



STATE OF NEW JERSEY
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 ROBERT E. HUGHEY, COMMISSIONER
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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 NOVEMBER 28, 1984 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 approved, with modifications, the Ocean County District Solid Waste Management 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 the 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 the 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. The Ocean County Board of Chosen Freeholders completed such a review and on November 28, 1984, adopted an amendment to its approved District Solid Waste Management Plan. The amendment was received by the Department of Environmental Protection on November 30, 1984 and copies were distributed to various state level agencies for review and comment, as required by law.

The Department has reviewed this amendment, as well as the entire Ocean County District Solid Waste Management Plan, and has determined that the amendment adopted by the Ocean County Board of Chosen Freeholders on November 28, 1984 is approved as provided in N.J.S.A. 13:1E-24. While the requirements of the Act concerning the report have been met, the District's Plan remains deficient in one important way.

B. Certification of Ocean County District Solid Waste Management Plan Amendment

I, Robert E. Hughey, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq. and N.J.S.A. 13:1E-21, which established specific requirements regarding the contents of the District Solid Waste Management Plans, have reviewed the November 28, 1984 amendment to the approved Ocean County District Solid Waste Management Plan and certify to the Ocean County Board of Chosen Freeholders that the November 28, 1984 amendment is approved as further specified below.

The inclusion in the Plan of Block 1001, Lot 4 and 4.01 in the Township of Lacey as the site of the District's Resource Recovery Facility is approved. The construction or operation of this facility shall be preceded by the obtainment of all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq. and all other applicable laws and in compliance with the time schedule outlined in the Administrative Consent Order signed on September 27, 1984. The issuance of construction and/or operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department to be fit and competent to manage such facilities.

The Department has reviewed the entire Ocean County District Solid Waste Management Plan, including this amendment, to determine whether the plan fulfills the requirements set forth in N.J.S.A. 13:1E-21. The result of that review is as follows:

1. N.J.S.A. 13:1E-21b(1) requires the designation of a department, unit, or committee of County government . . . to supervise the implementation of the County's Solid Waste Management Plan.

On June 26, 1980 the Ocean County Board of Chosen Freeholders adopted amendments to its District Plan calling for the creation of a County department to manage solid waste. On July 31, 1980 the Commissioner of DEP issued a Certification of Approval with Modification of the Ocean County District Solid Waste Management Plan acknowledging the creation of this County department. On December 2, 1981 the Ocean County Freeholders passed a resolution creating an Ocean County Department of Solid Waste Management. Although this Department has not yet been staffed, and the implementing agency has been the Ocean County Planning Department, I find that Ocean County has complied with N.J.S.A. 13:1E-21b(1).

2. N.J.S.A. 13:1E-21b(2) requires a statement of the solid waste disposal strategy to be applied . . . which strategy shall include the maximum practicable use of resource recovery procedures and a plan for using

terminated landfill disposal sites . . . in the Solid Waste Management District.

The disposal strategy adopted by the County calls for continued private ownership of two regional landfills (Ocean County Landfill Corporation Landfill and Southern Ocean Landfill) until 1990 when Southern Ocean Landfill is projected to close; thereafter, one regional landfill shall operate until 1992 when resource recovery is to become operational (Ocean County Landfill shall remain as the residuals landfill). Also, Ocean County's Solid Waste Management Plan calls for recycling 25% of the total volume of solid waste generated within the County by 1986. To help achieve this goal, the County has adopted a policy of supporting the establishment of compost facilities for lawn trimmings, leaves and similar vegetative wastes. Specifically, "the approval of such facilities by the DEP is considered to be consistent with the Ocean County Solid Waste Plan . . . If any municipalities obtain DEP approval for such facilities in the future, the facilities will be incorporated in subsequent amendments to this plan." The compost policy adopted by Ocean County is an approved part of the Ocean County Solid Waste Management Plan, and the County has complied with N.J.S.A. 13:1E-21b(2).

3. N.J.A.C. 13:1E-21b.(3) requires a site plan which shall include all existing solid waste disposal facilities located within the Solid Waste Management District . . . and sufficient additional available suitable sites to provide solid waste facilities to treat and dispose of the actual and projected amounts of solid waste contained in the report accompanying the plan.

Ocean County has complied with N.J.S.A. 13:1E-21b(3) since the November 28, 1984 Amendment contains a site plan including all existing solid waste disposal facilities and sufficient additional available suitable sites (including the location of the planned resource recovery facility).

4. N.J.S.A. 13:1E-21b(4) requires a survey of proposed collection districts and transportation routes with projected transportation costs from collection districts to existing or available sites for solid waste disposal facilities.

Surveys to the designated regional landfills have been performed. However, no survey of projected transportation costs from collection districts to the site of the planned resource recovery facility has been done. Therefore, until this survey is completed, I find this section of the Ocean County District Solid Waste Management Plan to be deficient.

5. N.J.S.A. 13:1E-21b(5) requires procedures for coordinating all activities related to the collection and disposal . . . within the Solid Waste Management District, which procedures shall include the agreements entered into as provided herein between the Board of Chosen Freeholders . . . and every such person, and the procedures for furnishing the solid waste facilities contained in the Solid Waste Management Plan.

Since Ocean County has substantial remaining landfill capacity, there is no need to reach interdistrict agreements with other counties to ensure adequate disposal capacity. Therefore, Ocean County has complied with N.J.S.A. 13:1E-21b(5).

6. N.J.S.A. 13:1E-21b(6) requires a method or methods of financing solid waste management in the Solid Waste Management District pursuant to the Solid Waste Management Plan.

The amendment calls for continued private ownership of the designated regional landfills so a method for financing these facilities is unnecessary. However, according to the Administrative Consent Order signed with the Department on September 27, 1984, the County must develop a financial plan no later than March 1, 1987 for procurement and implementation of its resource recovery facility. Since this date has not yet passed, I find that Ocean County has complied with N.J.S.A. 13:1E-21b(6).

C. Other Provisions Affecting the Plan Amendment

1. Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with the within amendment to the Ocean County District Solid Waste Management 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 of Environmental Protection and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the Ocean County District Solid Waste Management 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 of Environmental Protection and for good cause shown, obtain an extension of time to complete such renegotiation.

2. Compliance

All solid waste facility operators and collector/haulers registered with the Department of Environmental Protection and operating within Ocean County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Ocean County District Solid Waste Management Plan. Any facility operator or collector/hauler 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 of Environmental Protection and shall be subject to the provisions and penalties of N.J.S.A. 13:1E-9, 10, and 12 and all other applicable laws.

3. Types of Solid Wastes Covered by the District Solid Waste Management Plans

The provisions of the Ocean County District Solid Waste Management 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.

Also, all non-hazardous 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 (N.J.A.C. 7:26-6) which are part of the Ocean County District Solid Waste Management Plan.

4. Certification to Proceed with the Implementation of Plan Amendment

This document shall serve as the Certification of the Commissioner of the Department of Environmental Protection to the Ocean County Board of Chosen Freeholders, as provided for by N.J.S.A. 13:1E-24f., to proceed with the implementation of the approved amendment contained 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 N.J.A.C. 7:26-1.4 and -2.13.

6. Effective Date of Amendment

The approved amendment to the Ocean County District Solid Waste Management Plan contained herein shall take effect immediately.

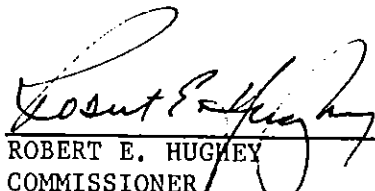
7. Reservation of Authority

Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Ocean County District Solid Waste Management 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 and rules, regulations, and orders of the Department, including the interdistrict and intradistrict waste flow rules, and also includes the compilation of individual District Plans and amendments as they are approved.

D. Certification of Approval of the Amendment and Notification of Deficiency 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 B of this Certification, to the Ocean County District Solid Waste Management Plan which was adopted by the Ocean County Board of Chosen Freeholders on November 28, 1984, and further notify the Ocean County Freeholders of a remaining deficiency, as outlined in Section B of this Certification, within the Ocean County Plan.

4/8/85
DATE



ROBERT E. HUGHEY
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION