

*Solid and Hazardous Waste Program
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Ernest J. Kuhlwein, Jr., Director
Dept. of Solid Waste Management
129 Hooper Avenue
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Dear Mr. Kuhlwein:

On August 6, 2007 the Department of Environmental Protection's Solid and Hazardous Waste Program received an August 2, 2007 request for an administrative action for County Solid Waste Management Plan (County Plan) inclusion of proposed amendments to the County Plan. This administrative action is in response to the January 2, 2007 administrative action, which was in response to the Statewide Solid Waste Management Plan. The administrative action addressed the solid waste disposal strategy to be utilized by the district for a ten-year planning period, and the additional tonnage of recycled materials in the MSW stream required to meet the mandated recycling goal. The administrative action also addressed the designation of recyclable material and a listing of those entities providing recycling collection, the implementation of the generator recycling enforcement program, and procedures for inclusion of certain facilities in the County Plan.

Pursuant to N.J.A.C. 7:26-6.11(b) 6, 8, 14, the Department considers the solid waste disposal strategy to be utilized by the district for a ten-year planning period, the additional tonnage of recycled materials in the MSW stream required to meet the mandated recycling goal, designation of recyclable material and a listing of those entities providing recycling collection, and procedures for inclusion of certain facilities in the County Plan the procedure for County Plan to be an approvable administrative action. This portion of the August 2, 2007 administrative action is hereby approved, as modified below, pursuant to N.J.A.C. 7:26-6.11(f).

Pursuant to N.J.A.C. 7:26-6.11(b) 6, the Department considers the implementation of the generator recycling enforcement program to be an approvable administrative action. This portion of the December 29, 2006 administrative action is hereby approved pursuant to N.J.A.C. 7:26-6.11(f). Please note, however, that this portion of the December 29, 2006 administrative action is further discussed below as an element of the requirements of the recently updated "Statewide Solid Waste Management Plan" (State Plan).

Ocean County has submitted the December 29, 2006 administration action as a supplementary follow-up to the April 20, 2005 County Plan amendment (certified as approved by the Department

on November 17, 2005), in response to the required submission as contained in the State Plan. On April 13, 2002, former Commissioner Bradley Campbell of the New Jersey Department of Environmental Protection issued Administrative Order No. 2002-10, which required, among other things, that the Department revise, update and readopt the State Plan. On January 3, 2006, the New Jersey Department of Environmental Protection formally adopted the updated State Plan.

The updated State Plan reaffirms the state's goal of recycling 50% of the municipal solid waste stream (MSW). The overall strategy for achieving this goal starts with a quantification, on a statewide basis, of the increased tonnage of recycled materials needed. This is further calculated on a per county basis, with an analysis of current MSW recycling tonnages by county, and the necessary increases required by each county. The statewide increase needed is also expressed in terms of increased recycling tonnage by material, such as newspaper, corrugated, food waste, etc. Additionally, the plan targets specific classes of generators (schools, multi-family housing complexes, small and medium sizes businesses) that need to be focused on in terms of expanded recycling opportunities for the materials identified.

The state, through the State Plan update, established the overall policy objectives and goals for solid waste management in New Jersey. The counties and the New Jersey Meadowlands Commission have the responsibility for developing their respective district solid waste management plans consistent with the state's goals and objectives. Therefore, as noted in the State Plan, each district is required to adopt and submit to the Department, an updated district solid waste plan. (As noted above, Ocean County has submitted the December 29, 2006 administration action and the April 20, 2005 County Plan amendment in response to the required submission as contained in the updated State Plan.) The district plan shall reiterate the district plan requirements contained in N.J.S.A. 13:1E-21. Specifically, the revised district plan updates shall include, but not be limited to the following components:

- 1) Designation of the department, unit or committee of the county government to supervise the implementation of the district plan;
- 2) An inventory of the quantity of solid waste generated within the district for the ten-year period commencing with the adoption of updated district solid waste management plan;
- 3) An inventory of all solid waste and recycling facilities (lot and block and street address) including approved waste types and amounts, hours of operation and approved truck routes;
- 4) An outline of the solid waste disposal strategy to be utilized by the district for a ten-year planning period;
- 5) A procedure for the processing for inclusion of solid waste and recycling facilities within the district solid waste management plans. The procedure shall state the applicant requirements for inclusion into the district plan and the specific county review submittals to the Department. **Note-** the criteria for inclusion shall **not** include a requirement that local zoning or planning board approval(s) be obtained as a condition for inclusion within the subsequent construction or operation of any facility;
- 6) An identification of the additional tonnage of recycled materials in the MSW stream (by material commodity types) required to meet the mandated MSW recycling goal and a strategy

for the attainment of the recycling goals as outlined above. The strategy shall include, as necessary:

- a) the designation of the currently mandated recyclable materials and additional materials, if any, to be source separated in the residential, commercial and institutional sectors;
- b) a listing of those entities providing recycling collection, processing and marketing services for each of the designated recyclable materials;
- c) the communication program to be utilized to inform generators of their source separation and recycling responsibilities;
- d) a comprehensive enforcement program that identifies the county and/or municipal entity (ies) responsible for enforcement of the recycling mandates, specifies the minimum number of recycling inspections that will be undertaken by these entities on an annual basis and details the penalties to be imposed for non-compliance with the municipal source-separation ordinance and county solid waste management plan. Additionally, the updated district plan shall include copies of each municipal source separation ordinance.

Specific elements required in the County Plan pursuant to the updated State Plan

Element: Designation of the department, unit or committee of the county government to supervise the implementation of the district plan.

The April 20, 2005 and the December 29, 2006 submissions do not contain the designation of the department, unit or committee of the county government to supervise the implementation of the district plan.

Element: An inventory of all solid waste and recycling facilities (lot and block and street address) including approved waste types and amounts, hours of operation and approved truck routes.

The April 20, 2005 County Plan amendment contains an inventory of solid waste and recycling facilities (lot and block and street address) including approved waste types and amounts. Hours of operation and approved truck routes have not been included.

Element: Outline of the solid waste disposal strategy to be utilized by the district for a ten-year planning period.

The April 20, 2005 County Plan Amendment contains the solid waste disposal strategy which states that all non-recycled solid waste generated within Ocean County, and which is not transported to a permitted out-of-state disposal facility, shall be directed to the Ocean County Landfill for disposal. However, it must be noted that the April 20, 2005 County Plan amendment also stated that if current solid waste generation and disposal amounts continue at the Ocean County Landfill, this facility could run out of disposal capacity prior to 2015. Should these generation trends continue, the county will be required to identify additional disposal capacity.

Element: Procedure for the processing of applications for inclusion of solid waste and recycling facilities within the district solid waste management plan.

The December 29, 2006 administrative action contains the procedure for the processing of applications for inclusion of solid waste and recycling facilities within the district solid waste management plan. However, as noted above, in a subsequent County Plan amendment the county shall be required to provide the Department with the requirements for the determination of an administratively complete submission to initiate the application process and the criteria for determining a “significant facility” versus a facility that can be included under the “expedited plan inclusion process”.

Element: Identify the additional tonnage of recycled materials in the MSW stream (by material commodity types) required to meet the mandated MSW recycling goal, and a strategy for the attainment of the recycling goals. The strategy shall include, as necessary:

- a) the designation of the currently mandated recyclable materials and additional materials, if any, to be source separated in the residential, commercial and institutional sectors;
- b) a listing of those entities providing recycling collection, processing and marketing services for each of the designated recyclable materials;
- c) the communication program to be utilized to inform generators of their source separation and recycling responsibilities;
- d) a comprehensive enforcement program that identifies the county and/or municipal entity (ies) responsible for enforcement of the recycling mandates, specifies the minimum number of recycling inspections that will be undertaken by these entities on an annual basis and detail the penalties to be imposed for non-compliance with the municipal source-separation ordinance and county solid waste management plan. Additionally, the updated district plan shall include copies of each municipal source separation ordinance.

The April 20, 2005 and the December 29, 2006 submissions do not identify the additional tonnage of recycled materials in the MSW stream (by material commodity type) required to meet the mandated MSW recycling goal. According to data supplied to the DEP, Ocean County generators must recycle an additional 149,000 tons (approximate) of materials originating in the MSW stream to meet the required recycling goal. The April 20, 2005 amendment contains specific recycling compliance requirements for various generators (multi-family, commercial, institutional), but appears to rely on a strategy of 100 recycling inspections by the Ocean County Health Department in 2007 to meet this additional recycling tonnage goal. Given the current estimated population for the county of 510,916, it is unclear how this strategy is going to achieve the statutory goal. A subsequent plan amendment submission will be required to correct this deficiency.

The April 20, 2005 and the December 29, 2006 submissions do not provide the designation of the currently mandated recyclable materials and additional materials, if any, to be source separated in the residential, commercial and institutional sectors. A subsequent plan amendment submission will be required to correct this deficiency.

The April 20, 2005 and the December 29, 2006 submissions do not provide a listing of those entities providing recycling collection, processing and marketing services for each of the designated recyclable materials, which is an essential element of the strategy to achieve the mandated recycling goals. A subsequent plan amendment submission will be required to correct this deficiency.

The April 20, 2005 and the December 29, 2006 submissions contain an enforcement program that identifies the Ocean County Health Department (OCHD) as the entity responsible for enforcement of the recycling mandates. The submissions state that the OCHD is planning to conduct 100 recycling inspections in 2007 and refer violations to the municipality for action under provisions of the municipality's recycling ordinance. The Department notes that should the municipal recycling ordinances currently be deficient in providing penalty provisions, the OCHD should handle the enforcement actions using the Department's generic penalty matrix. Additionally, in a subsequent submission, within six months of this approval, the county shall forward to the Department copies of each municipal source separation ordinance, updated as necessary to bring same into compliance with the approved County Plan.

Therefore, Ocean County must submit a County Plan amendment to address the deficiencies noted above within 90 days of the date of this approval. In the event said amendment requires the designation of additional materials for recycling, the County must follow the procedures found at N.J.A.C. 7:26-6.10 et seq. and shall have 180 days for submission. Otherwise, the County may submit the required amendment as an Administrative Action, pursuant to N.J.A.C. 7:26-6.11 et seq. Please note that the Department is requiring the County to meld the various submissions in response to the requirements contained in the State Plan update, as identified above, into one unified document for the purpose of general circulation.

If you have any questions relative to this action, please contact Najwa N. Ali at (609) 984-9773 or email at Najwa.Ali@dep.state.nj.us.

Sincerely,

Guy Watson, Chief
Bureau of Recycling and Planning