



State of New Jersey

Christine Todd Whitman
Governor

Department of Environmental Protection

Robert C. Shinn, Jr.
Commissioner

Office of the Commissioner

CN 402

Trenton, NJ 08625-0402

Tel. # 609-292-2885

Fax. # 609-292-7695

**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 JUNE 26, 1996
AMENDMENT TO THE MORRIS 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 January 29, 1981, the Department of Environmental Protection (Department or DEP) 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 June 26, 1996, adopted an amendment to its approved County Plan.

The amendment proposed the County Plan inclusion of the uses of and a disbursement schedule for the County's Resource Recovery Investment Tax (RRIT) Fund. Specifically, Morris County proposes to use \$1,658,000.00 of RRIT Fund moneys to develop or make improvements to the following; a permanent household hazardous waste collection facility (proposed); the recycling consolidation center (existing); and the two regional vegetative waste compost facilities (existing).

The amendment was received by the Department on July 16, 1996, 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 June 26, 1996 is approved 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 June 26, 1996 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 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 June 26, 1996 amendment which are identified in Section B.2. below.

In conjunction with the review of the amendment, the Department circulated copies to fourteen administrative 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 DEP. All agencies contacted are as follows:

Division of Parks and Forestry, DEP
Division of Fish, Game and Wildlife, DEP
Division of Enforcement, DEP
Division of Solid and Hazardous Waste, DEP
Division of Water Quality, DEP
Office of Air Quality Management, DEP
Green Acres Program, DEP
Land Use Regulation Element, DEP
New Jersey Turnpike Authority
Department of Agriculture
Department of Health
Department of Transportation

Department of Community Affairs
U.S. Environmental Protection Agency

1. Agency Participation in the Review of the June 26, 1996
Amendment

The following agencies did not object to the proposed amendment:

Division of Parks and Forestry, DEP
Division of Fish, Game and Wildlife, DEP
Division of Enforcement, DEP
Division of Water Quality, DEP
Green Acres Program, DEP
New Jersey Turnpike Authority
Department of Agriculture
Department of Community Affairs

The following agencies did not respond to our requests for comment:

Office of Air Quality Management, DEP
Land Use Regulation Element, DEP
Department of Health
Department of Transportation
U.S. Environmental Protection Agency

The following agency provided substantive comments as shown in
Section B. of the certification document:

Division of Solid Waste Management, DEP

2. Issues of Concern Regarding the June 26, 1996 Amendment

Issue: County Curbside Recycling Collection Program

It should be noted that when the subject amendment was initially drafted, it proposed a fourth activity in addition to the permanent household hazardous waste collection facility, the recycling consolidation center, and the two regional vegetative waste compost facilities. This was the expenditure of \$1,700,000.00 for the purchase of additional vehicles for the County's curbside recycling collection program. However, at the June 26, 1996 public hearing held by the County Freeholders to receive public comment before adoption of the subject amendment, discussion by the Freeholders that the curbside recycling collection program was not servicing the entire county lead to a resolution deleting any reference within the amendment to the curbside recycling collection program and the accompanying \$1.7 million disbursement. Therefore, as noted within Section C. of this certification, only the proposals pertaining to the permanent household hazardous waste collection facility, the recycling consolidation center, and the two regional vegetative waste compost facilities, and accompanying disbursements, are approved. The County is hereby advised that the

adoption of and approval by the DEP of a subsequent amendment identifying a use of and disbursement schedule for the remaining \$1.7 million of RRIT Fund moneys will be necessary.

Issue: Disbursement Schedule

The June 26, 1996 amendment contains a disbursement schedule for the RRIT Fund (Exhibit 6). The schedule is correct in identifying an "Entitlement Deposited" of \$125,714.00 through 1996. The County then projects entitlement of \$15,000.00 annually for 1997 and 1998 for an entitlement total of \$155,714.00. The County is hereby advised for financial planning purposes that it has overestimated the projections for 1997 and 1998. The actual amount of total monies to be allocated to the County for the period of 1996 through 1998 is \$142,181.24 not the anticipated \$155,714.00 identified within the amendment. The County is also hereby advised that since Exhibit 6 contains a balance upon the conclusion of all anticipated disbursements, the adoption of and approval by the DEP of a subsequent amendment identifying a use of and disbursement schedule for any remaining RRIT Fund moneys will be necessary.

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 June 26, 1996 amendment to the approved County Plan and certify to the County Freeholders that the June 26, 1996 amendment is approved as further specified below.

The County Plan inclusion of the RRIT Fund uses and disbursement schedule for Program Years 1996 through 2001 is approved. Specifically, the amount of \$1,658,000.00 of RRIT Fund moneys shall be disbursed to the County for the specified uses as follows:

PROGRAM	ALLOCATION	YEARS
Recycling Consolidation Center (existing)	\$ 833,000.00	1996-2001
Regional Vegetative Waste Composting Facilities (existing)	\$ 525,000.00	1996 & 1999
Permanent Household Hazardous Waste Collection Facility (proposed)	\$ 300,000.00	1996 & 1999
TOTAL DESIGNATED	\$1,658,000.00	

It must be noted that the ultimate conformance of the RRIT Fund use and disbursement schedule with the requirements of N.J.S.A. 13:1E-150 shall be the responsibility of Morris County.

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 County 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 and operating pursuant to a contract as herein described, shall be deemed to be in violation of this 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 amendment contained herein shall operate in compliance with this 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 waste, construction and demolition waste, sewage sludge, septage, and hazardous waste. 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 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 amendment certified 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 -99.12, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of the Amendment

The amendment to the County Plan contained herein shall take effect immediately.

7. Audit Requirements

Morris County shall, by October 31 of each year in which moneys remain in its District Resource Recovery Investment Tax Fund, file an audit of the fund and any expenditures therefrom with the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs. The audit shall be conducted by an independent public accountant. A copy of the audit shall be provided to: Chief, Bureau of Recycling and Planning, Division of Solid and Hazardous Waste, CN 414, Trenton, New Jersey 08625.

8. 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, 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 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 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 June 26, 1996.

Date

10/9/96



Robert C. Shinn, Jr., Commissioner
Department of Environmental Protection