



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROBERT E. HUGHEY, COMMISSIONER  
CN 402  
TRENTON, N.J. 08625  
609 - 292 - 2885

(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 APPROVAL OF THE  
DECEMBER 13, 1983 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 approved, with modifications, the Cape May 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 Cape May County Board of Chosen Freeholders completed such a review and on December 13, 1983, adopted an amendment to its approved District Solid Waste Management Plan. The amendment was received by the Department of Environmental Protection on December 28, 1983 and copies were distributed to various State level agencies for review and comment, as required by law.

The Department has reviewed this amendment and has determined that the amendment adopted by the Cape May County Board of Chosen Freeholders is approved in accordance with N.J.S.A. 13:1E-24.

B. Approved Cape May 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 December 13, 1983 amendment to the approved Cape May County District Solid Waste Management Plan and certify to the Cape May County Board of Chosen Freeholders that the December 13, 1983 amendment is judged in compliance with the requirements of N.J.S.A. 13:1E-21 and is hereby made a final approved part of the Cape May County District Solid Waste Management Plan.

The inclusion within the Plan of the Cape May County Municipal Utilities Authority Transfer Station, to be located on Block 354, Lots 14 and 15, in the municipality of Middle Township is approved. The construction or operation of any facilities at this site shall be preceded by the obtaining of all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq. and all other applicable laws. 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.

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 Cape May 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 Cape May 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 Cape May County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Cape May 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 Cape May 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, hazardous wastes, oil spill cleanup wastes, and infectious waste.

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 Cape May 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 Cape May County Board of Chosen Freeholders, as provided for by N.J.S.A. 13:1E-24f., to proceed with the implementation of the 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 Cape May County District Solid Waste Management Plan contained herein shall take effect immediately.

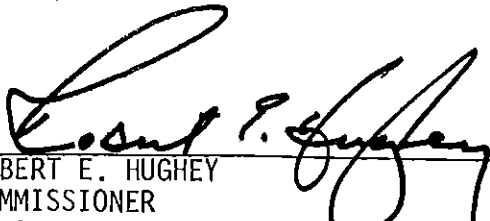
7) Reservation of Authority

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 Cape May County District Solid Waste Management Plan, including any amendments 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 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 Cape May County District Solid Waste Management Plan which was adopted by the Cape May County Board of Chosen Freeholders on December 13, 1983.

2/27/84  
DATE

  
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ROBERT E. HUGHEY  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



State of New Jersey  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF WASTE MANAGEMENT  
32 E. Hanover St., CN 028, Trenton, N.J. 08625

DR. MARWAN M. SADAT, P.E.  
DIRECTOR

FEB 17 1984

LINO F. PEREIRA, P.E.  
DEPUTY DIRECTOR

M E M O R A N D U M

TO: George J. Tyler, Assistant Commissioner

FROM: Dr. Marwan M. Sadat, Director      ORIGINAL SIGNED BY LINO F. PEREIRA

SUBJECT: Briefing on the Adopted Amendment to the Cape May County  
District Solid Waste Management Plan

I. Background

On December 13, 1983, the Cape May County Board of Chosen Freeholders adopted an amendment to their District Plan to include the location of a transfer station in Middle Township. The amendment was considered complete for State level review on December 28, 1983 and copies were circulated for comment on this date. Comments from State level review agencies were received through January 27, 1984.

II. Purpose of the Amendment

The Cape May County District Solid Waste Management Plan has been amended to authorize the inclusion of the Cape May County Municipal Utilities Authority transfer station in Middle Township, Cape May County.

III. State Level Comments

- A. Division of Green Acres - The proposed site is consistent and no negative impact to existing or future proposed state and local open space and recreation facilities is expected.
- B. BPU - Lack of financial data included in the amendment did not permit BPU to review and determine any economic impact.
- C. Department of Community Affairs - Proposal is consistent, but once details on management, financing, and procurement are provided, then the plan should be reviewed.
- D. Office of Recycling - Recommended that the function of the transfer station be expanded to have the capacity to receive, store, and ship either mixed or segregated recyclable materials from the southern communities.

The following state level review agencies responded that they had no comments:

Department of Agriculture  
Department of Health  
Division of Coastal Resources

The following state level review agencies did not respond to the Division's request for comments on the adopted amendment:

Division of Environmental Quality, DEP  
Office of the Public Advocate  
Department of Transportation

IV. Schedule for Certification

The amendment was considered complete on December 28, 1983. Therefore, the Commissioner has 150 days, or until May 28, 1984 to approve, modify, or reject the amendment.

PR5:kep  
Attachment