



State of New Jersey  
Department of Environmental Protection and Energy

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Scott A. Welner  
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 22, 1992 AND AUGUST 19, 1992  
AMENDMENTS 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 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 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. Amendments to the Act found in N.J.S.A. 13:1E-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.

The Gloucester County Board of Chosen Freeholders (County Freeholders) completed such a review and on July 22, 1992 and August 19, 1992 adopted amendments to its approved County Plan. The July 22, 1992 amendment proposed to modify the use of and disbursement schedule for the County RRIT Fund to conduct household hazardous waste collections during the Fall of 1992 and the Spring of 1993. The August 19, 1992 amendment proposed additional modifications to the RRIT Fund use and disbursement schedule to provide an allocation directly rebated to the County's municipalities to help alleviate unanticipated increases in recycling costs. The County has requested expedited approvals of both amendments to accomplish these programs by this Fall. Therefore, for expediency, the two amendments are being combined within one certification.

The July 22, 1992 and August 19, 1992 amendments were received by the Department of Environmental Protection and Energy (Department or DEPE) on August 17, 1992 and September 2, 1992, respectively, and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed these amendments and has determined that the amendments adopted by the County Freeholders on July 22, 1992 and on August 19, 1992 are approved as provided in N.J.S.A. 13:1E-24.

**B. Findings and Conclusions with Respect to the Gloucester County District Solid Waste Management Plan Amendments**

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the July 22, 1992 and the August 19, 1992 amendments 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 these plan amendments are consistent with the Statewide Solid Waste Management Plan and N.J.S.A. 13:1E-150 in proposing an acceptable use of and disbursement schedule for moneys in the County RRIT Fund.

In conjunction with the review of these amendments, 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 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

1. Agency Participation in the Review of the July 22, 1992 Amendment

The following agencies did not object to the proposed plan amendment:

Office of Energy, DEPE  
Division of Parks and Forestry, DEPE  
Division of Fish, Game and Wildlife, DEPE  
Wastewater Facilities Regulation Element, DEPE  
New Jersey Turnpike Authority  
Department of Agriculture  
Department of Transportation

The following agencies did not respond our requests for comment:

Green Acres Program, DEPE  
Land Use Regulation Element, DEPE  
Groundwater Quality Management Element, DEPE  
New Jersey Advisory Council on Solid Waste Management  
Department of Community Affairs  
Department of Health  
Department of the Public Advocate  
U.S. Environmental Protection Agency

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

Division of Solid Waste Management, DEPE

2. Issues of Concern Regarding the July 22, 1992 Amendment

Issue: RRIT Fund Use and Disbursement

On July 22, 1992, the County Freeholders adopted an amendment to their County Plan which modified the use of and disbursement schedule for the County RRIT Fund. N.J.S.A 13:1E-150 establishes use and disbursement schedule requirements for a County's RRIT Fund. The amendment proposed a distribution in the amount of \$200,000.00 to be disbursed to the County for the purpose of providing up to two household hazardous waste disposal days during the Fall of 1992 and the Spring of 1993. The County also proposed that it retain the option to utilize any or all of these RRIT Fund moneys toward the development of a permanent household hazardous waste collection facility for use by the County residents. In addition, should a balance remain in this designated RRIT Fund distribution following the Spring of 1993 collection, these funds may then be available to cover any household hazardous waste collection program costs incurred during future collections.

**3. Agency Participation in the Review of the August 19, 1992 Amendment**

The following agencies did not object to the proposed plan amendment:

Office of Energy, DEPE  
Division of Parks and Forestry, DEPE  
Green Acres Program, DEPE  
New Jersey Turnpike Authority  
Department of Agriculture  
Department of Transportation

The following agencies did not respond our requests for comment:

Division of Fish, Game and Wildlife, DEPE  
Land Use Regulation Element, 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

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

Division of Solid Waste Management, DEPE

**4. Issues of Concern Regarding the August 19, 1992 Amendment**

**Issue: RRIT Fund Use and Disbursement**

On August 19, 1992, the County Freeholders adopted another amendment to their County Plan which modified the use of and disbursement schedule for the County RRIT Fund. The amendment proposed a distribution in the amount of \$588,552.00 to the County's municipalities to help alleviate unanticipated increases in recycling costs. The money will be used by municipalities to pay for recycling programs. The County may allocate up to \$98,092.00 (which represents 20% of the amount which they expect to disburse, \$490,460.00) as a miscellaneous category to provide for a greater rebate should an increase in recycled tonnage occur over that which was originally projected. RRIT Fund moneys will be rebated to the municipalities based on a rate of \$10.00 per ton on materials which are recycled through municipal curbside collection programs and municipal drop off centers. The materials subject to the rebate include glass food and beverage containers, aluminum cans, ferrous cans, plastic containers, corrugated cardboard, and newspaper. This rebate program will apply to tonnage recycled during the period from July 1, 1992 through December 31, 1992. The County will give consideration to extending this rebate program through December 31, 1993, contingent upon the status of recycling markets during 1993.

The RRIT Fund uses noted above in B.2 and B.4 are consistent with the requirements of N.J.S.A. 13:1E-150b. and the disbursement schedule is also consistent with the Department's content and format criteria for provision of a disbursement schedule.

The County Freeholders are hereby notified of these comments.

C. Certification of the Gloucester County District Solid Waste Management Plan Amendments

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 uses and disbursement schedule requirements for a County's RRIT Fund, I have reviewed the July 22, 1992 and August 19, 1992 amendments to the approved County Plan and certify to the County Freeholders that the July 22, 1992 and August 19, 1992 amendments are approved as further specified below.

1. July 22, 1992 Amendment

The County Plan inclusion of a modification to the use of and disbursement schedule for moneys from the County RRIT Fund is approved. Specifically, the amendment designates an allocation in the amount of \$200,000.00 to be disbursed to the County for the purpose of providing up to two household hazardous waste disposal days during the Fall of 1992 and the Spring of 1993 for residents of the County. The County also proposed that it retain the option to utilize any or all of these RRIT Fund moneys towards the development of a permanent household hazardous waste collection facility for use by County residents. In addition, should a balance remain in this designated RRIT Fund allocation following the Spring of 1993 collection, said RRIT Fund money may then be available to cover any collection program costs incurred during future household hazardous waste collections. The proposed use is in conformance with the requirements of N.J.S.A. 13:1E-150b. since the moneys will be allocated to fund a household hazardous waste disposal program which will reduce the amount of waste delivered to and ensure the environmentally sound operation of the County landfill. Therefore, the propose use is approved. The Department also finds that the provisions of the plan amendment concerning the allocation for activities over time as they relate to the requirements of N.J.S.A. 13:1E-150c. do meet the Department's content and format criteria for the provision of a disbursement schedule. Therefore, the disbursement schedule contained in the plan amendment is also approved.

2. August 19, 1992 Amendment

The County Plan inclusion of another modification to the use and disbursement schedule for moneys from the County RRIT Fund is approved. Specifically, the amendment designates an allocation in the amount of \$588,552.00 to be disbursed to the County's municipalities to help alleviate unanticipated increases in recycling costs. The moneys will be used by municipalities to pay for recycling programs and be rebated to municipalities based on a rate of \$10.00 per ton on materials

which are recycled through municipal curbside collection programs and municipal drop off centers. These materials will include glass food and beverage containers, aluminum cans, ferrous cans, plastic containers, corrugated cardboard, and newspaper. This rebate program will apply to tonnage recycled during the period from July 1, 1992 through December 31, 1992. The County may allocate up to \$98,092.00 (which represents 20% of the amount which they expect to disburse, \$490,460.00) as a miscellaneous category to provide for a greater rebate should an increase in recycled tonnage occur over that which was originally projected. The County may consider extending this rebate program contingent upon the status of recycling markets during 1993. The proposed use is in conformance with the requirements of N.J.S.A. 13:1E-150b. since the moneys will be allocated to encourage recycling which will reduce the amount of solid waste delivered to the landfill. Therefore, the proposed use is approved. The Department also finds that the provisions of the plan amendment concerning the allocation for activities over time as they relate to the requirements of N.J.S.A. 13:1E-150c. do meet the Department's content and format criteria for the provision of a disbursement schedule. Therefore, the disbursement schedule contained in the plan amendment is also approved.

### 3. Gloucester County Response to Solid Waste Task Force Final Report

In the Department's March 18, 1992 certification of the September 18, 1991 amendment, the DEPE approved the County's general strategy for addressing the Emergency Solid Waste Assessment Task Force Final Report in terms of source reduction and recycling. However, the County was directed within 180 days in a subsequent plan amendment submission to address regionalization and to make further refinements to its source reduction and recycling strategy. The 180 day deadline elapsed on September 14, 1992. However, I have been informed that the Department has reviewed a draft amendment addressing these Task Force deficiencies. Therefore, I await the expeditious submission of this amendment.

## D. Other Provisions Affecting the Plan Amendments

### 1. Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with these amendments to the County Plan and which was executed prior to the approval of these amendments 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 these amendments and of the County Plan if such renegotiation is not completed within ninety (90) days of the effective date of these amendments 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 amendments contained herein shall operate in compliance with these amendments 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 Amendments

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 amendments certified herein.

5. Definitions

For the purpose of these amendments 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 Amendments

The amendments 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 of the Amendments 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 the amendments, as outlined in Section C. of this certification, to the Gloucester County District Solid Waste Management Plan which were adopted by the Gloucester County Board of Chosen Freeholders on July 22, 1992 and on August 19, 1992.

11-16-92  
DATE

  
SCOTT A. WEINER  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
AND ENERGY