



State of New Jersey
Department of Environmental Protection and Energy
Office of the Commissioner
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Trenton, NJ 08625-0402

Jeanne M. Fox
Acting Commissioner

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

CERTIFICATION
OF THE MARCH 10, 1993
AMENDMENT TO THE MORRIS COUNTY
DISTRICT SOLID WASTE MANAGEMENT PLAN

BY ORDER OF THE ACTING 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 January 29, 1981, the Department of Environmental Protection approved, with modifications, the Morris 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 County Plan at any time and, if found inadequate, a new County Plan must be adopted. The Morris County Board of Chosen Freeholders (County Freeholders) completed such a review and on March 10, 1993, adopted a multifaceted amendment to its approved County Plan.

The amendment proposed County Plan inclusion of the following:

- * Deletion of the waste-to-energy incineration strategy and the Rockaway Township incinerator site which were previously designated in the County Plan;
- * Inclusion of the County's response to the recommendations of the Governor's Emergency Solid Waste Assessment Task Force (Task Force) Final Report;
- * Inclusion of the County's solid waste management system comprising a bulky waste processing facility, a mixed waste processing facility, a solid waste composting facility and, potentially, another recycling facility;
- * Inclusion of the County's out-of-state disposal strategy;
- * Inclusion of an increase in capacity of the County Recycling Consolidation Center located in the Town of Dover;
- * Inclusion of a blanket inclusion policy for vegetative waste compost facilities and recycling centers; and,
- * Inclusion of the modification of Dover General Hospital's medical waste incinerator to a medical waste microwave shredder;

The amendment was received by the Department of Environmental Protection and Energy (Department or DEPE) on March 31, 1993, 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 March 10, 1993 is approved in part and modified in part as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the March 10, 1993 amendment to the County Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that the approved portion of this plan amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the issues of concern relative to the March 10, 1993 amendment which are included in Section B.2. below.

In conjunction with the review of the amendment, the Department circulated copies to fifteen 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
Land Use Regulation Element, DEPE
Wastewater Facilities Regulation Element, DEPE
Division of Parks and Forestry, DEPE
Division of Fish, Game and Wildlife, DEPE
Division of Solid Waste Management, DEPE
Green Acres Program, 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 March 10, 1993 Amendment

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

Division of Parks and Forestry, DEPE
Division of Fish, Game and Wildlife, DEPE
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Health
Department of Transportation

The following agencies did not respond to the Department's requests for comments:

Land Use Regulation Element, DEPE
Green Acres Program, DEPE
Department of Community Affairs
Department of the Public Advocate
U.S. Environmental Protection Agency

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

Office of Energy, DEPE
Wastewater Facilities Regulation Element, DEPE
Division of Solid Waste Management, DEPE

2. Comments Received for the March 10, 1993 Amendment

Issue: Regulatory Requirements

Materials recovery facilities, recycling centers, compost facilities, and medical microwave treatment facilities are subject to N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits odors and emissions of air contaminants which interfere with the enjoyment of life and property. These facilities are considered solid waste facilities, which are subject to N.J.A.C. 7:27-8.2(a)16 which requires air pollution control for any equipment which vents a solid waste facility directly or indirectly into the outdoor atmosphere. Such vents may require devices to control odors and other air contaminants. Stationary conveying equipment which causes fugitive emissions of air contaminants requires air pollution control permits pursuant to the provisions of N.J.A.C. 7:27-8.2(a)11. Also, microwave treatment units are subject to N.J.A.C. 7:26-3A, "Regulated Medical Waste Rules." Medical waste awaiting treatment and destruction must be protected from the elements and maintained in a nonputrescent state and stored in a limited access area. Additionally, Dover General Hospital must register as a medical waste destination facility pursuant to N.J.A.C. 7:26-3A.8 and comply with efficacy guidelines established by the Department of Health. Finally, if any of the proposed facilities will discharge pollutants as defined in N.J.A.C. 7:14A-1.9, said operations may be required to secure a New Jersey Pollutant Discharge Elimination System permit and/or a Treatment Works Approval for pollutant discharges prior to construction or operation.

Issue: County Response to Task Force Recommendations

In the Department's April 19, 1991 certification of the October 24, 1990 and November 28, 1990 amendments to the County Plan, the DEPE directed the County to address the recommendations of the Task Force Final Report concerning source reduction, 60% recycling and regionalization. The recommendations were to have been addressed within 180 days or by October 16, 1991 in a subsequent plan amendment submission, but the amendment was not received until March 31, 1993. The following is an overview of the County's response to the Task Force recommendations, as well as the Department's comments on the proposed plans and programs.

Source Reduction

a. Source Reduction Goals

The amendment proposes the following source reduction goals. The County projects an increase in the per capita solid waste generation rate from the 1990 rate of 1.77 tons per person per year to a high of 1.81 tons per person per year in 1995. The per capita generation rate is projected to remain at the 1.81 tons per person per year rate through the year 2000. From the year 2000 to the year 2005 the County projects the per capita generation rate to decline to the 1990 rate of 1.77 tons per person per year and to remain stable at that rate thereafter. The Task Force and Department's goals for source reduction are to cap per capita generation of waste at 1990 levels, cap total waste generation within five years, and

then reduce total waste generation within ten years. Morris County's goal to cap the County's per capita rate at the 1990 per capita generation rate is consistent with this strategy and is approved. However, due to projected population increases within Morris County, the County projects an actual increase in total waste generation through the year 2010, which is contrary to the goals noted above. Therefore, Morris County must monitor the County's generation rate on an annual basis and continue to pursue expanded source reduction programs toward ultimately reducing total generation rates.

b. Waste Audits

The county is developing a waste audit protocol which will require the following audit schedule:

1. Businesses with more than 500 employees will be audited by the end of 1993;
2. Businesses with more than 250 employees will be audited by the end of 1994; and,
3. Businesses with more than 100 employees will be audited by the end of 1995;

Upon completion of the County waste audit protocol, the County is to submit it to the Department along with the finalized waste audit schedule. The County must develop this protocol immediately to comply with the above schedule. The County also states that the County has conducted informal waste audits of County buildings over the past five years. The Department promotes the importance of government assuming a lead role in initiating waste audits. The County should indicate in a subsequent plan amendment submission a schedule for the completion of waste audits for all municipal and county buildings.

c. Pay-Per-Bag/Container Waste Collection Systems

The County recognizes that pay-per-bag/container collection systems have the potential to encourage waste reduction practices. Currently five municipalities have implemented pay-per-bag disposal programs within the County, and seven other municipalities are considering programs. The County intends to track these programs to understand their effectiveness on both source reduction and source separation practices. The County intends to issue an evaluation report which summarizes the impact of these programs with recommendations concerning the implementation of these programs. Upon completion of the evaluation report, the County shall incorporate its recommendations within the County Plan. The County should indicate in a subsequent plan amendment submission when the evaluation report will be completed. Further, the County should supply the Department with a copy of the evaluation report upon completion.

d. Yard Waste Management

The amendment sets forth the County's policy to encourage yard waste generation reduction through backyard composting as well as a "Cut It and Leave It" grass management program. The County currently provides municipalities and residents with information on how to compost yard waste

in their backyard. This includes newsletters, flyers, "how to" manuals, scheduled municipal recycling coordinator meetings, and special seminars. The County will also create a "master composter program" which involves training master composters who in turn train other community members in composting techniques. The program will commence in 1994. The County should outline in a subsequent plan amendment submission the details of the "master composter program" and provide a more comprehensive schedule for implementation of the program.

e. Household Hazardous Waste

The County currently conducts two household hazardous waste collection days per year. The 1992 program had a total of 1,226 participants and collected 166,700 pounds of hazardous material. The amendment states that the County is currently investigating the establishment of a 90 day temporary hazardous waste storage facility or a mobile collection system to work in conjunction with the operation of the solid waste complex proposed to be developed by the County. This facility will require County Plan inclusion, once a specific site has been identified, as well as any necessary permits from the Department. The County should evaluate opportunities for regionalizing the household hazardous waste facility to accept material from outside the County pursuant to an interdistrict agreement and indicate in a subsequent plan amendment submission when its investigation of collection facilities will be completed. Also, once a course of action is selected, an implementation schedule must also be developed.

f. Procurement Strategies

The County has modified its procurement practices to take into account source reduction and recycling issues. Procurement recommendations are made to County and municipal purchasing agents on ways to procure materials in a manner which reduces waste generation. The County also intends to distribute sample bid specifications to governments and businesses. The amendment recommends that County and local governments adhere to current and future State procurement goals. As the County formalizes other procurement recommendations, they will be incorporated within the County Plan. The County should indicate in a subsequent plan amendment submission when the sample bid specifications will be distributed. Also in this regard, on April 22, 1993 Governor Florio signed P.L. 1993, Chapter 109 which establishes specific goals for the purchase of recycled paper and allows preferential purchase of recycled nonpaper finished products. Additionally, Executive Order No. 91 on the procurement of recycled products was signed by the Governor on May 3, 1993. The County should consider the scope of these state level programs, as well as the state's cooperative purchasing program and state distribution and support services program for recycled products, for application at the County level. Further, the County should consider programs or strategies to achieve municipal participation in the purchase of recycled products through the adoption of state and county practices.

g. Waste Exchange Infrastructure

The County intends to establish a waste exchange infrastructure to track generated waste which may be useful to another business or organization. As part of this program, the County would like to link its waste exchange to others developed by other counties and other states. Currently, the County subscribes to the Northeast Industrial Waste Exchange, Inc. which is a not-for-profit information clearinghouse for waste with reuse value. The waste exchange is to be created at the conclusion of the initial waste audit program or by the end of 1995.

h. Education

The County intends to continue expanding its source reduction education program to promote source reduction in the community whenever possible. As part of the waste audit seminars, the County will continue to promote its household hazardous waste disposal program in all its printed publications (advertising supplements, newsletters, brochures, press releases) and will offer a speaker who will provide a "show and tell" program for community organizations in order to enable their members first to reduce the generation of hazardous waste and then to properly dispose of any hazardous waste which they continue to generate. Also, as part of the waste audit seminars, "how-to" outlines regarding both procurement and the exchange of reusable waste material will be distributed.

Recycling

a. Recycling Goals

The amendment proposes to recycle at least 60% of the County's total waste stream and 50% of the municipal waste by December 31, 1995. The County anticipates reaching these goals through the use of enhanced source separation recycling programs in conjunction with the development of the County's solid waste management system facilities comprising a bulky waste processing facility, a mixed waste processing, a municipal solid waste composting facility and, potentially, another recycling facility. The amendment notes that these goals are established as minimum goals and that the County Plan will be refined in the future to achieve even higher rates.

b. Designated Recyclable Materials

The amendment has added a number of additional designated recyclable materials which will be banned from the County's disposal system that currently includes the transfer station facilities and out-of-state landfills. However, the County will only mandate materials if recycling markets are available. Most of the additional designated materials currently have markets available and, therefore, are mandated effective immediately. If market demand disappears for any of these materials, the County may elect to delete that material from the mandated list. Likewise, additional materials may be added as recycling markets develop and expand. Previously, the County had mandated different materials for

different sectors (i.e. residential, commercial, and institutional). The County's updated mandated materials listing applies to all sectors except for food waste which will only be mandated for specific commercial and institutional generators (i.e. restaurants, supermarkets, cafeterias, food processing plants). In the case of a multigenerator building, (i.e. apartment, office complex, hotels, etc.), the generator as well as the building management shall be responsible for compliance with county and municipally mandated source separation recycling requirements. The materials mandated to be recycled in Morris County are as follows:

- Newspaper*
- Corrugated*
- Mixed paper*
- Aluminum*
- Plastic containers (PETE and HDPE only)
- Glass containers*
- Ferrous containers (tin and steel cans)
- Yard waste (leaves, grass and brush)*
- Tires
- Vehicular batteries
- White goods (CFC's must be recovered where applicable)
- Motor oil
- Oil contaminated soil (nonhazardous type 27)
- Stumps (logs, branches, natural wood waste)
- Asphalt roofing shingles
- Food waste (specific commercial/institutions when compost facility opens)
- Construction and demolition (when bulky waste facility opens)
- Household batteries (six months after State program)

*Previously designated materials

Although the DEPE approves the additional designated materials, the County must provide greater detail on the phase-in dates for all additional designated recyclables and the notification procedures and mechanisms by which recyclables shall be banned from the disposal system. In this regard, the County must, by letter, disclose its implementation strategy in detail within two weeks of the date of this certification. This short timeframe is necessitated by the County's stated goal of "immediately" implementing the expanded program.

c. Collection Inventory for Recyclables

The amendment contains a listing of each municipal curbside recycling collection program and the materials accepted. Thirty-seven (37) of the thirty-nine (39) municipalities in the County provide some type of curbside collection program. Twelve municipalities use their own employees to provide the service, ten contract with private haulers to provide the service, seven contract with the County's curbside collection program, and eight municipalities use different combinations of the above. Once collected, twelve municipalities have the materials consolidated at their recycling depots, twelve utilize the County consolidation center, two municipalities allow the hauler to market the materials collected, and eleven have combinations of the above. For

traditional materials (glass, aluminum, newspaper, etc.) nine municipalities provide weekly pickup, sixteen provide biweekly or twice a month pickup, and twelve provide monthly pickup. Condominium and multi-family buildings are included in the municipal curbside program in twenty-five (25) of the municipalities. In addition to the municipal collection programs, the County has established its own curbside collection service for contracting municipalities. The program currently services eleven municipalities and up to ten different materials are collected. The County has also developed a commercial collection program for small businesses in three municipalities. The intent is to expand the service in the future. Thirty-three (33) of the thirty-nine (39) municipalities have municipal recycling depots.

d. Enforcement

The amendment indicates that the County will take aggressive steps to establish a strong enforcement program to ensure strict compliance with the County's solid waste management and recycling plan. The amendment also states that the County is currently in the process of applying for a solid waste franchise and intends on establishing tariffs applicable to the processing and disposal of solid waste through its proposed solid waste management system. The County also intends to investigate establishing a Countywide enforcement agency. This agency will be responsible for periodic inspections at curbside as well as disposal/processing facilities. The enforcement agency will be responsible for assessing penalties and for maintaining pressure on recycling violators to assure compliance. The enforcement agency will also be responsible for the enforcement of solid waste flow rules. The results of this investigation, the selection of an enforcement agency, the establishment of an enforcement protocol, and projections of manpower requirements and costs will be contained in a future County plan amendment. The County should indicate in a subsequent plan amendment submission when all of these milestones will be accomplished.

e. Education

The amendment indicates that the County will continue to expand its existing recycling education efforts and pursue various new concepts to meet the challenges of its recycling goals. These efforts will include promoting the County's recycling program through various media including: fact sheets, newsletters, seminars and conferences, awards dinners, media advertisement, etc. The education program will also promote the benefits of proper waste management as well as environmentally conscious living through various programs, promotional materials, and the maintenance of a solid waste and recycling library. County recycling staff will educate people, businesses, institutions as well as municipal officials on how to recycle and how to expand and improve existing recycling programs.

f. Costs to Implement Recycling Program

The amendment contains a projected cost of the recycling program as it is currently implemented, such as the curbside collection program and the County recycling consolidation center. The amendment also contains capital cost projections for the proposed recycling facility, bulky waste

processing facility, mixed solid waste processing facility, and the solid waste composting facility. The County shall submit an updated cost analysis when the various components of the recycling program move forward and additional information becomes available.

Regionalization

The amendment accepts the Task Force recommendation that regional cooperation for the management of solid waste should be explored and implemented when appropriate. The amendment lists several recycling facilities and medical waste facilities that currently provide regional service and disposal capacity. The amendment states that the County has conducted unsuccessful discussions with several counties with respect to regionalization but will continue to explore potential regional arrangements with other counties. The amendment further states that the planned County recycling and solid waste processing facilities will provide excess capacity to out-of-county generators should waste generation patterns result in excess capacity and/or should a regional agreement occur. With the County's total reliance on out-of-state disposal, it is imperative that the County continue its discussions to provide regional agreements for the shared use of existing or planned in-state capacity within or outside of Morris County. Total dependence on out-of-state disposal capacity is contrary to the Statewide policy of in-State self-sufficiency and the draft Statewide Solid Waste Management Plan Update: 1993-2002. Therefore, the County must submit in a subsequent plan amendment a timeline with specific milestones for siting and developing in-county disposal facilities or entering regional agreements for the shared use of other existing or planned in-state disposal capacity. This strategy will be considered by the DEPE in its review of the Waste Management of Pennsylvania, Inc. contract as further described on page 13.

As noted in Section C. of this certification, the Task Force strategy adopted by the County concerning source reduction and recycling is approved. However, specific schedules for accomplishing certain tasks pertaining to source reduction and recycling must be provided within 180 days in a subsequent plan amendment submission. Finally, regarding regionalization, the amendment did not adequately address this component of the Task Force Final Report. Therefore, since the County is a 100% exporter of solid waste and must further address this deficiency, Section C. of the certification directs the County to provide within 180 days in a subsequent plan amendment submission its long-term strategy for developing in-county disposal facilities or for the negotiation of interdistrict agreements for the shared use of existing or planned in-state disposal capacity. The timely submission of this strategy is necessary so that the Department may act upon the Waste Management of Pennsylvania, Inc. contract.

Issue: Solid Waste Management System

The amendment indicates that the County intends to develop a solid waste management system which includes: a bulky waste processing facility; a mixed waste processing facility; a solid waste composting facility; and,

possibly, another recycling facility. These facilities are intended to enable the County to reach and surpass their 60% recycling goal by 1995 and are summarized below.

a. Bulky Waste Processing Facility - This facility will process and recycle institutional, nonregulated medical waste, construction and demolition waste, and bulky waste (Type 13) and nonhazardous dry industrial waste (Type 27). The facility is projected to recover approximately 21,000 tons per year (TPY) of bulky/industrial waste from the waste stream.

b. Mixed Waste Processing Facility - This facility will process mixed solid waste (types 10, 13, and 25) into marketable products, a feed stock for the compost facility and processed waste. The facility is projected to recover approximately 30,000 TPY of mixed solid waste from the waste stream.

c. Solid Waste Composting Facility - This facility will compost a selective feed stock, consisting primarily of organic and other putrescible portions of the solid waste stream which are either transported directly to the compost facility or are processed and separated out at the mixed waste processing facility and then transported to the compost facility. The compost facility is projected to compost approximately 72,400 TPY.

d. Recycling Facility - This facility will process, consolidate and market previously separated recyclable materials including, but limited to, newspaper, glass, aluminum, mixed paper, plastics, corrugated and tin.

The amendment indicates that the County projects to have the above listed facilities on line in 1995. However, no site specifics have been identified. Also, the amendment indicates that these proposed facilities are to be procured by the Morris County Municipal Utilities Authority and will be designed, constructed, operated, and maintained by a selected vendor. The County must further explore the possibilities of entering an interdistrict agreement with another district which may be planning the development of one or more similar type facilities and also initiate discussions with private entities which may assume from the County the burden of facility procurement. Specifically, the following northern counties are proposing the development of facilities which are similar to Morris County's planned facilities:

Potential/Proposed Regional Facilities

Facility Type	District	Location	Capacity	Status	Waste Types
MRF	Hudson	NA	NA	Planning	Mixed Solid Waste
MRF	Middlesex	NA	NA	Planning	Mixed and Bulky Waste

MRF	Passaic	NA	NA	Planning	Bulky Waste
MRF	Union	NA	150-200TPD	Planning	10, 27
		NA	250-500TPD	Planning	13
LF	HMDC	Kearny	1,500TPD	Planning	Non-processible Bulky Waste
Compost	Hudson	NA	NA	Planning	10, 23, and 25
Compost	Bergen	NA	NA	Planning	Food and Paper Waste

Therefore, in recognition of the projected 1995 operational timeframe, the County must submit to the Department within 180 days of the date of this certification a plan amendment containing site locations and detailed schedules for the development of these facilities or using other planned regional facilities such as those noted above. The County must also report on its discussions with the above referenced counties toward shared use of planned bulky waste, mixed waste, composting and recycling facilities on a regionalized basis. This report must also address the potential for using existing private sector facilities in the region and developing proposed projects in a privatized manner. Finally, the report must provide a detailed rationale for the final program development strategy selection which indicates where existing or planned bulky waste and mixed waste processing, composting and recycling facilities in other districts can be used on a regionalized basis or why such use is not feasible; cases where excess capacity for planned Morris County facilities will be made available to other counties in the region or why such regional use is not feasible; and/or why the County wishes to pursue new public or privatized facilities for Morris County use only. This report must be part of the plan amendment referenced earlier and be submitted within 180 days of the date of this certification.

Issue: Capacity Analysis

The amendment provides a comprehensive strategy for addressing the Task Force recommendations of source reduction and recycling. Further, the amendment provides a capacity analysis for the solid waste management system comprising the above referenced mixed waste processing facility, bulky waste processing facility, and composting facility. However, even with full implementation of the County's source reduction and recycling goals and development of its solid waste management system, the County estimates within the March 10, 1993 amendment the need for disposing of

about 200,000 tons annually at out-of-state landfills or additional disposal facilities. Any reliance on out-of-state landfilling beyond December 31, 1999 is contrary to the DEPE's goal for achieving in-state self-sufficiency in solid waste disposal by that date. The following section of the certification describes in greater detail the County's long-term strategy for relying on out-of-state landfilling.

Issue: Use of Out-of-State Landfills

The amendment states that the County executed an Easement Agreement with Waste Management of Pennsylvania, Inc. on January 6, 1993 for the disposal of up to 4,500,000 tons of various categories of solid waste for a ten year period effective January 1, 1995. The County has the option, at its sole discretion, to elect a five year extension of the Easement Agreement. The County, however, reserves the right not to deliver any waste:

- that is designated by the County as a recyclable material and included in the County Plan;
- to be processed by the proposed material recovery and processing facilities;
- to be delivered to a landfill or other solid waste facility which is constructed and/or utilized by the County, located within the County or the State, and has been validly directed by the DEPE; or,
- material which may be sold, given away or otherwise recycled.

Also, the Easement Agreement does not obligate the County to deliver any minimum amount or type of waste for disposal. Finally, the County has the right to assign, sell or otherwise transfer its rights to the Easement Agreement to any public body or governmental agency located within the State.

The Department is unable to critically evaluate the Waste Management of Pennsylvania, Inc. contract in the absence of a more detailed long-term in-state disposal plan for developing in-county disposal facilities or for the shared use of other existing or planned in-state disposal facilities and the submission of the actual contract. It would be contrary to the goals of the Task Force Final Report, as well as to the objectives, criteria and standards of the Draft Solid Waste Management State Plan Update: 1993-2002, for the Department to approve a long-term out-of-state disposal plan in the absence of a more comprehensive and detailed long-term in-state disposal plan. Both the Task Force Final Report and draft State Plan Update require that solid waste management districts fully utilize every available in-state disposal option before resorting to out-of-state disposal. Further, it is the Department's goal, as articulated within the draft State Plan Update, for New Jersey to be self-sufficient with respect to solid waste disposal by the year 1999. The County must use maximum efforts to reduce or eliminate its dependence on out-of-state disposal prior to December 31, 1999. As indicated above, the County is still projected to be an exporter of potentially as much as

200,000 tons of solid waste per year despite full implementation of its source reduction and recycling plan and solid waste management system. Further, the County has yet to identify specific in-county or out-of-county sites for the various components of its proposed solid waste system. Therefore, as noted in Section C., the Department will modify that portion of the County plan amendment which designates a Waste Management of Pennsylvania, Inc. landfill as the County's future disposal site so that its submission to the Department for certification is contingent upon the County also submitting a more detailed long-term in-state disposal plan as discussed within pages 10 through 12 above. To this end, the County must provide the Department with a detailed long-term in-state disposal strategy within 180 days of this certification. This strategy must provide a timeline with specific milestones for siting and developing in-county disposal facilities or entering regional agreements for shared use of planned or existing in-state disposal capacity and will be considered by the DEPE in its review of the Waste Management of Pennsylvania, Inc. contract. Finally, the County must also submit the Waste Management of Pennsylvania, Inc. contract for technical review by the DEPE. This submission need not be in plan amendment form. Upon receipt of the required plan amendment and contract, the DEPE will consider the contract within the context of the entire County Plan and certify approval, rejection, or additional modification of the amendment from a planning perspective within the statutory review time provided by law. From a technical, economic perspective, the DEPE will begin review of the contract upon its submission within 14 days of the date of this certification and issue its findings in a separate order.

C. Certification of the Morris County District Solid Waste Management Plan Amendment

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, I have reviewed the March 10, 1993 amendment to the approved County Plan and certify to the County Freeholders that the March 10, 1993 amendment is approved in part and modified in part as further specified below.

1. **Task Force Recommendations**

The County Plan inclusion of Morris County's response to the Task Force Final Report is approved as follows:

a. **Source Reduction**

The County's strategy to enact specific source reduction tasks comprising source reduction goals, waste audits, pay-per-bag/container, yard waste management, household hazardous waste, procurement strategies, waste exchange infrastructure, and education, as described in Section B., is approved. However, as indicated in Section B., the County must provide within 180 days in a subsequent plan amendment submission schedules for accomplishing the specifically noted tasks.

b. **Recycling**

The County's strategy to achieve at a minimum a 60% recycling rate of the total waste stream and a 50% recycling rate of the municipal waste stream by December 31, 1995 is approved. Further, the additional designated recyclable materials, collection inventory for recyclables, enforcement

strategy, education program, and costs to implement recycling as described in Section B., are also approved. However, as indicated in Section B., the County must provide within 180 days in a subsequent plan amendment submission schedules for accomplishing the specifically noted tasks.

c. Regionalization

The County's regionalization strategy is to pursue in-state regional solutions to the in-county disposal capacity shortfall and the possible regionalization of the proposed County bulky waste processing facility, the mixed waste processing facility, the solid waste composting facility and, potentially, another recycling facility. Despite identifying some existing regional agreements and representing openness to regional management, the County's strategy has not adequately addressed regionalization. Therefore, as noted in Section B., since the County is a 100% exporter of solid waste, it must submit, within 180 days, in a subsequent plan amendment a schedule for the entering of interdistrict agreements for the shared use of other existing or planned in-state capacity or for developing in-county disposal facilities. This strategy will be considered by the DEPE in its review of the Waste Management of Pennsylvania, Inc. contract.

2. Capacity Increase of the County Recycling Consolidation Center

The County Recycling Consolidation Center, located at 22 Richboynton Road, Lot, Block 6-03, in the Town of Dover, was included in the County Plan by the May 8, 1991 plan amendment certified on October 17, 1991. The recycling consolidation center was approved for an operating capacity of 30 tons per day (TPD). The plan amendment contains provisions to expand the center to 50 TPD due to increased levels of recycling occurring in the County. The increase in capacity of the County Recycling Center from 30 TPD to 50 TPD is approved.

3. Blanket Plan Inclusion Policy

The blanket plan inclusion policies for vegetative waste compost facilities and recycling centers for Class A recyclable materials are approved. The vegetative waste compost facility blanket inclusion policy is restricted to any new compost facility of less than 5,000 cubic yards of annual capacity for residual leaves and grass clippings, vegetative waste from farms, plant nurseries and greenhouses, crop residue such as plant stalks, hulls, leaves, and tree waste produced through a wood chipper. The blanket inclusion policy for recycling centers for Class A recyclable materials is restricted to any new recycling center which is a facility designed and operated solely for receiving, storing, processing and transferring source separated, nonputrescible or source separated commingled, nonputrescible metal, glass, paper, plastic containers, corrugated and other cardboard, or other recyclable materials approved by DEPE.

For a compost facility or recycling center to be included within the County Plan pursuant to the blanket inclusion policies, the following procedures must be followed.

a. A project description containing the following information shall be submitted to the host municipality, the County and the Morris County Solid Waste Advisory Council:

- (1) The corporate name, address and telephone number of the person seeking to own and operate the proposed vegetative waste compost facility/recycling center;
- (2) The name of the individual serving as the contact person for the compost facility/recycling center;
- (3) The location of the proposed compost facility/recycling center, including lot and block, and generally recognized address of the site;
- (4) The acreage of the site and/or square footage of the compost facility/recycling center;
- (5) The zoning of the site;
- (6) A description of the material(s) to be composted/recycled;
- (7) A description of the compost facility/recycling center operation in a narrative form;
- (8) A map delineating the actual location of the facility in relation to the host municipality and neighboring communities;
- (9) A description of the methods addressing environmental impacts such as odors, noise, dust, and visual impacts; and
- (10) A full copy of the complete application as submitted to the DEPE including all engineering design reports, maps, etc. (for compost facilities only).

b. The applicant shall publish two notices of the proposed application, once each week for two consecutive weeks, in the designated official newspaper of the host municipality or in the absence thereof a newspaper of general circulation within the host municipality. The notice shall set forth:

- (1) The nature of the project;
- (2) The block and lot numbers of the site location;
- (3) The general recognized address of the site;
- (4) The location of the depositories (which in all cases shall be the municipal building and the County Division of Solid Waste Management) for inspection of the complete application and supporting documents; and,
- (5) A statement that written comments on the proposed application will be accepted by the County Division of Solid Waste Management for a period of 30 days from the date of the first notice.

c. The applicant shall submit written documentation that all applicable local approvals and permits have been secured.

d. The applicant shall notify by way of certified, return receipt mail all property owners within 200 feet of the proposed property for use in the vegetative waste compost facility/recycling center.

e. If no substantive objections to the site location are raised by the host municipality, the County Division of Solid Waste Management, the Morris County Solid Waste Advisory Council or any other person, the facility shall be deemed consistent with the Morris County Plan.

f. If, however, any such substantive objection is raised, as determined by the County, the proposed site and facility must be subject to formal plan amendment process pursuant to N.J.S.A. 13:1E-23 and 24.

g. The County shall approve the vegetative waste compost facility/recycling center to be included in the County Plan under the blanket inclusion policy by duly adopting a resolution by the County Freeholders and such resolution shall be submitted to the DEPE along with a transmittal letter, once the blanket inclusion policy for a particular site(s) and the detailed project description set forth in "item a" above has been completed. Pursuant to N.J.S.A. 13:1E-24d., these modifications are determined to be minor and do not require a subsequent plan amendment to include these modifications or make appropriate revisions.

For compost facilities processing in excess of 5,000 cubic yards annually, or any facility proposing in-vessel composting technology, the applicant shall follow the formal solid waste plan amendment procedure pursuant to N.J.S.A. 13:1E-23 and 24 and shall obtain DEPE approval prior to construction of the facility pursuant to N.J.S.A. 13:1E-4 and 5.

Any residue generated as a result of the operation of the vegetative waste composting facility/recycling center shall be disposed of pursuant to the County Plan and the Interdistrict and Intradistrict Solid Waste Flow Rules, N.J.A.C. 7:26-6.5.

Morris County shall submit a revised compost facility/recycling center listing as a part of the biannual County Plan Update which lists all facilities included in the County Plan through the blanket inclusion policy.

4. Solid Waste Processing Facilities

The County Plan inclusion of the strategy to develop a solid waste management system which includes a bulky waste processing facility, a mixed waste processing facility, a solid waste composting facility and, potentially, another recycling facility is approved in concept only. As noted in Section B., it is projected that these facilities are to be operational in 1995 and no sites for the facilities have been identified. Therefore, the County must submit a plan amendment within 180 days of the date of this certification containing site locations and detailed schedules for the development of these facilities or using other planned regional facilities. Also, the County must report in the subsequent plan amendment on its discussions with other counties on the shared use of these facilities, for developing/using private facilities, and the rationale for its selected strategy.

5. Use of Out-of-State Landfills

The amendment proposed the County Plan inclusion of a proposal to use out-of-state landfills under a contract with Waste Management of Pennsylvania, Inc. for a 10 year period effective January 1, 1995. As indicated in Section B., the DEPE has established a goal of achieving in-state self-sufficiency in solid waste disposal by December 31, 1999. Therefore, it would be contrary to the goals of the DEPE to approve a long-term out-of-state disposal plan in the absence of a more detailed long-term in-state disposal strategy. Accordingly, that portion of the plan amendment which designates a Waste Management of Pennsylvania, Inc. landfill as the County's future disposal site is modified so that its submission to the DEPE for certification is contingent upon the County

also submitting a more comprehensive and detailed long-term in-state disposal plan. To this end, the County must provide the DEPE with a detailed long-term in-state disposal strategy within 180 days of this certification. This strategy must provide a timeline with specific milestones for siting and developing in-county disposal facilities or entering regional agreements for shared use of existing or planned in-state disposal capacity and will be considered by the DEPE in its review of the Waste Management of Pennsylvania, Inc. contract. Finally, the County must also submit the Waste Management of Pennsylvania, Inc. contract for technical review by the DEPE. This submission need not be in plan amendment form. Upon receipt of the required plan amendment and contract, the DEPE will consider the contract within the context of the entire County Plan and certify approval, rejection, or additional modification of the amendment from a planning perspective within the statutory review time provided by law. From a technical, economic perspective, the DEPE will begin review of the contract upon its submission within 14 days of the date of this certification and issue its findings in a separate order.

6. Deletion of Waste-to-Energy Incineration

The deletion from the County Plan of the previously approved incineration strategy and the Rockaway Township incinerator site is approved. This strategy and site were included within the County Plan amendment of December 11, 1985 which was certified by the DEPE on March 25, 1986. Since then, the County has developed the solid waste management strategy described within the March 10, 1993 amendment which does not include mass-burn incineration.

7. Dover General Hospital Medical Waste Microwave Shredder

The County Plan inclusion of the medical waste microwave shredder at the Dover General Hospital, located at Lots 2 and 3, Block 2-02, in the Town of Dover, is approved. The microwave shredder is restricted to processing medical and hospital waste as defined by N.J.A.C. 7:26-3A. The capacity of the microwave shredder will be 55 pounds per hour. Should excess capacity be available, local medical waste generators as well as out-of-County medical waste generators would be permitted to utilize the microwave shredder providing this waste flow is approved by the generating county as well as Morris County. The disposal of all residue processed by the microwave shredder shall be in conformance with the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6.6 et seq.). Finally, all future plan amendments which propose inclusion of medical waste facilities will be reviewed within the context of the regulated medical waste (RMW) management hierarchy and source reduction initiatives as identified in the Comprehensive Regulated Medical Waste Management Plan. More specifically, the DEPE has proposed an RMW disposal strategy hierarchy which represents a listing in descending order of the options the DEPE views as the best management practices to safely dispose of RMW in environmentally sound and economical ways and to achieve self-sufficiency as quickly as possible. The DEPE's disposal strategy hierarchy is as follows:

1. County management strategies which include regional planning for the use of existing or planned RMW processing/treatment/disposal capacity on a multicounty basis through interdistrict agreements;

2. Strategies which demonstrate the capacity and timeframes for achieving self-sufficiency through more efficient use of existing in-county RMW disposal capacity at state-of-art hospital and other facilities such as microwaves, chemical disinfection and grinding systems, upgraded incinerators and sanitary sewer systems;
3. Plans for the development of new commercial or noncommercial disposal capacity on a singular countywide basis;
4. Plans for the development of new commercial or noncommercial disposal capacity for use by a single large generator;
5. Plans which call for the merger of RMW disposal within the existing solid waste infrastructure of the county through revision of existing regulations to allow for the acceptance of untreated RMW; and,
6. Out-of-state disposal which will only be acceptable as a short-term option pending development of in-state capacity and which will not be authorized for long-term use other than as part of a broad county contingency plan.

Each facility proposed by a County will be evaluated by the DEPE in relation to the RMW disposal hierarchy on a case by case basis in the plan amendment phase. As part of any future amendment for RMW facility inclusion, the County must indicate how the facility fits into the overall RMW plan being developed and provide a rationale, where appropriate, for why more preferred management options within the above hierarchy are not being pursued.

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 approved amendment to the County Plan and which was executed prior to the approval of this approved 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 approved 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 approved amendment contained herein shall operate in compliance with this approved 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 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 Amendment

This document shall serve as the certification of the Acting 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 portions of the amendment certified herein.

5. Definitions

For the purpose of this approved 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 and -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of the Amendment

The approved portions of the amendment 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 in Part and Modification in Part of the Amendment and Notification of Deficiencies by the Acting 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 in part and modify in part the amendment, as outlined in Section C. of this certification, to the Morris County District Solid Waste Management Plan which was adopted by the Morris County Board of Chosen Freeholders on March 10, 1993. I hereby require, as noted in Section C., the Morris County Board of Chosen Freeholders to address the noted deficiencies within the timeframe specified.

August 25, 1993
DATE

Jeanne M. Fox
JEANNE M. FOX
ACTING COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND ENERGY