within a subsequent plan amendment submission relative to source reduction and recycling. The County is hereby directed to submit this required plan amendment within 180 days of the date of this certification.

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, as modified, 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 With Modifications 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 with modifications 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. I hereby also require, as noted in Section C., the Cumberland County Board of Chosen Freeholders to address the noted deficiencies within the timeframe specified.

11/17/92  
DATE

  
SCOTT A. WEINER  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
AND ENERGY

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