



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

MAIL CODE 401-02C

Division of Solid & Hazardous Waste

P.O. Box 420

Trenton, New Jersey 08625-0420

Telephone: (609) 984-4250 Telecopier: (609) 984-0565

<http://www.state.nj.us/dep/dshw>

CHRIS CHRISTIE

Governor

KIM GUADAGNO

Lt. Governor

BOB MARTIN

Commissioner

NOV 14 2014

Richard Wierer, Director of Solid Waste
Bergen County Utilities Authority
P.O. Box 9
Foot of Mehrhof Road
Little Ferry, NJ 07643

Dear Mr. Wierer:

The Department of Environmental Protection's Division of Solid and Hazardous Waste is in receipt of a request for an administrative action to the Bergen County Solid Waste Management Plan (County Plan) dated October 6, 2014. The October 6, 2014 requests that the NJDEP approve the amendment of the County Plan to modify the existing Bergen County recycling enforcement strategy.

Specifically, the October 6, 2014 request for administrative action seeks to modify the compliance monitoring plan as follows:

- Ten (10) institutional facilities, expressly municipalities, are to be inspected once per year over the course of seven (7) years. Within each of the ten (10) municipalities, one (1) inspection will be performed with the Recycling Coordinator covering all municipal properties. Another inspection will be performed with a representative of the municipal school district covering all schools in that municipality. This will account for a total of twenty (20) inspections per year from the ten (10) different municipalities selected each year over the seven (7) year period.
- In addition, fifty (50) commercial facilities will be randomly inspected each year over the course of seven (7) years. The actual number of commercial facilities to be inspected will not be limited to a specific municipality and will occur throughout all the municipalities comprising Bergen County.

This modification will allow for a more diversified selection of facilities to be monitored throughout Bergen County.

In addition, in order to enhance the effects of the recycling program, compliance assistance will still be provided by the Bergen County Department of Health Services (BCDHS) during the initial site inspection. Upon determining non-compliance with any of the recycling provisions set forth in the Solid Waste Management Act (SWMA) and the Bergen County District Solid Waste Management Plan, the following steps will take place:

- Educational materials and information will be provided to the responsible party.
- A Notice of Violation (NOV) will be issued to the responsible party outlining the violation(s) observed at the time of inspection.
- This NOV will allow for a grace period, without monetary penalty, to achieve compliance. All grace period time frames will be consistent with the SWMA provisions.
- Monetary penalties will be assessed to non-compliant facilities where the responsible party fails to correct deficiencies cited in the NOV. All monetary penalties assessed will be consistent with the SWMA and may increase with multiple or repeat violations.

Pursuant to N.J.A.C. 7:26-6.11(b)14, the County Plan inclusion of an updated recycling enforcement strategy constitutes an approvable administrative action. Therefore, the October 6, 2014 request for administrative action to the County Plan is hereby approved in part and modified in part as noted above, pursuant to N.J.A.C. 7:26-6.11(f).

If you have any questions relative to this action, please contact Dawn Slawsky of my staff at (609) 292-4393 or email at dawn.slawsky@dep.nj.gov

Sincerely,



Ed Nielwocki, Supervisor
Bureau of Planning & Licensing