



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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IN THE MATTER OF CERTAIN AMENDMENTS
TO THE ADOPTED AND APPROVED SOLID
WASTE MANAGEMENT PLAN OF THE
CAPE MAY COUNTY SOLID WASTE
MANAGEMENT DISTRICT

CERTIFICATION
OF THE JANUARY 22, 1991
AMENDMENT TO THE CAPE MAY 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 February 4, 1981, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Cape May 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 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 Cape May County Board of Chosen Freeholders (County Freeholders) completed such a review and on January 22, 1991 adopted an amendment to its approved district solid waste management plan.

The January 22, 1991 amendment proposes to include a Composting/Materials Recovery Facility and a Bulky Waste Sorting/Recycling Facility in the County Plan. This amendment also proposes the deletion of the County's previously approved 500 ton per day mass-burn incinerator from the County Plan; updates the solid waste generation and composition database; and updates the County's recycling program. The amendment further includes the County's commitment to regionalization and expands the County's goal for recycling 60% of the total solid waste stream consistent with the recommendations of the Governor's Emergency Solid Waste Assessment Task Force Final Report.

The amendment was received by the Department on January 28, 1991 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 County Plan, and has determined that the amendment adopted by the County Freeholders on January 22, 1991, is approved as provided in N.J.S.A. 13:1E-24. While the immediate plan amendment has been approved, I have identified potentially serious deficiencies in the County Plan, should the Cape May County Municipal Utilities Authority (CMCMUA) landfill permanently close on December 31, 1992 consistent with the County's March 12, 1991 plan amendment. This amendment is currently under review by the Department. This issue has been addressed further within Sections B. and C. of this certification.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I, Scott A. Weiner, Commissioner of the Department have studied and reviewed the January 22, 1991 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 conjunction with the review of the amendment, the Department circulated copies to seventeen review agencies and solicited their review and comment. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various agencies, bureaus, and divisions within the Department as well as the Board of Public Utilities. Among these agencies were the following:

Division of Environmental Quality, DEP
Division of Water Resources, DEP
Division of Fish, Game and Wildlife, DEP
Division of Parks and Forestry, DEP
Division of Coastal Resources, DEP

Division of Solid Waste Management, DEP
Green Acres Program, DEP
Pinelands Commission
Department of Agriculture
Department of Transportation
Department of Health
Department of Community Affairs
Department of the Public Advocate
Board of Public Utilities
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
U.S. Environmental Protection Agency

1. Agency Participation in the Review of the January 22, 1991 Amendment

The following agencies did not object to the proposed plan amendment:

Board of Public Utilities
Green Acres Program, DEP
New Jersey Turnpike Authority
Department of Agriculture
Department of Transportation
Department of Community Affairs

The following agencies did not respond to our request for comments:

New Jersey Advisory Council on Solid Waste Management
Department of Health
Department of the Public Advocate
U.S. Environmental Protection Agency

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

Division of Environmental Quality, DEP
Division of Water Resources, DEP
Division of Fish, Game and Wildlife, DEP
Division of Parks and Forestry, DEP
Division of Coastal Resources, DEP
Division of Solid Waste Management, DEP
Pinelands Commission

2. Comments Received for the January 22, 1991 Amendment

Comment: The Division of Water Resources commented that if the compost project proposes domestic or industrial treatment works which handles processed wastewater or sanitary sewage and directly discharges to surface waters or have a design capacity of 2,000 gallons per day or larger, an amendment to the Cape May County Water Quality Management Plan (WQMP) is required to allow for these treatment works. A change in the sewer service area, such as for leachate collection, would also require a WQMP amendment.

Response: I respond to the comments of the Division of Water Resources by noting that an assessment of needed amendments to the County WQMP is more appropriately addressed during the Department's technical phase of the permit review process when more detailed site and project specific information is submitted. By copy of this certification, I notify the County of these comments and potential requirements.

Comment: The Division of Fish, Game and Wildlife commented that, in regard to the siting of the Composting/Materials Recovery Facility, a "Biological Categories Rationale" should be done in any future environmental and health impact statement.

Comment: The Division of Parks and Forestry commented that, with regard to major construction projects located within the CCMUA solid waste complex, potential impacts to cultural resources must be completely addressed by a cultural resources survey in any environmental and health impact statement prepared for these types of projects. The Division of Parks and Forestry further commented that the final environmental and health impact statement will need to thoroughly identify and evaluate archaeological and historical resources in order to provide an accurate assessment of project impacts and the appropriate mitigative measures.

Comment: The Division of Coastal Resources commented that the site is outside the CAFRA zone and within the Pinelands Commission jurisdiction. Any wetlands located on the proposed site will need to be reviewed by the Pinelands Commission. The Division also noted that there are no streams located on or near this site.

Comment: The Division of Environmental Quality commented that recycling centers and composting facilities 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 or property. Recycling centers and composting facilities 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. Stationary conveying equipment which causes fugitive emissions of air contaminants also requires air pollution control permits pursuant to the provisions of N.J.A.C. 7:27-8.2(a)11. Additionally, the combustion of used oil, and mixtures of used oil and other oil are subject to the provisions of N.J.A.C. 7:27-8.2(a)13, which requires that the combustion of such oil can only be done in controlled devices with air pollution control permits specific to the combustion of used waste oil.

The Division of Environmental Quality also commented that the recycling of asphalt may release organic substances to the air. The recycling equipment and any bituminous concrete plant which uses the recycled asphalt may need air pollution control apparatus to control organic substance emissions. Air pollution control permits for existing bituminous concrete plants would have to be revised to include recycled

asphalt. Further, the use of crushers will necessitate the control of particulate emissions into the air. Pursuant to N.J.A.C. 7:27-8.2(a) 7, 11, 15 and 16, air pollution control permits to construct, install or alter control apparatus or equipment are required. Finally, facilities to crush asphalt, concrete, brick, etc., must comply with the noise control code, N.J.A.C. 7:29.1.

Response: I respond to the comments of the Divisions of Fish, Game and Wildlife, Parks and Forestry, Coastal Resources and Environmental Quality by noting that the issues for which relevant permits are required for each planned solid waste facility and the assessment of environmental and health impacts are more appropriately addressed during the Department's technical phase of the permit review process. Specifically, the Engineering Element of the Department's DSWM will be apprised of these comments and will review applications for permits or approvals for the various projects planned within the County and will circulate these applications to the Divisions of Fish, Game and Wildlife, Parks and Forestry, Coastal Resources and Environmental Quality for a more detailed review and comment. The submission of an environmental and health impact statement is also part of the permit review process. By copy of this certification, the County, the above noted Divisions and the affected applicants are also notified of these comments and my response.

Comment: The Pinelands Commission (Commission) commented that the approval of the Pinelands Commission is necessary for the proposed composting facility. The plan amendment indicates that excess capacity at the proposed composting facility will be marketed to other counties. Pursuant to the requirements of the Pinelands Comprehensive Management Plan, the facility can only accept waste from Pinelands municipalities or from counties with at least 50% of their land within the Pinelands (these include Atlantic, Burlington and Ocean Counties).

The Commission also commented that, with regard to future landfill capacity, the plan amendment indicates that Cell 1D was previously approved by the Commission for "landfill operations." It should be clarified that in an application to modify the previous landfill approval (Application No. 81-0837.04), the CCMUA eliminated Cell 1D from the landfill in conjunction with a proposed increase in the height of the three remaining cells. This application was approved by the Commission (Resolution No. PC4-86-98). Cell 1D should not, therefore, be considered as providing for any future landfill capacity.

The Commission further commented that the plan amendment contains a discussion of the use of on site wells or a connection to the public water system as a source of water used in the composting process. Accordingly, any on site water withdrawals must be consistent with the requirements of the Pinelands Comprehensive Management Plan. If the use of the public water supply necessitates an increase in the permitted water diversion, the proposal to increase the diversion must be consistent with the requirements of the Pinelands Comprehensive Management Plan. An application to the Commission will be necessary for any such diversion increase and for any new water lines that would need to be constructed.

Response: I respond to the comments by stating that the County must receive all approvals required by law for the compost facility, including any required Pinelands Commission approvals. Further, the Commission's comment on eliminating Cell 1D from the landfill is factually correct as embodied within the CCMCMA's Revised Certification of Approved Registration and Engineering Design Approval. By so noting, I am not intending to address any legal issues in dispute between the County and the Pinelands Commission concerning the landfill. Finally, I am informing the County that the use of on site wells or a public water supply connection must be consistent with the Pinelands Comprehensive Management Plan. By copy of this certification, the County is notified of these comments and my response.

Comment: The Commission also commented that the January 22, 1991 plan amendment did not address the permanent closure of the CCMCMA landfill by December 31, 1992. Further, since the CCMCMA landfill must close permanently to all forms of solid waste by December 31, 1992, an alternate method of disposing of residuals, bypass and nonprocessable waste must be developed.

Response: In response, in Section C. of this document, I have noted the potential for serious deficiencies within the County Plan. On July 13, 1990, the Pinelands Commission adopted a resolution (No. PC4-90-90) which modified an Initial Decision by an Administrative Law Judge and approved with conditions an application to modify a Waiver of Strict Compliance (Waiver) for the continued use of the CCMCMA landfill. The modified Waiver, among other things, permitted continued use of the landfill beyond August 8, 1990 provided that the CCMCMA landfill be permanently closed by December 31, 1992. In addition, the County Composting/Materials Recovery Facility is not scheduled to become operational until 1994. The permanent closure of the CCMCMA landfill prior to the composting facility becoming operational would result in a solid waste crisis due to a lack of disposal capacity to provide for the County's waste stream.

On March 12, 1991, the County Freeholders adopted a plan amendment in response to the Pinelands Commission Waiver, which states that the CCMCMA landfill will permanently close by December 31, 1992. Consequently, on March 14, 1991, the Pinelands Commission deferred action toward the immediate closure of the CCMCMA landfill. This plan amendment is currently under review by the Department and will be addressed in a subsequent certification. However, as further noted in Section C. of this certification, the County should be developing contingency plans in order to avoid a serious disruption of disposal services in the event I elect to approve the March 12, 1991 amendment. I am aware that there is pending litigation between the Pinelands Commission and the County concerning the Waiver provision requiring the permanent closure of the CCMCMA landfill by December 31, 1992. By my response, I am not intending to address the legal issues in Cape May County Municipal Utilities Authority v. Pinelands Commission, Docket No. A-6717-89T2.

Comment: The Division of Solid Waste Management commented that Table III-9 of the subject plan amendment, which projects waste flows and excess capacity for the life of the facility, indicates that approximately 300 to

into a regional agreement to utilize the excess capacity during the off-peak season, provided various conditions are met, this capacity shortfall is critical to the economic viability of the project and a regional agreement has not yet been entered into by the County.

Response: In Section C. of this certification, I have required the County to document in a subsequent plan amendment, within 180 days of this certification, its efforts to secure a regional agreement for excess capacity at the County's Composting/ Materials Recovery Facility including, among other things, identification of potential regional partners.

Comment: The Division of Solid Waste Management also commented that firm contracts for all recovered materials from the Composting/Materials Recovery Facility, with estimated revenues from the sale of these materials, will be required as part of the economic impact review of the facility permit application. Since materials from materials recovery facilities do not have guaranteed markets, the area of economic viability becomes a much greater concern for such proposals.

The Division of Solid Waste Management further commented that provisions must be made for handling, storing and disposing of the household hazardous waste that is manually removed from the waste stream. Also, with regard to materials marketing, the vendor (Daneco, Inc.) should consult with the Department's Office of Recycling in developing markets for the various recovered materials from the composting facility which are capable of being recycled. Additionally, with regard to reuse of mixed plastics, the DSWM questions whether the production of mixed plastic building materials will be completed on site or elsewhere.

Finally, the Division of Solid Waste Management commented that they have reviewed the entire County Plan and have noted deficiencies. These deficiencies include the lack of a long-term financing plan and the need to further address the Task Force recommendations on source reduction and regionalization.

Response: I respond to the comments of the DSWM by noting that materials marketing and household hazardous waste management are issues more appropriately addressed during the Department's technical phase of the permit review process. Specifically, by copy of this amendment, the Engineering Element is apprised of these concerns, particularly the handling of household hazardous waste and the plastics issue. In addition, the Engineering Element will circulate the final environmental and health impact statement to the DSWM's Office of Recycling where a more detailed review will be conducted regarding the comments noted above concerning the marketing of the recovered materials. In this regard, on April 19, 1991, Daneco, Inc. submitted a PEHIS for the Composting/Materials Recovery Facility. This PEHIS is currently undergoing a completeness review by the Department's DSWM.

In Section C. of this certification, I have also required the County to, within 180 days of the issuance of this certification, submit a subsequent plan amendment to address the financing plan deficiency and need to more fully respond to the Task Force recommendations on source reduction and regionalization. By copy of this certification, the County and the

C. Certification of the Cape May County District Solid Waste Management Plan Amendment

I, Scott A. Weiner, Commissioner of the Department, 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, have reviewed the January 22, 1991 amendment to the approved County Plan and certify to the County Freeholders that the January 22, 1991 amendment is approved as further specified below.

1. January 22, 1991 Amendment

a. Deletion of Mass-Burn Incinerator Facility:

The deletion of the County's 500 ton per day mass-burn incinerator facility proposed to be located on Block 128.02, portion of Lots 1 and 3, and Block 131.02, Lots 1 through 8, in Woodbine Borough, from the County Plan is approved. This high technology resource recovery proposal will be replaced by the County's Composting/Materials Recovery Facility, Bulky Waste Sorting/Recycling Facility, Intermediate Processing Facility and recycling initiatives as further specified in C.l.d. below.

b. Expansion of the County's Recycling Goal:

The expansion of the County's overall goal for recycling 60% or more of the total solid waste stream consistent with the recommendations of the Governor's Emergency Solid Waste Assessment Task Force Final Report is approved.

c. Regionalization:

The County's commitment to act as a regional host to facilitate regional solutions, maximize the efficiency of its waste management systems, particularly with regard to its Composting/Materials Recovery Facility, and minimize costs to its users, subject to technical and contractual restraints and subject to an acceptable interdistrict agreement(s) between the County and another district(s) is approved, subject to compliance with the Pinelands Comprehensive Management Plan. All such interdistrict agreements including waste flows are required to be included in a subsequent amendment to the County Plan. In addition, within 180 days of the issuance of this certification, the County is directed to submit a plan amendment which documents its efforts to secure a regional agreement for excess capacity at the County's Composting/Materials Recovery Facility. In this regard, the County shall identify all of the potential regional partners that were contacted, include the rationale for an agreement and provide a description of what additional steps will be taken in the future to secure a regional agreement.

d. Composting/Materials Recovery Facility:

The Composting/Materials Recovery Facility to be located on Block 128, portion of Lots 3 and 4; Block 128.02, portion of Lots 1 and 3; Block 131, Lot 1; and Block 131.02, portion of Lots 1, 7 and 8 in Woodbine Borough, to process type 10 municipal solid waste is approved. The facility is proposed to be completed in 1994 and will operate for a period of 20 years from the date of completion. The project vendor (Daneco, Inc.) will construct the facility on a 38 acre site adjacent to the CMCMA landfill. Although no markets have been secured for the composted waste, contracts with the State Department of Transportation are anticipated for utilization of the material in the landscaping of road projects.

As noted in Section B., there will be an excess capacity of 300 to 400 tons per day during off-peak seasons (i.e. mid-September through mid-June). In an effort to obtain proper facility sizing in consideration of the economic viability of the project, it is critical for the County to have a regional partner. In this regard, it will be necessary for the County to enter into an agreement(s) with another district(s) to confirm the facility's waste flow prior to approval of the facility's capacity. Therefore, the County is directed to address regionalization in greater detail through a subsequent plan amendment as noted under C.l.c. above.

The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals pursuant to N.J.S.A. 13:1E-1 et seq., and all other applicable laws. The issuance of operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department and the Attorney General to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126.

e. Bulky Waste Sorting/Recycling Facility:

The Bulky Waste Sorting/Recycling Facility to be located on Block 128.02, Lot 1, in Woodbine Borough, to crush and screen wood, dirt, asphalt and concrete is approved. This material is intended to be used as daily cover at the CMCMA landfill. The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals pursuant to N.J.S.A. 13:1E-1 et seq., and all other applicable laws. The issuance of operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department and the Attorney General to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126.

f. Update of the Cape May County's Recycling Program:

The update of the County's recycling program is approved. Pursuant to the Emergency Solid Waste Assessment Task Force Final Report of August 6, 1990 Cape May County will implement a recycling program which proposes to exceed the 60% recycling rate by 1995. The

County's projected recycling rate is 78% for calendar year 1995. Also approved is the County's list of designated recyclables specified in the plan amendment. The list includes but is not limited to paper products, glass and metal beverage containers, mixed plastic containers, leaves, grass clippings, scrap metal, white goods, used motor oil, tires, tree stumps and branches, food waste and batteries.

g. Generation and Composition Data:

The update of the solid waste generation and composition data as contained within Section II C.1. of the January 22, 1991 plan amendment is approved.

h. Transportation Routes:

The transportation routes to be utilized for the Composting/Materials Recovery Facility, which include the Garden State Parkway, U.S. Route 9, County Road 550 and County Route 610 to Kearny Avenue via an access road to the facility are approved.

2. Cape May County Solid Waste Management Plan Deficiencies

I have reviewed the entire County 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:

- a. N.J.S.A. 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.

In response to the Pinelands Commission Resolution No. PC4-90-90 which, in part, requires the closure of the CCMUA landfill by December 31, 1992, the County adopted a plan amendment on March 12, 1991 that includes the permanent closure of the CCMUA landfill no later than December 31, 1992. If the CCMUA landfill closes permanently on December 31, 1992, and sufficient alternative disposal sites are not available, a solid waste crisis will exist since the compost facility is not expected to be operational until 1994.

Pending my decision on the County's March 12, 1991 amendment, the County should be developing contingency plans which can be quickly implemented. Should I elect to approve the March 12, 1991 amendment, the county will face a major disruption in solid waste disposal services after December 31, 1992. By my comment, I am not intending to address the legal issues in dispute in Cape May County Municipal Utilities Authority v. Pinelands Commission, Docket No. A-6717-89T2.

- b. 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 Statewide Solid Waste Management Plan.

Although the CMCMUA landfill and transfer station are operational, to date the County has not included its method of financing for all the facilities in the County Plan. Therefore, I find that the County has not complied with N.J.S.A. 13:1E-21b(6). The County is hereby directed to submit a subsequent plan amendment, within 180 days of the issuance of this certification, addressing the method or methods of financing for all the facilities in the County Plan.

3. Cape May County Response to Solid Waste Task Force Final Report

Finally, I have reviewed the County Plan 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. Following this review, the County is hereby directed to submit a subsequent plan amendment within 180 days of this certification, to address the following provisions:

- a. Source Reduction: The January 22, 1991 amendment did not adequately address source reduction. Therefore, the County shall determine what source reduction measures can be taken at the County level to reduce the trend of increased per capita solid waste generation. For each noted source reduction measure, the County shall estimate its potential impact upon total solid waste generation within the district.
- b. Regionalization: Although the County has made a commitment to regionalization of its Composting/Materials Recovery Facility, the county has been directed, within Section C.l.c. above, to address regionalization in greater detail through a subsequent plan amendment submission.

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 the within 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. Also, 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 (N.J.A.C. 7:26-6).

4. Certification to Proceed with the Implementation of the Plan Amendment

This document shall serve as the certification of the Commissioner of the Department to the County Freeholders and, pursuant to N.J.S.A. 13:1E-24c and f, the County shall proceed with the implementation of the approved amendment certified herein.

5. Definitions

For the purpose of this amendment and unless the context clearly requires a different meaning, the definitions of terms shall be the same as those found at N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-1.4 and -2.13.

6. Effective Date of the Amendment

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

7. Reservation of Authority

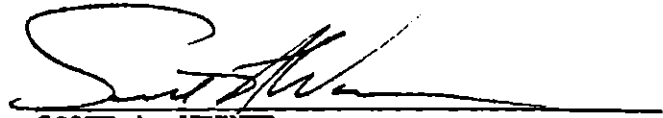
Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law.

Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, interdistrict and intradistrict waste flow rules, and also includes the compilation of individual district plans and amendments as they are approved.

E. Certification of Approval of the Amendment and Notification of Deficiencies 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 Cape May County District Solid Waste Management Plan which was adopted by the Cape May County Board of Chosen Freeholders on January 22, 1991. I hereby also require, as noted in Section C., the Cape May County Board of Chosen Freeholders to address the noted deficiencies within the timeframes specified. This certification memorializes the determinations made by me on or before June 26, 1991.

June 27 1991
DATE


SCOTT A. WEINER
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION