

State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ENERGY

CHRISTINE TODD WHITMAN
GOVERNOT

ROBERT C. SHINN, JR. Commissioner

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

CERTIFICATION
OF THE JULY 20, 1994
AMENDMENT TO THE GLOUCESTER 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 September 26, 1980, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Gloucester 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 the maximum practicable use of resource 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. 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. Amendments to the Act found in N.J.S.A. 13:E-136 et seq.

require that, among other things, counties amend their County Plan to include an outline of the proposed uses of moneys in the County Resource Recovery Investment Tax (RRIT) Fund as well as establish a schedule for disbursement of moneys in that fund.

Gloucester County Board of Chosen Freeholders Freeholders) completed such a review and on July 20, 1994, adopted an amendment to its approved County Plan. The amendment designated the Gloucester County Improvement Authority (GCIA), in place of the Gloucester County Planning Department, as the implementation agency for the County's solid waste management plan. In addition, the amendment proposed the specified uses of and a disbursement schedule for \$2,262,598.00 of the County's RRIT Fund for Program Years 1994 through 1998. The specified uses included: continuing the municipal rebate program; financing the development of a permanent household hazardous waste collection facility; financing enforcement efforts conducted County Health Department; off-setting GCIA expenses including personnel, equipment, and overhead costs; and allocating 2% for administrative fees.

The amendment was received by the Department on August 12, 1994, 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 July 20, 1994 is approved with modification as provided in N.J.S.A. 13:1E-24.

B. <u>Findings and Conclusions with Respect to the Gloucester County</u> District Solid Waste Management Plan Amendment

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the July 20, 1994 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, as modified, 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 July 20, 1994 amendment which is included in Section B.2 below.

In conjunction with the review of the amendment, the Department circulated copies to sixteen 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 and without the Department. These agencies are the following:

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

1. Agency Participation in the Review of the July 20, 1994 Amendment

The following agencies did not object to the proposed amendment:

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

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

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

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

Division of Solid Waste Management, DEP

2. Issue of Concern Regarding the July 20, 1994 Amendment

Issue: RRIT Fund Use and Disbursement

The Department previously certified, on November 11, 1992, the County's July 22, 1992 and August 19, 1992 amendments which had disbursed \$788,552.00 in RRIT Fund moneys to finance two household hazardous waste collection days and to establish a rebate system for municipalities to defray any increased costs associated with their recycling programs. After this disbursement, the remaining balance, including all accrued interest and future deposits, was retained by the State until such time as a subsequent amendment

which outlined the proposed use of and a detailed disbursement schedule for RRIT Fund moneys, in accordance with N.J.S.A. 13:1E-150, was submitted by the County and approved by the Department. The July 20, 1994 amendment represents such a submission.

The County requests RRIT Fund moneys totalling \$2,262,598.00 to be used to: continue the municipal rebate program; finance the development of a permanent household hazardous waste collection facility; finance enforcement efforts conducted by the County Health Department; off-set GCIA expenses including personnel, equipment, and overhead costs; and allocate 2% for administrative In reviewing the amendment, the DEP noted an inconsistency relative to financing two positions at the GCIA. Specifically, the amendment proposes utilizing RRIT Fund moneys to pay for the salaries of the recycling coordinator and the assistant recycling coordinator for program years 1995 through 1998. However, the salaries for these same two positions will be paid during program year 1995 using designated moneys from the Solid Waste Services Tax Recycling Tax Funds. Therefore, the DEP clarification relative to this issue. In a letter dated October 21, 1994, the GCIA acknowledged the inconsistency and requested that the disbursement schedule contained within the July 20, 1994 amendment be modified to indicate that RRIT Fund moneys shall be used to finance the recycling coordinator and assistant recycling coordinator positions for program years 1996 through 1999, instead of program years 1995 through 1998, to avoid any conflict with allocations from other State funding sources for program year 1995 for these positions. However, other GCIA program expenses will continue to include the years 1995 through 1998. Accordingly, as noted in Section C., the RRIT Fund uses and disbursement schedule are approved with modification to reflect a one year extension in the disbursement schedule for GCIA program expenses.

Finally, the County is hereby notified that once a site for the permanent household hazardous waste collection facility is identified, a subsequent plan amendment formally including this site within the County Plan must be adopted by the County Freeholders and submitted to the Department for its review and approval.

C. <u>Certification of the Gloucester County District Solid Waste</u> <u>Management Plan Amendment</u>

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 district RRIT Fund, I have reviewed July 20, 1994 amendment to the approved County Plan and certify to the County Freeholders that the July 20, 1994 amendment is approved with modification as further specified below.

1. RRIT Fund Use and Disbursement Schedule

The County Plan inclusion of the RRIT Fund uses and disbursement schedule for program years 1994 through 1999 is approved with modification. Specifically, as noted in Section B., the disbursement schedule for the allocation of RRIT Fund moneys to finance the salaries of the GCIA recycling coordinator and assistant recycling coordinator is modified to cover program years 1996 through 1999 instead of program years 1995 through 1998. Accordingly, the amount of \$2,262,598.00 of RRIT Fund moneys shall be disbursed to the County for the specified uses as follows:

PROGRAM	ALLOCATION	YEAR(S)
Permanent Household Hazardous Waste State Collection Facility Development	654,263.00	1995–96
Solid Waste Enforcement Funding/Health Department	197,416.00	1994-98
Gloucester County Improvement Authority Program Expenses Including Personnel, Equipment and Overhead Costs	810,550.00	1995–99
Municipal Recycling	555,117.00	1995
Administrative Fees (2%)	45,252.00	1994-98
TOTAL DESIGNATED \$	32,262,598.00	

2. Redesignation of Implementation Agency

The County Plan inclusion of the designation of the Gloucester County Improvement Authority as the County's solid waste management plan implementation agency in substitution for the County Planning Department is approved.

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 Waste 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. 7:26A-1 et seq.

4. <u>Certification to Proceed with the Implementation of the Plan</u> <u>Amendment</u>

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, as modified, 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 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, 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. <u>Certification of Approval with Modification of the Amendment by the Commissioner of the Department of Environmental Protection</u>

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve with modification the amendment, as outlined in Section C. of this certification, to the Gloucester County District Solid Waste Management Plan which was adopted by the Gloucester County Board of Chosen Freeholders on July 20, 1994.

Date

Robert C. Shinn, Jr.

Commissioner

Department of Environmental

Protection