



State of New Jersey

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

CERTIFICATION
OF THE APRIL 3, 1996
AMENDMENT TO THE OCEAN 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 July 31, 1980, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Ocean 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 Ocean County Board of Chosen Freeholders (County Freeholders) completed such a review and on April 3, 1996, adopted a multifaceted amendment to its approved County Plan.

The amendment includes the following:

- * revises the County's strategy for addressing the State requirements for source reduction, recycling, and regionalization planning;
- * revises the description of the proposed Ocean County Landfill compost operation;
- * includes and deletes solid waste facilities from the County Plan;
- * disburses moneys from the County's Resource Recovery Investment Tax (RRIT) Fund; and
- * describes medical waste management.

The amendment was received by the Department on May 2, 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 April 3, 1996 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the April 3, 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 April 3, 1996 amendment which are included in Section B.2. below.

In conjunction with the review of the amendment, the Department circulated copies to fifteen federal and state 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. All agencies contacted are as follows:

Division of Parks and Forestry, DEP
Division of Fish, Game and Wildlife, DEP
Division of Solid and Hazardous Waste, DEP
Division of Enforcement, 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
New Jersey Advisory Council on Solid Waste Management
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 April 3, 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
New Jersey Turnpike Authority
Department of Agriculture
Department of Community Affairs
New Jersey Advisory Council on Solid Waste Management

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

Green Acres Program, DEP
Division of Water Quality, DEP
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 and Hazardous Waste, DEP

2. Issues of Concern Regarding the April 3, 1996 Amendment

Issue: State Requirements for Source Reduction, Recycling, and Regionalization Planning

On January 14, 1993 the Department certified an August 4, 1992 amendment to the County Plan. This amendment represented the latest submission of the County to address outstanding deficiencies relative to the State requirements for source reduction, recycling, and regionalization planning. Within that certification the Department approved the County's responses to deficiencies pertaining to source reduction, recycling, and regionalization planning but noted the need to complete additional tasks relating to source reduction and recycling. Specifically, the County was directed to further describe programs pertaining to dry cell battery management, public education, procurement, per container

rates, waste audits, vegetative waste management, and developing a permanent household hazardous waste collection facility. Also, the County was directed to consider mandating additional designated recyclable materials.

As noted below, the April 3, 1996 amendment satisfactorily addresses each of these deficiencies. Therefore, within Section C. of this certification, the Department approves the County's revised strategy for addressing the State requirements for source reduction and recycling.

Dry Cell Battery Management

In response to the directive to provide further information relative to its dry cell battery management program, the County has provided additional information. Specifically, in 1995 the County collected 32 tons of household batteries for recycling. This collection program includes container drop-off centers, curbside collection, distribution of collection containers at businesses generating dry cell batteries, and special programs involving Scout groups and environmental groups. While the Department commends the County's efforts in this regard, the 32 tons of batteries collected during 1995 represents an estimated 15% recapture rate of all batteries disposed of in the County during the year. For assistance in increasing the recapture rate, the County should contact the Portable Rechargeable Battery Association and the Rechargeable Battery Recycling Corporation. Both these trade associations provide recycling expertise free of charge.

Source Reduction Education

The County was directed to further describe its source reduction education program. In response, the County has developed a comprehensive source reduction education program comprising: posters, brochures, newsletters, informational materials for schools, portable exhibits, environmental shopping task force, speakers directory, billboard advertising, and a 24 hour informational telephone line.

Procurement

In response to the directive to develop a procurement strategy, the County is committed to make a long-term contribution to the market for recycled materials through preferential procurement. The County has established a Recycling Procurement Committee consisting of staff from various County departments. Bids for supplies will be evaluated by the committee to determine any possibilities to obtain products made from recycled materials. Where available, recycled products will be bid to be in place by January 1997. Also, in this regard, P.L. 1993, Chapter 109, which was signed into law on April 22, 1993, establishes specific goals for the purchase of recycled paper and allows preferential purchase of recycled

nonpaper finished products for New Jersey state government. Additionally, Executive Order No. 91 on the procurement of recycled products was signed 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.

Per Container Rates

Since the County was directed to further investigate the implementation of per container rates, the amendment notes that the County is still examining per container rates. However, since the County does not provide collection of either solid waste or recyclables, adoption of a per container rate program will be the choice of the individual municipality. One municipality, Plumstead Township, has instituted a per container rate program.

Waste Audits

The County was directed to further describe its waste audit program. In response, the amendment notes that the County will require County offices to complete waste audits by the fall of 1996. Municipal buildings will be encouraged to complete waste audits in 1997. However, the County has failed to provide a schedule for requiring the private sector to conduct waste audits. Therefore, once such a schedule is developed, the County should notify the Department by letter of this schedule as well as the results of all completed waste audits in both the public and private sectors.

Vegetative Waste Management

The County was directed to provide a capacity analysis indicating whether additional compost facilities were needed to accept all vegetative waste generated within Ocean County. In response, the amendment notes that available in-county facilities accommodate 90% of all vegetative waste generated within the County. The amendment also indicates that since 1988 there has not been any problems related to available capacity for leaves or brush for any municipality located within Ocean County.

Household Hazardous Waste Collection Facility

In response to the directive to provide a schedule for the development of a permanent household hazardous collection facility, the amendment notes that the County will propose a subsequent amendment to establish a permanent facility in January 1997, submit permit applications to the DEP in August 1997, and have a facility operational by the spring of 1998.

Additional Recyclables

The County was directed to consider the mandating of additional designated recyclables. In response, the County has designated the following additional recyclables.

Residential Sector

Newspaper*
Aluminum cans*
Bimetallic cans*
Plastic containers*
Glass containers*
Mixed paper
Automobile batteries
Used motor oil
White goods
Tires

Commercial, Industrial, and Institutional Sector

Newspaper*
Aluminum cans*
Bimetallic cans*
Plastic containers*
Glass containers*
Corrugated cardboard*
Office paper*
Tree parts
Brush
Concrete
Cement blocks
Bricks
Asphalt
Ferrous scrap
Nonferrous scrap
Automobile batteries
White goods
Used motor oil
Tires

* Previously designated material

It must be noted that the April 3, 1996 amendment identified seven facilities as either having been permitted by or having permit applications pending with the DEP to accept "construction and demolition (C&D) waste." The County is hereby advised that the Department does not permit Class B recycling centers to accept "C&D waste" but rather specific recyclable materials within the C&D waste stream, just as the County designated additional materials for recycling that are constituents of the C&D waste stream.

Finally, while the Department commends the County for increasing its list of designated recyclable materials, the County is hereby advised that pursuant to the New Jersey Statewide Mandatory Source Separation and Recycling Act the County is the "marketer of last resort." Specifically, this Act at N.J.S.A. 13:1E-99.14 requires that "Each county shall, within six months of the adoption and approval of the Department of a district recycling plan required pursuant to section 3 of this amendatory and supplemental act, solicit proposals from, review the qualifications of, and enter into contracts or agreements on behalf of municipalities with persons providing recycling services or operating recycling centers for the collection, storage, processing, and disposition of recyclable materials designated in the district recycling plan in those instances where these services are not otherwise provided by the municipality..." Therefore, by the actions taken in the April 3, 1996 amendment, Ocean County is obligating its municipalities to potentially provide separate recycling collection services for all the designated materials, and the County will be obligated to act as the marketer of last resort for all designated materials. Although the amendment notes that recycling markets have expanded within the Ocean County region and, therefore, there are sufficient numbers of markets available for all the new mandatory recyclables, the County must be prepared to adopt a subsequent amendment within 180 days to delete those materials for which markets have not been secured. Therefore, within Section C. of this certification, the DEP approves the entire list of designated recyclables but directs the County to adopt within 180 days a subsequent amendment to delete those designated materials for which markets have not been obtained.

Regionalization Planning

The County was directed to continue to apprise the Department on its efforts to regionalize solid waste programs. In response, the amendment notes that the County continues to pursue regional arrangements for household hazardous waste collection and processing recyclables with the County's recycling center in Lakewood having received out-of-county recyclables since 1992. Since the amendment merely updates the County's status to regionalize solid waste programs, there is no need for the Department to act, within Section C. of the certification, on this section of the April 3, 1996 amendment.

Issue: Medical Waste Management

The amendment provides a description of current medical waste management within the County. Briefly, the amendment notes that all medical waste generated within Ocean County is transported out-of-state for disposal. Further, there are no medical waste incinerators or alternative technology disposal facilities located within the County. Finally, none of the regulated medical waste generators within the County have proposed to construct treatment

or other disposal facilities. Since the amendment merely updates the County's status to manage regulated medical waste, there is no need for the DEP to act, within Section C. of the certification, on this section of the April 3, 1996 amendment.

Issue: Appendix IV of the Amendment

Appendix IV of the April 3, 1996 amendment is a response to questions and comments offered for the record at the April 3, 1996 public hearing on the subject amendment. One of the responses, in reply to a question that the amendment mandates that C&D material designated as recyclable may not be disposed at the Ocean County Landfill, notes that "The amendment does not disallow the landfilling of Type 13C waste; even less does it prohibit such disposal of C&D materials components of Type 13C. In fact, it grandfatheres the existing cell for stumps and allows for continued disposal although stumps are now a mandatory recyclable." The County is hereby advised that since stumps are now (as of January 1, 1997) a mandated recyclable, the County may not sanction the continued disposal of stumps at the Ocean County Landfill.

C. Certification of the Ocean 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 April 3, 1996 amendment to the approved County Plan and certify to the County Freeholders that the April 3, 1996 amendment is approved as further specified below.

State Requirements for Source Reduction and Recycling

The County Plan inclusion of the following components of the County's revised strategy for addressing the State requirements for source reduction and recycling is approved: dry cell battery management, public education, procurement, per container rates, waste audits, vegetative waste management, developing a permanent household hazardous waste collection facility, and mandating the designation of additional recyclable materials. However, as noted within Section B., the County is directed to adopt within 180 days of the date of this certification a subsequent amendment to delete those designated materials for which markets have not been secured.

Revised Description of the Ocean County Landfill Compost Operation

The County Plan inclusion of the redesignation of the Ocean County Landfill compost operation to that of a compost facility for source separated organic waste, rather than accepting nonrecyclable household waste with front-end separation of noncompostables, is approved. The raw material will now be derived from voluntarily separated household kitchen waste collected at the curb and from

restaurants and other commercial food handling establishments.

Deletion of Solid Waste Facilities

The County Plan deletion of the following solid waste facilities is approved.

Tuckerton Sand and Gravel (a/k/a Mathis) Landfill
Block 284, Lot 4 and Block 286 Lot 2
Little Egg Harbor Township

Ocean Gate Transfer Station
Block 36.01 Lot 1
Ocean Gate Borough

Toms River Veterinary Hospital
Block 00507 Lot 00031
Dover Township

Ocean County Utilities Authority Incinerator
Block 620 Lot 1
Berkeley Township

Inclusion of Solid Waste Facilities

The County Plan inclusion of the following solid waste facilities is approved:

Dover Township Transfer Station
Capacity of 250 tons per day of Type 10 Municipal Waste and the receipt (with no processing) of recyclable materials
Block 231 Lots 10 and 11
Dover Township

Ocean County Landfill (OCLF)
Block 3, Lots 635, 636, 637, 638 and Block 3.03, Lot 1 to be used exclusively as buffer. (This acreage is not included in a recent DEP permit expansion of OCLF. Therefore, no solid waste activities may occur at this location.)

RRIT Fund Disbursement

The County Plan inclusion of a one-time disbursement of \$1,000,000.00 of RRIT Fund moneys for reimbursement to the County for costs associated with the construction of the County's recycling centers is approved. 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 Ocean 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 Waste Covered by the District 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 Implementation of the 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 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. Reservation of Authority

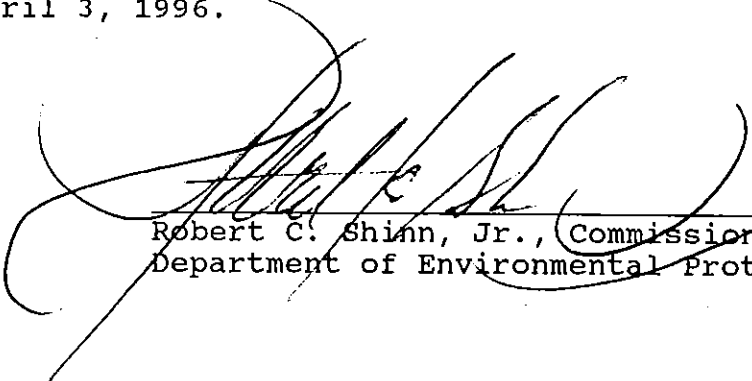
Nothing contained herein shall be construed as a limitation on any other action taken by the DEP pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the DEP, 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 Ocean County District Solid Waste Management Plan which was adopted by the Ocean County Board of Chosen Freeholders on April 3, 1996.

Date

9/11/96


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