



**State of New Jersey**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
OFFICE OF THE COMMISSIONER  
CN 402  
TRENTON, N.J. 08625  
609-292-2885

IN THE MATTER OF CERTAIN AMENDMENTS	)	CERTIFICATION OF THE
TO THE ADOPTED AND APPROVED SOLID	)	DECEMBER 27, 1988
WASTE MANAGEMENT PLAN OF THE	)	AMENDMENT TO THE
HUNTERDON COUNTY SOLID WASTE	)	HUNTERDON COUNTY SOLID
MANAGEMENT DISTRICT	)	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 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.)

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 plans to include a district recycling plan. The Hunterdon County Board of Chosen Freeholders adopted the district recycling plan on November 12, 1987. The district recycling plan was approved with modifications by the Commissioner of the Department of Environmental Protection in his certification of July 15, 1988. The Hunterdon County Board of Chosen Freeholders adopted an amendment to the approved district

solid waste management plan on December 27, 1988 which addressed the modifications required pursuant to the July 15, 1988 certification. The December 27, 1988 amendment was not distributed for state level review because the only state level review agencies which commented on the November 12, 1987 district recycling plan, necessitating the December 27, 1988 plan amendment, were N.J. Department of Environmental Protection (NJDEP), Division of Solid Waste Management's Bureau of Resource Recovery and the Office of Recycling. The December 27, 1988 plan amendment submitted to the Department has satisfied the comments made by those two agencies in the July 15, 1988 certification.

The amendment proposes to incorporate modifications to 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 received by the Department of Environmental Protection on January 24, 1989. The Department has reviewed this amendment and has determined that the amendment adopted by the Hunterdon County Board of Chosen Freeholders on December 27, 1988 is approved as modified herein, as provided in 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-24f and N.J.S.A. 13:1E-99.13, I, Christopher J. Daggett, Acting Commissioner of the Department of Environmental Protection have studied and reviewed the December 27, 1988 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 as modified herein with these requirements.

1. With respect to Point #3 of the amendment, pursuant to 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." The county has failed to identify these facilities as required by law.

It should be noted that the new rules established at N.J.A.C. 7:26-1.7 and 7:26-1.11 exempt leaf composting facilities from solid waste facility permitting if the owner or operator of the facility adheres to the requirements of either of the above rules. It should also be noted that, pursuant to new rule N.J.A.C. 7:26-1.12, leaf composting facilities that engage in leaf mulching operations on agricultural or horticultural lands are exempt from the Department's solid waste facility permitting process if the specific standards under the rule are met.

Therefore, Hunterdon County shall, within sixty days of the date of the certification of this amendment, prepare and submit a report setting forth the following:

A) The identification of all municipalities lacking access to permitted or authorized leaf composting facilities.

B) A draft contract to be used by the county to execute services on behalf of municipalities for the proper collection and transportation of source separated leaves to permitted or authorized leaf composting facilities or to leaf composting facilities that engage in leaf mulching operations on agricultural or horticultural lands, during the mandatory leaf collection period of September 1 to December 31 of each year as required by N.J.S.A. 13:1E-99.22.

C) An indication of the steps to be taken (with a timeline setting forth the dates associated with those identified steps) to execute B above, with an execution date to be indicated no later than September 1, 1989.

D) An indication of inspection procedures to be performed at the county transfer station between September 1 and December 31 of each year to determine compliance with the provisions of Section 13 of P.L. 1987, c. 102, as well as facility operator or county actions to be taken if a municipality is found to be noncompliant.

2. With respect to Point 4A. of the amendment, the county indicates that "High grade office paper must be designated in each municipal recycling ordinance as a material required to be [source] separated from the commercial and institutional waste streams..." This designation must take effect immediately in each municipal recycling ordinance in order to meet the recovery targets required by N.J.S.A. 13:1E-99.13.

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

I, Christopher J. Daggett, Acting 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 December 27, 1988 amendment to the approved Hunterdon County District Solid Waste Management Plan and certify to the Hunterdon County Board of Chosen Freeholders that the December 27, 1988 amendment is approved as modified in Section B. 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 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 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 of Environmental

Protection and operating 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 nonhazardous 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 and N.J.A.C. 7:26-1.4 and N.J.A.C. 7:26-2.13 and N.J.S.A. 13:1E-99.12.

6. Effective Date of Amendment

The Amendment to the Hunterdon County District Solid Waste Management Plan contained herein shall take effect immediately.

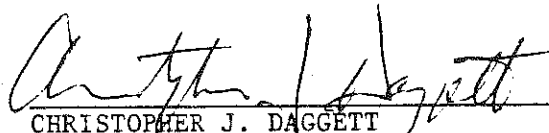
7. Reservation of Authority

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 of the Amendment 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 December 27, 1988.

FEBRUARY 27, 1989  
DATE

  
CHRISTOPHER J. DAGGETT  
ACTING COMMISSIONER