



State of New Jersey  
Department of Environmental Protection and Energy  
Office of the Commissioner  
CN 402  
Trenton, NJ 08625-0402  
Tel. # 609-292-2885  
Fax. # 609-984-3962

Scott A. Weiner  
Commissioner

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 AUGUST 4, 1992  
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 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 plan at any time and, if found inadequate, a new plan must be adopted. Amendments to the Act found in N.J.S.A. 13:1E-136 et seq. require that, among other things, counties amend their district solid waste management plans to include an outline of the proposed uses of moneys in the District Resource Recovery Investment Tax (RRIT) Fund, as well as establish a schedule for the disbursement of the moneys in that Fund. The Ocean County Board of Chosen Freeholders (County Freeholders) completed such a review and on August 4, 1992 adopted a multifaceted amendment to its approved County Plan.

The amendment proposed an expanded strategy for addressing the Emergency Solid Waste Assessment Task Force (Task Force) Final Report concerning source reduction, 60% recycling and regionalization. This portion of the amendment was in response to the Department's July 26, 1991 certification of the County's initial Task Force plan amendment of February 19, 1991. Briefly, that certification noted that the initial submission did not address source reduction, failed to accurately calculate current recycling rates, and restricted regionalization to those facilities not sited at the Ocean County Landfill. The current amendment also proposed the deletion of the Bil-Jim Construction Company recycling center in Jackson Township and five hospital incinerators (Community Memorial, Ocean County Veterinary, Paul Kimball, Point Pleasant, and Stafford Veterinary) from the County Plan. Additionally, the amendment proposed modification of both the RRIT Fund use and disbursement schedule to reimburse the County for costs incurred for construction of the two County recycling centers and the existing blanket inclusion policy for compost facilities and recycling centers.

The amendment was received by the Department of Environmental Protection and Energy (Department or DEPE) on August 19, 1992 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 August 4, 1992 is approved in part and rejected in part 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 August 4, 1992 amendment to the County Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and N.J.S.A. 13:1E-150 and I find and conclude that the approved portions of this plan amendment are consistent with the Statewide Solid Waste Management Plan and N.J.S.A. 13:1E-150 in proposing an acceptable use of and disbursement schedule for moneys in the County RRIT Fund.

In conjunction with the review of the amendment, the Department circulated copies to seventeen administrative review agencies and solicited their review and comment. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various bureaus, divisions, and agencies within the Department. These agencies are the following:

Office of Energy, DEPE  
Division of Parks and Forestry, DEPE

Division of Fish, Game and Wildlife, DEPE  
Division of Solid Waste Management, DEPE  
Green Acres Program, DEPE  
Land Use Regulation Element, DEPE  
Groundwater Quality Management Element, DEPE  
Wastewater Facilities Regulation Element, DEPE  
New Jersey Turnpike Authority  
New Jersey Advisory Council on Solid Waste Management  
Department of Agriculture  
Department of Health  
Department of Transportation  
Department of Community Affairs  
Department of the Public Advocate  
U.S. Environmental Protection Agency  
Pinelands Commission

1. Agency Participation in the Review of the August 4, 1992 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  
Department of Agriculture  
Department of Transportation

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

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

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

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

2. Comments Received for the August 4, 1992 Amendment

Issue: County Response to Task Force Recommendations

On February 19, 1991, Ocean County adopted a multifaceted plan amendment, a portion of which sought to address the recommendations of the Task Force Final Report. This amendment was one of the first attempts of any county to address these important recommendations and preceded the issuance in

June, 1991 of the Department's Solid Waste Policy Guidelines. The Department, in its certification of July 26, 1991, reviewed the February 19, 1991 plan amendment in the context of the Solid Waste Policy Guidelines. Specifically, the amendment was reviewed to determine whether it addressed the provisions of source reduction, recycling, and regionalization. In its review, the Department determined that the February 19, 1991 amendment did not address source reduction. Regarding recycling, the County was directed to recalculate its recycling data to include all recycling activities, both public and private, to determine its projected recycling rates by December 31, 1995, to determine if sufficient recycling facilities exist to meet the 50% municipal and 60% total waste stream goals, and to establish a blanket inclusion policy to provide for the expedited development of recycling centers and compost facilities. Finally, the Department directed the County to continue to evaluate the opportunities for regional agreements for all processing, recycling, transfer, and disposal facilities. The county was directed to submit the subsequent plan amendment by January 23, 1992. However, a formal response to the Department's July 26, 1991 certification was not received until the August 4, 1992 amendment under consideration here was adopted by the County Freeholders.

The Department has reviewed the County's response to the Task Force recommendations in the context of the previous directives with comments as follows:

**a. Source Reduction**

In response to the July 26, 1991 certification, the amendment proposes a public education program, to be conducted by the County recycling coordinator, aimed at residences, industries, institutions, offices and commercial establishments for the intent of advancing source reduction programs. Additionally, by the end of 1992, the Solid Waste Advisory Council (SWAC) will establish a subcommittee on source reduction. The Department commends this effort to study the most effective approach to source reduction. However, to ensure a timely completion of the study and source reduction programs and to move forward with implementation plans, the County should submit a subsequent plan amendment detailing the results of this program and the efforts of the subcommittee, along with detailed schedules to expand source reduction. Further, the County should develop a program and time schedule for performing waste audits at all County buildings. Finally, to further promote source reduction the County should consider the implementation of per container or volume based rate programs.

**b. Vegetative Waste Management**

The amendment proposes to expand the County's "Cut It and Leave It" program for grass clippings. The County will conduct demonstrations with its Toro recycler mower and will modify its bid specifications so additional mulching mowers can be purchased by various County departments. The County will expand its public information and educational effort to keep grass clippings out of the waste stream and to encourage backyard composting. The County will provide backyard composting units to several typical large and small municipalities,

develop a manual for these units, and establish a demonstration area at the Northern Regional Recycling Center. The County should provide within a subsequent plan amendment submission a schedule for accomplishing these programs and a capacity analysis indicating whether additional compost facilities are needed to accept all vegetative and organic waste.

**c. Procurement Policies**

The amendment provides that the County intends to implement procurement policies that favor purchase of post-consumer recycled material in collaboration with other counties and the State Division of Procurement and Central Services. However, the amendment does not identify specific procurement guidelines, procurement goals, a method of record keeping and enforcement, or a timetable for implementation. The County should develop its program to include an educational and outreach program to municipalities; a requirement for county and local governments to adhere to current and future state procurement goals; sample bid specifications for use by governments and private businesses; and the use of recycled materials for road and other construction activities. A more detailed plan for the implementation of existing and revised procurement policies which take into consideration the above provisions should be included in a subsequent plan amendment submission.

**d. Household Hazardous Waste Policy**

The amendment indicates that the County has proposed to study the feasibility of developing a program for the pickup of household hazardous waste from small quantity generators. Also, the County is considering in conjunction with other counties the shared use of a permanent facility for receipt, handling, and disposition of household hazardous waste. Any facility of this type will require County Plan inclusion once a specific site is indicated as well as the receipt of all necessary permits and approvals from the Department. A schedule outlining the major milestones of either program should be provided within a subsequent plan amendment submission.

**e. Waste Audits**

The amendment indicates that the County proposes to assist commercial establishments, offices, and institutions in the completion of waste audits. This effort will commence by the end of 1992 focusing on establishments with more than 25 employees. Based on the success of this program, the County may expand it to include smaller establishments in 1993. The County should indicate within a subsequent plan amendment submission how it will comply with the Task Force recommendation of a long-term strategy to conduct waste audits for industries with more than 500 employees, than 250 employees, and finally 100 employees.

**f. Regionalization**

In response to the July 26, 1991 directive, the amendment indicates that the County is pursuing discussions with other counties to regionalize many of its solid waste programs. Specifically, the County is pursuing discussions to regionalize a household hazardous waste collection program and a household hazardous waste collection facility, and a program for the shared processing of recyclable materials and the procurement of post-consumer recycled materials. The County is encouraged to continue its multicounty discussions to regionalize other solid waste facilities and programs. Further, the County should provide within a subsequent plan amendment submission the results of its discussion with other counties to regionalize its solid waste programs along with a proposed implementation schedule.

**g. Dry Cell Battery Management**

The amendment indicates that the County, with the advise of the SWAC, will establish a public education program concerning the importance of battery recycling and identifying the places to which used batteries can be returned. The County should work with the battery manufacturers to ensure that the County program conforms with the New Jersey Dry Cell Battery Management Act (P.L. 1991, c.521) and that it complements the efforts and required activities of the battery manufacturers. In addition, the County should provide in a subsequent plan amendment submission a schedule for and greater detail of the program for accomplishing these goals.

**h. Enforcement Strategy**

The amendment fails to indicate how the County will enforce its recycling programs. The County should describe such an enforcement program in a subsequent plan amendment, including methods and frequency of enforcement and resources needed to implement and maintain a proper enforcement program.

**i. Cost for Implementing 60% Recycling Strategy**

The amendment does not indicate a projected cost for implementing the many programs necessary to achieve the County's 60% recycling strategy. The County should prepare such an estimate and include it in a subsequent plan amendment submission.

**j. Designated Recyclable Materials**

The amendment indicates that although the designation of additional recyclables is under consideration, no additional mandated recyclables have been designated within the amendment. The County has previously designated the recycling of newspaper, aluminum cans, bimetallic cans, plastics, and glass containers within both the residential and the commercial, institutional, and industrial sectors, and the recycling of corrugated cardboard and office paper in the commercial, institutional, and industrial sector. Therefore, the County should consider adding vehicle and consumer batteries, used motor oil, mixed paper, roofing

materials, grass and brush, white goods, and wood in both the residential and the commercial, institutional, and industrial sectors, and the recycling of asphalt, concrete, and masonry in the commercial, industrial, and institutional sector. The County should reconsider its listing of designated materials in the development of a more comprehensive program within a subsequent plan amendment submission or provide a description of how the 50% and 60% recycling rates can be achieved in the absence of expanded mandated recyclables.

**k. Designated Recovery Target**

The amendment indicates recycling recovery totals and rates for the municipal and total waste streams. Pursuant to the July 26, 1991 directive, the County has recalculated its recycling rates and has indicated achievement of a 60% total recycling rate and a 50% municipal recycling rate by December 31, 1995. However, the achievement of these recycling rates are predicated on facilities which have not been developed. Specifically, these rates are based on development of a compost facility and a materials recovery facility at the County landfill site. The development of these facilities will be critical to achievement of the recycling target rates, particularly in the absence of designating additional materials for mandatory recycling. Also, the County should not consider the 50% and 60% rates as maximum planning targets and should continue to refine plans and programs toward achievement of even higher levels of recycling.

**l. Blanket Inclusion Policy**

The County has adopted a comprehensive blanket inclusion policy for compost facilities and recycling centers. Therefore, the County has complied with the July 26, 1991 directive.

As noted in Section C. of this certification, the Task Force component of the August 4, 1992 amendment is approved. However, the above noted areas of source reduction, recycling, and regionalization should be considered by the County in further refinement and development of its solid waste program in a subsequent plan amendment to be submitted within 180 days. Further, staff at the DEPE will be available to discuss the preceding comments and to work with the County to structure future plan amendment submissions.

**Issue: Deletion of Bil-Jim Construction Company Recycling Center**

The Bil-Jim Construction Company recycling center was included within the County Plan in the February 4, 1991 amendment. The justification for County Plan inclusion at that time was "...that it will be a regional facility serving Ocean County and surrounding counties consistent with the regionalization concepts recommended by the Governor's Task Force." The Department approved the certification on July 26, 1991. The County has now proposed within the August 4, 1992 amendment the deletion from the County Plan of the Bil-Jim Construction Company recycling center but has not provided within the amendment sufficient documentation to support the deletion. The adopting resolution of the August 4, 1992 amendment

indicates the justification is "...the facility is not needed to meet the County recycling goals and the impacts of its operation together with those of existing facilities in the immediate area may be expected to result in adverse impacts on nearby residential areas." This justification does not constitute sufficient reasoning to delete the facility from the County Plan. Such justification should detail a description of the alleged adverse environmental impacts and a capacity analysis which indicates that an additional recycling center for Class B recyclable materials is not needed within the County. In the absence of a definitive capacity analysis or detailed justification of improper operations or environmental harm, the deletion of the Bil-Jim Construction Company recycling center from the County Plan should be rejected.

The County Freeholders and the applicant are hereby notified of this comment and of the Department's action to reject the deletion of the Bil-Jim Construction Company recycling center as noted in Section C.1.j. of the certification.

**Issue: RRIT Fund Use and Disbursement Modification**

In the Department's December 21, 1989 certification of the June 7, 1989 amendment, the DEPE approved the use of and disbursement schedule for the County's RRIT Fund. Specifically, a disbursement of \$4,177,000.00 of RRIT Fund moneys was approved for the construction of a planned resource recovery incinerator in Ocean Township. Since that date, the County has proposed (February 19, 1991 amendment) and the DEPE has approved (July 26, 1991 certification) the deletion of this facility from the County Plan. The County now proposes to modify the use of and disbursement schedule for RRIT Fund moneys to reimburse the County for \$12,445,000.00 in costs incurred to construct the County's northern and southern recycling centers. The modified use of and disbursement schedule for RRIT Fund moneys is consistent with the provisions of N.J.S.A. 13:1E-150 b and c.

The County Freeholders are hereby notified of this comment and of the Department's action to approve the RRIT fund use and disbursement schedule as noted in Section C.1.k. of the certification.

**Issue: Regulatory Requirements**

The amendment provides a comprehensive inventory of all solid waste facilities that have been approved for inclusion within the County Plan. However, six of these facilities have either never received solid waste facility permits or have expired permits. Specifically, the amendment indicates that the Associated Humane Societies, the Ocean County Utilities Authority, the Toms River Regional School District, and the Toms River Veterinary Hospital all have operating incinerators. However, a review of Departmental files indicates that none of these facilities have secured solid waste facility permits. Historically such small-scale incinerators were not required to obtain solid waste facility permits. However, the DEPE's current regulations found at N.J.A.C. 7:26-2B.1. require all thermal destruction facilities to obtain solid waste facility permits. Also, solid waste facility permits for the Dover Township and Jackson Township leaf compost facilities have expired. All of the above noted facilities must contact the DEPE's Division of Solid Waste Management to apply for a solid waste facility permit or permit renewal.



Also, if any of the facilities noted within the amendment's inventory of solid waste facilities will discharge pollutants as defined in N.J.A.C. 7:14A-1.9, a New Jersey Pollutant Discharge Elimination System Permit and/or a Treatment Works Approval for pollutant discharges must be obtained from the DEPE's Wastewater Facilities Regulation Element.

Further, recycling centers, composting facilities, and transfer stations are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits odors and other air contaminants which interfere with the enjoyment of life of property. These operations are also considered solid waste facilities, which are subject to N.J.A.C. 7:27-8.2(a)16, which requires air pollution control permits 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.

Finally, the Pinelands Commission submitted comments relative to the plan amendment. They noted that if the Associated Humane Societies (Popcorn Park Zoo) incinerator commenced operation after February 8, 1979, it would represent a violation of the Pinelands Protection Act and the Pinelands Comprehensive Management Plan. However, the Department has verified that this facility did commence operation prior to that date and is, therefore, grandfathered under Pinelands Commission statute. The Commission also commented that the Earle Environmental Corporation has been authorized only to process the oil contaminated soil that is currently stockpiled on site. Any further acceptance of oil contaminated soil on this site is not consistent with the Pinelands Comprehensive Plan. Further, the Commission commented relative to the blanket inclusion policy for compost facilities and recycling centers. Specifically, the policy must explicitly state that any facility proposed for a site included within the jurisdiction of the Commission must obtain approval from the Commission prior to commencement of operation. The Department notes that the modified blanket inclusion policy for recycling centers and compost facilities includes language referencing such Pinelands Commission approval. Finally, the Pinelands Commission commented relative to the Bil-Jim Construction Company recycling center. An application by the Bil-Jim Construction Company for an asphalt recycling and stump grinding facility has been approved by the Pinelands Commission pursuant to the requirements of the Pinelands Comprehensive Management Plan. An application must be approved by the Pinelands Commission for any recycling activities that have not been approved by the Commission. All recycling and waste management activities at the site of the recycling center will be subject to the waste management standards of the Comprehensive Management Plan (N.J.A.C. 7:50-6.7 et seq.). Pinelands regulations specifically prohibit the storage, discharge or disposal of petroleum wastes within the Pinelands (N.J.A.C. 7:50-6.77). Also, the recycling and processing of waste or oil contaminated soils is prohibited at this site. Only the temporary storage of waste oil or oil contaminated soils for delivery to processing facilities located outside the Pinelands is permitted. However, the Department notes that the Commission is presently reviewing its regulations relative to the treatment of oil contaminated soil.

The County Freeholders and the applicants are hereby notified of these comments.

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, and N.J.S.A. 13:1E-150 which establishes eligible uses and disbursement schedule requirements for a County's RRIT Fund, I have reviewed the August 4, 1992 amendment to the approved County Plan and certify to the County Freeholders that the August 4, 1992 amendment is approved in part and rejected in part as further specified below.

1. August 4, 1992 Amendment

a. Source Reduction

The County's strategy to encourage source reduction is approved. Specifically, the County's recycling coordinator will implement a public education program aimed at residences, industries, institutions, offices and commercial establishments to encourage source reduction. Further, the County's SWAC will establish a subcommittee on source reduction to define the most effective approaches to waste prevention. However, as noted in Section B.2.a., the County should provide within 180 days in the required subsequent plan amendment submission the results of the public education program and the SWAC subcommittee on source reduction. Further, the County must consider the development of a program and time schedule for performing waste audits at all County and municipal buildings. Finally, to further promote source reduction the County should consider the implementation of per container or volume based rate programs.

b. Vegetative Waste Management

The County's proposal to reduce the amount of grass clippings in the solid waste stream is approved. Specifically, the County endorses the landscape management strategy which encourages backyard composting and leaving grass clippings on the lawn for natural decomposition. The County will continue to promote its "Cut It and Leave It" program, provide backyard composting units to several typical large and small municipalities, develop a manual for these units, and establish a demonstration area at the Northern Regional Recycling Center. However, as noted in Section B.2.b., the County should provide within 180 days in the required subsequent plan amendment submission a schedule for accomplishing these programs and a capacity analysis indicating whether additional compost facilities are needed to accept all vegetative and organic waste.

c. Dry Cell Battery Management

The County's plan for a dry cell battery management program is approved inasmuch as it conforms to the New Jersey Dry Cell Battery Management Act (P.L. 1991, c.521). Specifically, the County, with the advice of the SWAC, will establish a public education program concerning the importance of battery recycling and identifying the places to which used batteries

can be returned. However, as noted in Section B.2.g., the County should provide within 180 days in the required subsequent plan amendment submission a schedule for and greater detail of the program for accomplishing these goals and ensuring compliance with the Dry Cell Battery Management Act.

d. **Procurement Policies**

The County's proposal to implement procurement policies that favor the purchase of post-consumer recycled material in collaboration with the State Division of Procurement and Central Services and other counties is approved. However, the amendment does not identify specific procurement goals, a method of record keeping and enforcement, or a timetable for implementation. The County should develop its program to include an educational and outreach program to municipalities; a requirement for County and local governments to adhere to current and future state procurement goals; sample bid specifications for use by governments and private businesses; and the use of recycled materials for road and other construction activities. As noted in Section B.2.c., a more detailed plan for the implementation of existing and revised procurement policies which take into consideration the above provisions should be provided within 180 days in the required subsequent plan amendment submission.

e. **Designated Recovery Target**

The County's goal to recycle 50% of the municipal and vegetative waste stream and 60% of the total waste stream by December 31, 1995 is approved. However, the Department notes that the achievement of these rates is based on facilities that have not been developed. The development of these facilities will be critical to achievement of the recycling target rates. Also, the County should not consider the 50% and 60% rates as maximum planning targets and should continue to refine plans and programs toward achievement of even higher levels of recycling.

f. **Designated Recyclable Materials**

The following listing of recyclable materials to be source separated in the residential and the commercial, institutional, and industrial sectors is approved:

- Newspaper
- Aluminum cans
- Bimetallic cans
- PET, HDPE and PVC plastic containers
- Glass containers
- Corrugated cardboard (commercial only)
- Office paper (offices with more than 25 employees only)

The County has indicated based on market development the possible future designation of additional recyclables such as film plastic, aluminum foil, corrugated cardboard (all sectors), motor oil, mixed paper, and dry cell batteries. Further, the County should consider including the recycling of vehicle batteries, roofing materials, grass and brush, white goods, and wood in both the residential and the commercial, institutional, and

industrial sectors, and the recycling of asphalt, concrete and masonry in the commercial, industrial, and institutional sector. Achievement of the 50% and 60% recycling rates may be difficult in the absence of mandatory recycling of these additional materials. The County should provide within 180 days in the required subsequent plan amendment submission a description of how the 50% and 60% recycling rates can be achieved in the absence of expanded designated materials for mandatory recycling.

**g. Waste Audits**

The County proposal to assist all commercial establishments, offices, and institutions with more than 25 employees in the completion of waste audits is approved. Based on the success of this program, the County may expand it to include smaller establishments in 1993. However, as noted in Section B.2.e., the County must indicate within 180 days in the required subsequent plan amendment submission its commitment to develop a long-term strategy to conduct waste audits in compliance with the Task Force goals.

**h. Regionalization**

The County's policy for regionalizing solid waste programs is approved. Specifically, the County is investigating the regionalization of a household hazardous waste collection program and a household hazardous waste collection facility, and a program for the shared processing of recyclable materials and the procurement of post-consumer recycled materials. The County is encouraged to continue its multicounty discussions to regionalize other solid waste facilities and programs. Further, as noted in Section B.2.f., the County should provide within 180 days in the required subsequent plan amendment submission the results of its discussions with other counties to regionalize its solid waste programs along with a proposed implementation schedule.

**i. Household Hazardous Waste Policy**

The County's proposal to study the feasibility of developing programs for the pickup of household hazardous waste from small quantity generators and the shared use of a permanent household hazardous waste collection facility is approved. As noted in Section B.2.d., a facility of this type, once a specific site is identified, will require plan inclusion as well as the receipt of all necessary Departmental permits and approvals. A schedule outlining the major milestones of either program should be provided within the subsequent plan amendment submission required on page 5.

**j. Deletion of the Bil-Jim Construction Company Recycling Center**

The County Plan deletion of the Bil-Jim Construction Company recycling center proposed for Jackson Township, Ocean County is rejected. This recycling center was included within the County Plan in the February 4, 1991 amendment. The justification for County Plan inclusion at that time was "...that it will be a regional facility serving Ocean County and

surrounding counties consistent with the regionalization concepts recommended by the Governor's Task Force." The Department approved the certification on July 26, 1991. The County has now proposed within the August 4, 1992 amendment the deletion from the County Plan of the Bil-Jim Construction Company recycling center, but has not provided within the amendment sufficient documentation to support the deletion. The adopting resolution for the amendment indicated "...the facility is not needed to meet the County recycling goals and the impact of its operation together with those of existing facilities in the immediate area may be expected to result in adverse impacts on nearby residential areas." This justification does not constitute sufficient reasoning to delete the facility from the County Plan. Such justification should detail a description of the alleged adverse environmental impacts and a capacity analysis which indicates that an additional recycling center for Class B recyclable materials is not needed within the County. In the absence of a definitive capacity analysis or detailed justification of improper operations or environmental harm, the deletion of the Bil-Jim Construction Company recycling center from the County Plan is rejected.

**k. RRIT Fund Use and Disbursement Schedule Modification**

The County Plan inclusion of a modification to the RRIT Fund use and disbursement schedule is approved. Previously, in the Department's December 21, 1989 certification of the June 7, 1989 amendment, the DEPE approved the use and disbursement schedule for the County's RRIT Fund to allocate \$4,177,000.00 to construct a planned resource recovery incinerator. Since that date, the County has proposed in a February 19, 1991 amendment and the DEPE has approved in a July 26, 1991 certification the deletion of this facility from the County Plan. The modified RRIT Fund use and disbursement schedule is to reimburse the County for \$12,445,000.00 for costs entailed for construction of the County's northern and southern recycling centers. This modified use is consistent with the provisions of N.J.S.A. 13:1E-150b. Also, the disbursement schedule is consistent with the provisions of N.J.S.A. 13:1E-150c. Therefore, the inclusion of the modified use of and the disbursement schedule for RRIT Fund moneys is approved.

**l. Deletion of Five Hospital Incinerators**

The County Plan deletion of the following five hospital incinerators is approved. These hospitals have closed their on-site incinerators and, therefore, the incinerators are being deleted from the County Plan.

Community Memorial Hospital  
99 Highway 37 West  
Toms River, Ocean County

Ocean County Veterinary Hospital  
2367 Lakewood Road  
Toms River, Ocean County

Paul Kimball Hospital  
600 River Avenue  
Lakewood, Ocean County

Point Pleasant Hospital  
2121 Edgewater Place  
Point Pleasant, Ocean County

Stafford Veterinary Hospital  
211 North Main Street  
(Route 9)  
Manahawkin, Ocean County

m. **Blanket Inclusion Policy for Recycling Centers and Compost Facilities**

The County Plan inclusion of a blanket inclusion policy for recycling centers and compost facilities is approved. A recycling center and a compost facility will be included within the County Plan under the blanket inclusion policy where the following conditions are met:

- (1) A project description containing the following information is submitted by the applicant to the County Department of Solid Waste Management. Unless otherwise noted, the specified information pertains to proposals for recycling centers as well as compost facilities.
  - (a) The corporate name, address and telephone number of the owner of the proposed facility and the same for the operator of the proposed facility if different from the owner;
  - (b) A listing of all other solid waste facilities and/or recycling centers owned and/or operated by either the owner or operator of the proposed facility (recycling centers only);
  - (c) The street address of the proposed facility, the block(s) and lot(s) number(s), and total acreage of the proposed site;
  - (d) A key map showing the boundary of the proposed site plotted on a 7 1/2 minute United States Geological Survey Quadrangle Map;
  - (e) A tax map showing the block(s) and lot(s) of the site, adjoining properties, and properties within a one-half mile radius of the proposed site, and the current land and municipal zoning;
  - (f) Three copies of a site plan, at a scale no larger than 1"=100' which delineates the property boundary lines and the location of all buildings, equipment, and activities resulting from the proposed activities;
  - (g) The proposed hours of operation;
  - (h) A certified letter from the zoning officer of the municipality in which the proposed site is located stating that the proposed facility is a permitted use;
  - (i) A listing of all municipal, County, and State permits and/or other approvals required for the proposed facility;
  - (j) An indication of the tipping fee, user charge, or other fees that will be imposed on any user of the proposed facility;

- (k) Certification that the owner and/or operator will submit one copy of the permit application required by the DEPE to the County Department of Solid Waste Management;
  - (l) Certification that the owner and/or operator agrees to permit access by the County Health Department to inspect the proposed facility;
  - (m) Certification that the owner and/or operator agrees to provide the County Department of Solid Waste Management a quarterly report summarizing the total volume of material accepted (compost facility) or a monthly report summarizing the types and quantities of recyclables received from a particular hauler or municipality (recycling center);
  - (n) A listing and description of the types and quantity of the vegetative waste to be handled by the proposed facility and the estimated maximum annual capacity by weight and volume for each type (compost facility only);
  - (o) A description of the source of all materials to be handled at the proposed facility;
  - (p) A description of the staging steps related to anticipated delivery rates (compost facility only);
  - (q) A description of how the finished product will be used (compost facility only);
  - (r) A listing of and the amount of each recyclable material to be processed at the proposed facility (recycling center only);
  - (s) A listing of all proposed end uses for the recycled materials, including the name, address, and telephone number of all markets (recycling center only);
  - (t) A listing of all products, end products, by products, and residue, expressed in tons per day, resulting from activities at the proposed facility (recycling center only);
  - (u) An identification of the disposal facility that will handle all residue from the proposed facility (recycling center only);
  - (v) An indication of the design capacity as to number and types of vehicles bringing material to the proposed facility on a daily basis (recycling center only);
  - (w) A description of the provisions to handle unusual peak loadings which exceed daily planned capacity (recycling center only); and
  - (x) An indication of how sanitary wastewater will be handled at the proposed facility (recycling center only).
- (2) An application fee is submitted to the County in accordance with an application fee schedule adopted by the County.
- (3) The applicant must notify by certified, return receipt mail all property owners within 200 feet of the property proposed for the facility.
- (4) The applicant submits written documentation that all applicable local approvals and permits have been secured, including Pinelands Commission approval for facilities located within its jurisdiction.

- (5) The applicant publishes two (2) notices of the proposed application, once each week for two consecutive weeks, in a newspaper of general circulation in the host municipality. A notice shall include the following:
  - (a) the name of the proposed recycling center, the name of the owner or operator, and the nature of the project;
  - (b) the lot and block number(s) of the site location;
  - (c) the generally recognized address of the site;
  - (d) the location of the depositories for the inspection of a complete project description and any supporting documents; and
  - (e) a statement that written comments on the project will be accepted by the County Department of Solid Waste Management for a period of 30 days from the date of the first notice.
- (6) The applicant shall forward a copy of the notice to the Clerk of the County Freeholder Board, the County solid waste coordinator, and the host municipality upon its publication.
- (7) If no substantive objections to the site are raised by the municipality, the Pinelands Commission, if applicable, and the County or any other person, the County Freeholders may by resolution include the proposed facility within the County Plan. If such substantive objections are raised, the proposed site and facility may be subject to a formal plan amendment process pursuant to N.J.S.A. 13:1E-23 and -24, including notice, public hearing, approval by the County Freeholders, and subsequent DEPE approval.
- (8) The County Freeholders have approved the facility to be included in the County Plan under the blanket inclusion policy by duly adopted resolution and such resolution has been submitted to the Department's Division of Solid Waste Management, along with a complete project description.

2. Ocean County Response to Solid Waste Task Force Final Report

The County Plan has been reviewed to determine whether it fulfills the recommendations of the Emergency Solid Waste Assessment Task Force Final Report accepted by the Governor on November 16, 1990. As adopted, the County Plan has generally addressed the source reduction, recycling, and regionalization components of the Task Force Final Report. However, as noted in C.1. above, the County is directed to address certain deficiencies within a subsequent plan amendment submission relative to source reduction, recycling, and regionalization. The County is hereby directed to submit this required plan amendment(s) within 180 days of the date of this certification.



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 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 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 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 Rejection in Part of the Amendment by the Commissioner of the Department of Environmental Protection and Energy

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve in part and reject in part 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 August 4, 1992. I hereby also require, as noted in Section C., the Ocean County Board of Chosen Freeholders to address the noted deficiencies within the timeframe specified.

1-14-93  
DATE

#1831

  
SCOTT A. WEINER  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
AND ENERGY