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Scott A. Welner  
Commissioner

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 26, 1993  
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 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 a ten-year planning period. The report must detail the current and projected waste generation for the district, inventory and appraise all facilities in the district, and analyze the waste collection and transportation systems which serve the district. The disposal strategy must include the maximum practicable use of resource recovery techniques. In addition to this strategy, the plan must designate sufficient available suitable sites for the disposal of the district's waste for a ten-year period, which sites may be in the district or, if none are available, in another district. (The Act provides procedures for reaching any necessary interdistrict agreements.)

The Act further provides that a district may review its County Plan at any time and, if found inadequate, a new County Plan must be adopted. The Cape May County Board of Chosen Freeholders (County Freeholders) completed such a review and on January 26, 1993, adopted an amendment to its approved County Plan. As adopted, the amendment:

- \*Addresses the recommendations of the Governor's Emergency Solid Waste Assessment Task Force (Task Force) Final Report concerning source reduction and regionalization;
- \*Addresses the method of financing for solid waste facilities in the County Plan;
- \*Incorporates specific provisions of the Settlement Agreement entered into by the Pinelands Commission and the Cape May County Municipal Utilities Authority (CMCMUA);
- \*Describes the long-term disposal plan being pursued by the County;
- \*Clarifies the transportation routes to selected County solid waste facilities; and,
- \*Identifies existing small scale incinerators operating in the County.

The amendment was received by the Department of Environmental Protection and Energy (Department or DEPE) on March 1, 1993 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 January 26, 1993 is approved as provided in N.J.S.A. 13:1E-24.

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 have studied and reviewed the January 26, 1993 amendment to the County Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that this plan amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders and the applicants are notified of the issues of concern relative to the January 26, 1993 amendment which are included in Section B.2. below.

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  
Land Use Regulation Element, DEPE  
Groundwater Quality Management Element, DEPE  
Wastewater Facilities Regulation Element, DEPE  
Division of Parks and Forestry, DEPE  
Division of Fish, Game and Wildlife, DEPE  
Division of Solid Waste Management, DEPE  
Green Acres Program, DEPE  
Pinelands Commission  
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 January 26, 1993 Amendment

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

Office of Energy, DEPE  
Division of Fish, Game and Wildlife, DEPE  
Green Acres Program, DEPE  
New Jersey Turnpike Authority  
New Jersey Advisory Council on Solid Waste Management  
Department of Agriculture  
Department of Health  
Department of Transportation

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

Land Use Regulation Element, DEPE  
Groundwater Quality Management Element, DEPE  
Division of Parks and Forestry, DEPE  
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:

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

2. Issues of Concern Relative to the January 26, 1993 Amendment

**Issue: Regulatory Requirements**

If the proposed operations of any solid waste facility identified within the amendment will discharge pollutants as defined in N.J.A.C. 7:14A-1.9, said operations may be required to secure a New Jersey Pollutant Discharge Elimination System Permit and/or a Treatment Works Approval for pollutant discharges prior to construction or operation.

The amendment contains the changes that were required by the Settlement Agreement between the CMCMUA and the Pinelands Commission. The Settlement Agreement provides for the County to cease disposal at the CMCMUA landfill by May 1, 1996. However, Section IV, part B, paragraph A of the amendment is not accurate. The Pinelands Commission's final action on the CMCMUA's application for an amended Waiver of Strict Compliance was its consent to enter into the Settlement Agreement that the CMCMUA also freely agreed to enter. The statement regarding the Pinelands Commission "rescinding" prior waivers is not correct. The Pinelands Commission's action on July 13, 1990 was in response to the CMCMUA's application to extend the August 8, 1990 deadline limiting the nature of the wastes that could be accepted at the landfill. As the Pinelands Commission previously advised the CMCMUA, this portion of the proposed amendment should be deleted or rewritten to more accurately reflect what transpired.

The amendment includes within the County Plan three operating crematoriums (small scale incinerators) for human remains. Historically, no County Plan inclusion has been required for those small scale incinerators that are crematoriums for human remains. Also, no solid waste permit is currently needed for a crematorium for human remains but an air permit may be necessary as defined in N.J.A.C. 7:14A-1.9. There are seven (7) other small scale incinerators in Cape May County that have been or are currently permitted by DEPE. These facilities are not proposed for incorporation into the County Plan since they have either been dismantled or are not currently operating.

**Issue: Resource Recovery Investment Tax (RRIT) Schedule**

The amendment, within a description of the County's financing of its solid waste management program, indicates moneys available within their RRIT Fund. However, the amendment does not address the requirements of N.J.S.A. 13:1E-136 et seq., which established the RRIT Fund for each of the state's 21 counties. Prior to disbursement from its district RRIT Fund, the County must prepare and adopt a plan amendment which identifies the proposed uses of the money in the fund and establishes a disbursement schedule for these moneys. As of December 31, 1992, the County RRIT Fund balance was \$2,373,793.00 plus accrued interest. For this money to be made available to fund the necessary solid waste projects, the County must adopt a plan amendment containing the proposed uses and disbursement schedule as required by N.J.S.A. 13:1E-150c.

**Issue: County Response to Task Force Recommendations**

On January 22, 1991, the County adopted a multifaceted amendment, a portion of which sought to address the recommendations of the Task Force Final Report concerning source reduction, recycling, and regionalization. The Department, in its June 27, 1991 certification of the January 22, 1991 amendment, approved the County's program for addressing the recycling component of the Task Force Final Report. However, the certification directed the County within a subsequent plan amendment submission to further detail its efforts with regard to source reduction and regionalization. While the County was directed to submit the subsequent plan amendment by December 27, 1991, it was not received until March 1, 1993.

The Department has reviewed the County's response to the Task Force recommendations concerning source reduction and regionalization with comments as follows:

**Source Reduction**

The amendment indicates that source reduction will be achieved through the following strategies:

**a. Waste Audits**

Waste audits will be carried out as per DEPE guidelines. Specifically all state, county and municipal entities regardless of size, as well as any industries and institutions with more than 500 employees/individuals, will be requested to conduct waste audits and to identify and implement measures to reduce waste generation. Such waste audits and identification of specific measures to minimize waste generation should be completed by the aforementioned entities no later than December 31, 1993. All industries and institutions which employ 250 to 500 individuals will also be requested to conduct waste audits by December 31, 1994 and to identify and implement measures to reduce waste generation. Industries which employ more than 100 people but less than 250 will also be asked to perform informal waste audits and implement appropriate waste reduction techniques. The CMCMA will identify more specific waste audit and reduction measures, to be consistent with DEPE's "Waste Audits Guidance Document", in a simplified "how to" guide for waste audits and reduction plans to be prepared and distributed in 1993. The County should also consider per container or volume based billing systems to encourage source reduction. As noted in Section C., the County should provide within a subsequent plan amendment submission a specific schedule for conducting waste audits for industries with more than 100 but less than 250 employees and its strategy to cap per capita generation waste at documented 1990 levels, cap total waste generation within five years, and then reduce total waste generation within ten years.

**b. Household Hazardous Waste Collection**

The County will continue its comprehensive program to reduce the amount of hazardous waste generated as well as provide separate collection and disposal for small quantity and household hazardous wastes which are produced. In the spring and fall of each year, the CCMUA conducts a one-day program to collect household hazardous waste. This program provides collection for residents, schools, public agencies and businesses to safely dispose of household hazardous materials. Wastes including, but not limited to, household cleaners, pesticides, oil based paints and solvents that are also collected at the County landfill and/or transfer station are transported to a federally approved hazardous waste disposal facility. The County is also investigating the development of a permanent household hazardous waste disposal facility. Progress for this facility will be discussed in a subsequent plan amendment with a schedule outlining the program the County will undertake.

**c. Yard Waste Management**

The amendment sets forth the County's policy to continue to encourage the recycling of all vegetative waste. The County encourages the recycling of vegetative waste through the following programmatic efforts:

**(1) Grass Clippings**

"Cut It and Leave It" is the preferred source reduction strategy for grass. Alternative management techniques for grass include using clippings for garden mulch, backyard composting, or the composting of grass clippings at permitted municipal or CCMUA operated grass and leaf composting facilities.

**(2) Leaves**

The CCMUA landfill has banned the disposal of leaves. The preferred source reduction strategy for leaves is to allow them to remain in the yard where they fall. The County encourages mowing leaves with a mulching lawnmower and mulching leaves into agricultural and horticultural lands as a soil enhancer. Alternate management techniques for leaves include backyard composting or composting of leaves at permitted municipal or CCMUA operated composting facilities.

**(3) Tree Limbs and Stumps**

The CCMUA has been operating a hibernacula project to recycle source separated tree limbs and stumps at the CCMUA landfill. Several municipalities, as well as the CCMUA, also provide chipping of source separated tree branches.

(4) Yule Reduce, Reuse, Recycle

The CCMUA has instituted a source reduction program aimed at "trimming the trash" at Christmas. The "Yule Reduce, Reuse, Recycle" program provides informational tips as well as a Christmas tree chipping program to help minimize the quantity of holiday trash generated. Every municipality collects decoration-free Christmas trees at curbside for recycling.

d. Source Reduction Education/Promotion

The CCMUA has already incorporated the concepts of source reduction and "preycling" into all elements of its recycling promotion and education campaigns. A variety of new source reduction promotional and educational activities will also be undertaken by the County. These activities are detailed as follows:

(1) Environmental Shopping

The CCMUA is lobbying selected major supermarket chains to begin conducting environmental shopping tours. The purpose of such tours is to teach individuals how to make environmentally appropriate decisions when purchasing products. These tours will educate shoppers to buy products with minimum amounts of packaging, choose reusable rather than disposable products, buy in bulk, and select packaging made from recycled materials.

(2) Procurement/Purchase of Recycled Goods

The CCMUA will continue to serve as a clearinghouse, within the County, for information regarding technical specifications for recycled content goods and packaging, vendor listing for recycled products, changes in state regulations regarding the purchase of recycled goods by various local government agencies, and cooperative purchase of recycled goods. The CCMUA will also include "purchase recycled" information in promotional/educational literature, provide pertinent information to business and civic organizations which circulate newsletters, and expand its policy of procuring products which contain recycled materials, such as paper stock, as well as refurbished items, such as spare parts. Also, in this regard, on April 22, 1993 Governor Florio signed P.L. 1993, Chapter 109 which establishes specific goals for the purchase of recycled paper and allows preferential purchase of recycled nonpaper finished products. Additionally, Executive Order No. 91 on the procurement of recycled products was signed by the Governor on May 3, 1993. The County should consider the scope of these state level programs, as well as the state's cooperative purchasing program and state distribution and support services program for recycled products, for application at the County level.

(3) Educational Promotions

The County intends to continue its source reduction education efforts in schools and throughout the public and private sectors as well as its outreach programs to the commercial and institutional sectors. Brochures, press releases, and advertisements will be prepared on an as needed basis to encourage source reduction activities.

e. Commercial and Institutional Waste Exchange

The CCMUA encourages business and institutions to develop a communication network utilizing newsletters and classified advertising in newspapers to inform interested parties about the availability of usable excess goods, such as paints, or unmarketable discontinued stock. The CCMUA supports the donation of surplus materials to charitable organizations.

f. Old Clothing Reuse Program

This program operates in nine (9) municipalities. Residents can place used clothing in colored bags for drop-off at local collection points. The clothing is distributed to a variety of local charitable organizations. Clothing which is unsuitable for reuse is sold for recycling into rags.

g. Earth Friendly Vacations

The County is a tourist based economy. The CCMUA will continue to have an aggressive "Reduce, Reuse, Recycle" promotion and education campaign which specifically targets this group. Included in numerous promotion campaigns is information on source reduction.

Recycling: Expansion of Designated Materials

The amendment identifies mandatory materials to be recycled in addition to the County's previously designated materials as follows:

Newspaper  
Magazines  
Office Paper  
Junk mail  
Corrugated and kraft grocery bags  
Clear, green and brown food and beverage bottles  
Aluminum, bimetal and tin food beverage cans  
PET, HDPE containers with a recycling emblem exclusive of automotive fluid containers and other bottles which contain hazardous products  
Leaves  
Ferrous and nonferrous scrap  
White goods  
Use motor oil  
Lead acid batteries\*

\*Notes newly mandated material

The amendment identifies recommended materials to be recycled in addition to the County's previously recommended recyclables

Chipboard\*  
Tires  
Food waste (commercial and institutional sources only)



Grass clippings, tree branches and tree stumps  
Christmas trees\*  
Nonchemically treated construction wood and wood pallets  
Asphalt and concrete  
Auto and truck bodies\*  
Dry cell batteries

\*Notes newly recommended materials

#### Regionalization

The County has long encouraged the approach of regionalization in the area of recycling. With the recent renovation of the County's recycling center, the throughput capacity has been increased from 225 tons per day to 375 tons per day on a two shift operation. As a result, a year-round excess capacity will be available for use by another New Jersey county. The County intends to act as a regional host by making this excess capacity available for use, subject to arriving at mutually agreeable contract terms with such other county. The CMCMUA has accepted recyclable materials from Gloucester County sources for processing at the recycling center. Discussions with the Cumberland County Improvement Authority regarding the feasibility of accepting recyclables at the Cape May's recycling center have also occurred. The CMCMUA has also previously attempted to pursue regional initiatives for in-state landfill disposal capacity as well as for excess capacity that is anticipated to be available at the planned materials recovery/composting facility (MRCF) and for existing excess capacity at the County landfill. The CMCMUA has only been able to identify Atlantic County as a potential regional partner for the planned MRCF. As stated below under the Long-Term Waste Disposal Plan, the County is directed to submit in a subsequent plan amendment a strategy which includes a timeline with specific milestones for negotiation of interdistrict agreements for the shared use of other existing or planned in-state capacity for that portion of the waste stream not planned to be processed at the MRCF.

#### Issue: Long-Term Waste Disposal Plan

Pursuant to the terms of the Settlement Agreement with the New Jersey Pinelands Commission, the County must cease disposal at the CMCMUA landfill effective May 1, 1996. The County is developing the MRCF to process most of its solid waste stream. However, a landfill will be required for the ultimate disposal of nonrecyclable materials, noncompostable waste, and process residues from the MRCF. On August 7, 1992, the County issued a request for proposals (RFP) for landfilling rights at one or more out-of-county landfills. The County was seeking to acquire capacity for the disposal of up to 1,300,000 tons of solid waste for a 10 to 15 year period commencing on or about May 1, 1996. On August 26, 1992, three out-of-state landfills submitted proposals in response to the RFP. However, no New Jersey disposal facilities responded to the RFP. The amendment noted that the County was reviewing the three out-of-state submissions. After the submission of the amendment to DEPE,

the CMCMUA signed on May 7, 1993 a ten year agreement with Waste Management of Pennsylvania effective on or about May 1, 1996. As previously noted under the Regionalization section, the County has indicated that the only potential regional partner for the MRCF has been Atlantic County. Although the DEPE recognizes the difficulty for the County in securing an interdistrict agreement to accommodate the balance of its waste stream that will not be processed at the MRCF, the long-term reliance on out-of-state disposal is unacceptable. Long-term out-of-state disposal is contrary to the goals of the Task Force Final Report and the objectives, criteria, and standards of the draft January 1993 State Solid Waste Management Plan Update: 1993-2003. The DEPE has established a goal of in-state self-sufficiency in solid waste disposal by December 31, 1999. Therefore, as noted in Section C., the Department has approved the disposal plan only on a short-term basis and has directed the County to submit within 180 days in a subsequent plan amendment a strategy, which includes a timeline with specific milestones for negotiation of interdistrict agreements for the shared use of other existing or planned in-state capacity, for that portion of the waste stream not processed at the planned MRCF. The achievement of these milestones will preclude the need for the long-term reliance on out-of-state landfills. Also, as noted in Section C., the County is directed to submit for DEPE review within 180 days the ten-year out-of-state disposal contract the CMCMUA signed with Waste Management of Pennsylvania on May 7, 1992. This contract need not be provided as part of a plan amendment submission.

As noted in Section C. of this certification, the Task Force Strategy adopted by the County concerning source reduction is approved. However, the County is directed to submit within 180 days in a subsequent plan amendment a specific schedule for conducting waste audits for industries with more than 100 but less than 250 employees and for capping waste generation. Regarding regionalization, the DEPE's directive to submit a subsequent plan amendment within 180 days to preclude the County's reliance on long-term out-of-state landfills addresses the need to further explore regionalization opportunities.

**Issue: Transportation Routes**

Transportation routes to the County landfill and MRCF have previously been approved for inclusion into the County Plan in the amendment adopted January 22, 1991 and certified by the DEPE on June 27, 1991. However, the maps accompanying that amendment which identified these routes were in error. As a point of clarification, the corrected maps have been incorporated within this plan amendment.

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

In accordance with N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-21, which establishes specific requirements regarding the contents of the district solid waste management plans, I have reviewed the January 26, 1993 amendment to the approved County Plan and certify to the County Freeholders that the January 26, 1993 amendment is approved as further specified below.

## 1. Settlement Agreement

The County Plan inclusion of the specific conditions of the Settlement Agreement of July 29, 1992 between the Pinelands Commission and the CMCMUA is approved. Specifically, the existing CMCMUA landfill located in Woodbine Borough/Upper Township, Cape May County, New Jersey shall be permanently closed as of May 1, 1996. The County Plan amendment dated March 12, 1991 is hereby modified to change the closure date from December 31, 1992 to May 1, 1996. The County Plan, and specifically the amendment dated March 12, 1991, is hereby modified to prohibit the reopening of existing landfills in the Pinelands Protection Area in addition to the previously established ban on reopening landfills located in the Pinelands National Reserve. Also, no new landfill shall be sited or constructed in the Pinelands Area or the Pinelands National Reserve. This same provision, which currently exists in the County Plan, is reaffirmed. All language contained in the amendments to the County Plan dated March 12, 1991 and July 23, 1991 which reserve the legal rights of the CMCMUA to appeal the Pinelands Commission decision contained in Resolution PC4-90-90 are hereby rescinded. Finally, the CMCMUA landfill is permitted to accept for disposal the types of waste consistent with N.J.A.C. 7:50-6.77 and the approvals and waivers previously granted by the Pinelands Commission to the County from any Pinelands municipalities or from counties with at least 50 percent of their land area within the Pinelands pursuant to N.J.A.C. 7:50-6.74(a)4 until the design capacity of the landfill is reached, or until May 1, 1996, whichever occurs first.

## 2. Method of Financing Solid Waste Facilities

The County Plan inclusion of the method of financing solid waste facilities is approved. Briefly, the County has indicated that such financing will be obtained through project notes (short-term) and revenue bonds (long-term), user charges, an agreement between the County Freeholders and the CMCMUA whereby the County Freeholders shall guarantee repayment of the latter's debt should the CMCMUA have insufficient funds, reserve funds, and grants and entitlement programs.

## 3. Response to Task Force Final Report

The County Plan inclusion of its response to the Task Force Final Report is approved in part with additional requirements noted below:

### a. Source Reduction

The County's strategy to enact specific source reduction programs as described in Section B. is approved. However, as also noted in Section B., the County should provide within the required subsequent plan amendment submission a specific schedule for conducting waste audits for industries with more than 100 but less than 250 employees and its strategy to cap per capita generation of waste at documented 1990 levels, cap total waste generation within five years, and then reduce total waste generation within ten years.

b. Designated Materials

The County's listing, as described in Section B., of mandated and recommended materials to be source separated in the residential and the commercial and institutional sectors is approved. Although the DEPE has previously approved the County's designated recovery targets in its June 27, 1991 certification of the January 22, 1991 amendment, the County should consider designating additional mandatory recyclables to ensure achievement of the 50% municipal waste stream and 60% total waste stream recycling goals by December 31, 1995.

c. Regionalization

The amendment indicates that the County is pursuing discussions with other counties to regionalize many of its solid waste facilities. Specifically, the County has accepted recyclables from Gloucester County and is pursuing discussions with the Cumberland County Improvement Authority regarding the feasibility of accepting recyclables at Cape May's recycling center. However, as further noted below under the Long-Term Waste Disposal Plan, the County must submit within 180 days in a subsequent plan amendment a strategy, which includes a timeline with specific milestones for the shared use of other existing or planned in-state capacity for that portion of the waste stream not processed at the planned MRCF, that precludes the need for the long-term reliance on out-of-state landfills.

4. Long-Term Waste Disposal Plan

Pursuant to the terms of the Settlement Agreement with the Pinelands Commission, the County must cease disposal at the CCMUA landfill effective May 1, 1996. The County is developing a MRCF to process most of its solid waste stream. However, a landfill will be required for the ultimate disposal of nonrecyclable materials, noncompostable waste, and process residues from the materials recovery/compost facility. The County, after the submission of this amendment to the DEPE, signed on May 6, 1993 an agreement with Waste Management of Pennsylvania. This agreement covers a ten year period commencing on or about May 1, 1996 and allows for the delivery of up to 1.5 million tons of solid waste. As previously noted under the Regionalization section, the County has indicated that the only potential regional partner for the MRCF has been Atlantic County. The County must secure an interdistrict agreement to accommodate the balance of its waste stream that will not be processed at the MRCF since the long-term reliance on out-of-state disposal is unacceptable. It is contrary to the goals of the Task Force Final Report and the objectives, criteria, and standards of the January 1993 draft State Solid Waste Management Plan Update: 1993-2003 for the DEPE to approve a long-term out-of-state disposal plan. The DEPE has established a goal of in-state self-sufficiency in solid waste disposal by December 31, 1999. Therefore, the Department only approves the disposal plan on a short-term basis and directs the County to submit within 180 days in a subsequent plan amendment a strategy, which includes a timeline

with specific milestones for negotiation of interdistrict agreements for the shared use of other existing or planned in-state capacity, for that portion of the waste stream not processed at the planned MRCF. The achievement of these milestones will preclude the need for the long-term reliance on out-of-state landfills. Further, the County is also directed to submit for DEPE review within 180 days the ten-year out-of-state disposal contract the CMCMUA signed with Waste Management of Pennsylvania on May 7, 1993. This contract need not be provided as part of a plan amendment submission.

#### 5. Transportation Routes

The County Plan inclusion of revised maps which site the correct transportation routes to the County landfill and MRCF is approved. The DEPE had previously approved these routes in a certification of June 27, 1991 based on a narrative contained within the January 22, 1991 amendment. Although this narrative correctly identified the transportation routes, said routes were incorrectly identified on the accompanying maps.

#### 6. Existing Small Scale Incinerators

The County Plan inclusion of the following private solid waste incinerators is approved.

- (1) Cape May County Crematory  
3214 Bayshore Road  
Lower Township, Block 494.01, Lot 8.03  
Waste Type: Human Remains
- (2) Seaside Cemetery Company  
U.S. Route 9 & Church Road  
Upper Township, Block 599, Lot 8  
Waste Type: Human Remains
- (3) Cape May Veterinary Hospital  
305 Goshen-Swainton Road  
Middle Township, Block 51, Lot 33.03  
Waste Type: Trash and Animal Remains

It should be noted that crematoriums for human remains are not regulated as solid waste facilities and, as such do not require County Plan inclusion.

#### 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 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 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 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 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 26, 1993. I hereby also require, as noted in Section C., the Cape May County Board of Chosen Freeholders to address the noted deficiencies within the timeframe specified.

7-23-93  
DATE

  
SCOTT A. WEINER  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
AND ENERGY

#2006