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STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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(IN THE MATTER OF CERTAIN AMENDMENTS)
(TO THE ADOPTED AND APPROVED SOLID)
(WASTE MANAGEMENT PLAN OF THE)
(HUNTERDON COUNTY SOLID WASTE)
(MANAGEMENT DISTRICT)

CERTIFICATION
OF THE NOVEMBER 12, 1987
AMENDMENT TO THE
HUNTERDON 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. (herein referred to as the "Act") 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 Board of Chosen Freeholders and the Hackensack Meadowlands Development Commission develop comprehensive plans for waste management in their respective districts. On October 2, 1981, the Department approved, with modifications, the Hunterdon County District Solid Waste Management 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 the 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 the 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-1 et seq. specifically N.J.S.A. 13:1E-99.11 et seq., require that counties amend their district solid waste management plan to include a district recycling plan. The Hunterdon County Board of Chosen

Freeholders completed such a review and on November 12, 1987, adopted an amendment to its approved district solid waste management plan.

The amendment proposes to incorporate the district recycling plan into the approved district solid waste management plan as per the requirements of the "New Jersey Statewide Mandatory Source Separation and Recycling Act", N.J.S.A. 13:1E-99.11 et seq. (herein referred to as the "Recycling Act").

The amendment was deemed complete for review by the Department of Environmental Protection on February 18, 1988, and copies were distributed to various state level agencies for review and comment, as required by law. The Department has reviewed this amendment and has determined that the amendment adopted by the Hunterdon County Board of Chosen Freeholders on November 12, 1987, is approved with modifications pursuant to N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1) and N.J.S.A. 13:1E-99.11, I, Richard T. Dewling, Commissioner of the Department of Environmental Protection have studied and reviewed the November 12, 1987, amendment to the Hunterdon County District Solid Waste Management Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and N.J.S.A. 13:1E-99.11 et seq. and I find and conclude that this plan amendment is consistent in part and inconsistent in part with these requirements.

In addition, the Division of Solid Waste Management circulated the plan amendment to nine review agencies and solicited their review and recommendations. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various agencies, bureaus, and divisions within the Department of Environmental Protection, as well as the Green Acres Program, the Board of Public Utilities and the Department of Community Affairs. In addition, a memo identifying the amendment as a district recycling plan was distributed to various other agencies, bureaus, and divisions within the DEP as well as the Department of the Public Advocate, the Department of Health, the Department of Agriculture, the Department of Transportation, the New Jersey Turnpike Authority, and the U.S. Environmental Protection Agency. These agencies were notified of the opportunity to examine a copy of the plan upon request to the Office of Recycling. Of these agencies, the following did not object to the proposed plan amendment: the N.J.D.E.P. Division of Parks and Forestry and the Division of Solid Waste Management (DSWM) Bureau of Resource Recovery and Solid Waste Planning, the Department of Community Affairs, the New Jersey Advisory Council on Solid Waste Management, and the Board of Public Utilities. The following agencies failed to respond to the Divisions' requests for comments: the N.J.D.E.P. Division of Water Resources (DWR) Bureau of Ground Water Quality Management, DWR Monitoring and Planning Element, Division of Fish, Game and Wildlife, Division of Audit and Financial Management, Departments of Agriculture, Health, Transportation, and the Public Advocate; the New Jersey Turnpike Authority, and the U.S. Environmental Protection Agency. The N.J.D.E.P. Division of Environmental

Quality (DEQ) Bureau of Air Quality Planning and Evaluation, DWR Bureau of Pretreatment and Residuals, Division of Solid Waste Management (DSWM) Bureau of Resource Recovery, and DSWM Office of Recycling submitted substantive comments which are further addressed below.

1. N.J.D.E.P. DEQ, Bureau of Air Quality Planning and Evaluation commented that certain regulations prohibiting the release of odors and other air contaminants apply to recycling centers and composting facilities. A copy of these comments are attached for Hunterdon County's information and use as may be applicable (Attachment A).
2. N.J.D.E.P. DWR, Bureau of Pretreatment and Residuals commented that a NJDEP permit may be necessary for management of washdown waters of recycling centers. A copy of these comments are attached for Hunterdon County's information and use as may be applicable (Attachment B).
3. The DSWM Bureau of Resource Recovery commented that the Hunterdon County District Recycling Plan failed to identify the leaf composting facilities to be utilized by each municipality. The DSWM Office of Recycling also commented on the lack of information provided on leaf composting. In accordance with N.J.S.A. 13:1E-99.21, "each district recycling plan shall identify the leaf composting facility or facilities to be utilized by each municipality within the county." On page 2 of the plan amendment, the county only indicates that it "will assist in the siting of a compost facility for municipalities which lack available land or are unable to enter into an agreement or contract with a DEP registered leaf composting facility." In accordance with Section C. of this certification Hunterdon County must identify all existing and pending leaf composting facilities, their capacity, expiration date if applicable, and list the municipalities utilizing each composting facility.

According to page five of the Hunterdon County District Recycling Plan "a municipality that is unable to designate a site or enter into a contract or agreement to use a site for either mulching or composting residential, commercial, or institutional generated leaves by February 20, 1988, shall require in the municipal recycling ordinance that the leaves generated be mulched or composted on the premises of the generator." All municipalities are required pursuant to N.J.S.A. 13:1E-99.22 to adopt an ordinance which requires persons occupying residential premises within its municipal boundaries to source separate leaves from solid waste generated at those premises unless leaves are stored or recycled for composting or mulching by the generator." Ordinances requiring the composting or mulching of leaves by the generator must contain language which prohibits residents from placing leaves on the curb or mixing leaves with solid waste for solid waste collection and disposal at any solid waste facility other than a leaf composting facility.

In addition, farmland acceptance of leaves for mulching is not consistent with the "New Jersey Statewide Mandatory Source Separation and Recycling Act", N.J.S.A. 13:1E-99.21.

In accordance with Section C. of this certification the county will amend the District Recycling Plan to incorporate the above requirements.

4. The DSWM Office of Recycling made the following comments:

a. N.J.S.A. 13:1E-99.13, requires municipalities to achieve a minimum recycling rate of 25% of the total municipal solid waste stream by the end of the second full year following the date of this certification. The municipal solid waste stream is defined in N.J.S.A. 13:1E-99.12 as "all residential, commercial and institutional solid waste generated within the boundaries of any municipality." According to page 4 of the Hunterdon County District Recycling Plan, the designated recyclable materials in the commercial/industrial and institutional sectors include used newspapers, used aluminum beverage cans, separated clear, brown, and green glass, and corrugated cardboard. The Office of Recycling questions the ability of Hunterdon County municipalities to achieve the 25% recycling rate without the designation of high grade office paper in the commercial and institutional sector. High grade office paper should be designated for all municipalities in Hunterdon County or documentation should be submitted that demonstrates that the 25% recycling recovery rates for each municipality can be achieved without this designation.

b. Page 7 and 8 of the Hunterdon County District Recycling Plan identifies an enforcement mechanism to be implemented by the State against municipalities that: 1. do not adopt a municipal recycling ordinance naming providers of recycling services by February 20, 1988 and 2. "do not comply with or make reasonable progress in meeting the provisions of the County Recycling Plan". If municipalities fail to satisfy the requirements listed above, Hunterdon County will notify the Office of Recycling that no grant monies be awarded to noncompliant municipalities. As per N.J.S.A. 13:1E-96, forty percent of the State Recycling Fund shall be used "for the annual expenses of a program for recycling grants to municipalities or counties in those instances where a county, at its own expense, provides for the collection, processing and marketing of recyclable materials on a regional basis". Hunterdon County should note that the State Office of Recycling cannot deny grant monies for the reasons outlined in the district recycling plan. The Hunterdon County District Recycling Plan shall be modified in accordance with Section C. of this certification.

c. Pages 5-7 of the Hunterdon County District Recycling Plan describes the process by which Hunterdon County "will provide mandated collection services on behalf of the municipalities". The County is planning to issue a request for proposal (RFP) from companies "willing to provide residential, institutional and commercial/industrial collections required of recycling items as designated in the Hunterdon County Recycling Plan for any or all of the municipalities." Page 6 of the District Recycling Plan, under municipal responsibilities, indicates that the collection of recyclables will occur once per month. The Office of Recycling recommends that recyclables be picked up at least twice per month. A copy of the RFP and all supporting documentation shall be submitted to the Department.

In response, Hunterdon County shall amend its District Recycling Plan in accordance with Section C. of this certification to address the deficiencies noted by the Office of Recycling.

C. Certification of Hunterdon County District Solid Waste Management Plan Amendment

I, Richard T. Dewling, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq. and N.J.S.A. 13:1E-21, which established specific requirements regarding the contents of the district solid waste management plans, have reviewed the November 12, 1987, amendment to the approved Hunterdon County District Solid Waste Management Plan and certify to the Hunterdon County Board of Chosen Freeholders that the November 12, 1987 amendment is approved with modification. Hunterdon County is required pursuant to N.J.S.A. 13:1E-24 to conduct a public hearing within forty-five (45) days of the date of this certification to address a subsequent solid waste management plan amendment which will remedy the deficiencies in the district recycling plan identified in Section B. of this certification and to submit a plan amendment within thirty (30) days of the public hearing to the Department.

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 Hunterdon County District Solid Waste Management 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 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 of Environmental Protection and operation pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the Hunterdon County District Solid Waste Management 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 of Environmental Protection, and for good cause shown, obtain an extension of time to complete such renegotiation.

2. Compliance

All solid waste facility operators and collector/haulers registered with the Department of Environmental Protection and operating within Hunterdon County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Hunterdon County District Solid Waste Management Plan. Any solid waste facility operator or collector/hauler 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 of Environmental Protection 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 Plans

The provisions of the Hunterdon County District Solid Waste Management 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. Also, all non-hazardous materials separated at the point of generation for recycling or reuse are excluded from the waste flows designated in the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6).

4. Certification to Proceed with the Implementation of Plan Amendment

This document shall serve as the certification of the Commissioner of the Department of Environmental Protection to the Hunterdon County Board of Chosen Freeholders and pursuant to N.J.S.A. 13:1E-24c. and f., the county shall proceed with the implementation of the approved amendment contained 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, N.J.S.A. 13:1E-99.12, N.J.A.C. 7:26-1.4, and N.J.A.C. 7:26-2.13.

6. Effective Date of Amendment

The Amendment to the Hunterdon County District Solid Waste Management 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 of Environmental Protection pursuant to its authority under the law. The Hunterdon County District Solid Waste Management 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 and rules, regulations, and orders of the Department, including the 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 modification of the Amendment and Notification of Deficiencies by the Commissioner of the Department of Environmental Protection.

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq. I hereby approve with modification the amendment as outlined in Section C. of this certification, to the Hunterdon County District Solid Waste Management Plan which was adopted by the Hunterdon County Board of Chosen Freeholders on November 12, 1987. I further direct the Hunterdon County Board of Chosen Freeholders to conduct a public hearing within forty-five (45) days of the date of this certification to address the deficiencies outlined in Section B. of this certification and to submit a plan amendment within thirty (30) days of the public hearing to the Department as per N.J.S.A. 13:1E-24e(2), which remedies the outlined deficiencies.

July 15, 1988

DATE



RICHARD T. DEWLING
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION