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STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
JERRY FITZGERALD ENGLISH, COMMISSIONER
P. O. BOX 1390
TRENTON, N.J. 08625
609-292-2885

(IN THE MATTER OF THE ADOPTED AND)
(MODIFIED SOLID WASTE MANAGEMENT)
(PLAN OF THE CAPE MAY COUNTY)
(SOLID WASTE MANAGEMENT DISTRICT)

CERTIFICATION OF APPROVAL
WITH MODIFICATION OF 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. as amended by C. 326, Laws of 1975) determines, among other things, "...that the management of solid waste in New Jersey consists largely of piecemeal, uncoordinated activities developed to meet the immediate needs of local government with little, if any, regard for regional planning and coordination..." and that "...the solid waste planning and management process is adversely affected by the absence of area-wide structures...." The Act addressed these and other findings by establishing "...a statutory framework within which all solid waste collection, disposal and utilization activity..." in New Jersey would be coordinated. This framework includes the designation of each of New Jersey's twenty-one counties and the Hackensack Meadowlands District as a Solid Waste Management District. Each District is authorized, either singly or jointly with one or more other Districts, to formulate and develop a comprehensive Solid Waste Management Plan. Following development, the resulting Plan is submitted by the District to the public for comment at an informational hearing. Thereafter, the District must adopt or reject, in whole or in part, the Solid Waste Management Plan.

After adoption of a Plan in whole or in part by a District, the Plan is then submitted to the Commissioner of the Department of Environmental Protection for review and final approval. The Commissioner has authority to modify, reject or approve such Plans and, in the final analysis, the Commissioner is authorized to adopt and promulgate any modification or replacement she deems necessary with respect to the Solid Waste Management Plan.

In order to establish a meaningful and responsible role for the State in the solution of solid waste problems, the Act grants broad powers to the Department of Environmental Protection. This includes the power "...to regulate and supervise all solid waste collection and disposal facilities and operations...", "...to register all persons engaged in the collection or disposal of solid waste...", "...to develop through a Statewide solid waste management plan objectives, criteria and procedures to assure the orderly preparation and evaluation of the [district] solid waste management plans...", "...to approve, modify or reject such solid waste management plans on the basis of their conformity with such objectives, criteria and procedures...", and "...to develop and implement such a plan where none is approved or forthcoming from any solid waste management district...."

5) Schedule for County Landfill Implementation

The Plan's schedule for the implementation of its regional County landfill is approved. The Department of Environmental Protection will monitor the progress of the District in meeting the milestones of this implementation schedule. The Cape May County Municipal Utilities Authority shall submit quarterly status reports to the Department of Environmental Protection concerning the District's progress in meeting these milestones. The first status report shall be submitted to the Department's Solid Waste Administration by July 1, 1981.

6) Transfer Station Evaluation

The Plan's transfer station evaluation is approved. If a transfer station is found to be needed in Cape May County, progress of its implementation should be concurrent with the schedule for the County landfill. These milestones should also be included in all quarterly status reports submitted to the Department's Solid Waste Administration.

D. Modifications Adopted and Promulgated by the Commissioner Pursuant to N.J.S.A. 13:1E-1 et seq. and Made an Approved Part of the Cape May County District Solid Waste Management Plan

I, Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq., do hereby adopt and promulgate the following modifications to the Cape May County District Solid Waste Management Plan and certify to the Cape May County Board of Chosen Freeholders that the modifications contained herein are hereby made a final approved part of the Cape May County District Solid Waste Management Plan.

1) In-County Wastes

- a) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from within the Cape May municipality of Dennis shall be disposed of at the Dennis Township Belleplain Landfill, facility number 0504B, located in Dennis Township, Cape May County, New Jersey or the Dennis Township South Seaville Landfill, facility number 0504C, located in Dennis Township, Cape May County, New Jersey pending a possible decision to assign wastes from specific portions of the Township to specific solid waste facilities.
- b) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from within the Cape May municipalities of Avalon, Sea Isle City and Woodbine shall be disposed of at the Foundations-Structures, Inc. landfill, facility number 0516B, located in Woodbine Boro, Cape May County, New Jersey.
- c) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from within the Cape May municipality of Ocean City shall be disposed of at the Lee's Gravel Pit landfill, facility number 0108B, located in Egg Harbor Township, Atlantic County, New Jersey. It is anticipated that an interdistrict waste flow agreement between Atlantic County and Cape May County will be signed.

- d) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from within the Cape May municipalities of Lower, Middle, North Wildwood, Stone Harbor, West Wildwood and Wildwood City shall be disposed of at the Mar-Tee Middle Township Sanitary Landfill, facility number 0506C, located in Middle Township, Cape May County, New Jersey. It is anticipated that a consent agreement will be reached between the Department of Environmental Protection and the Mar-Tee Middle Township Sanitary Landfill whereby the Mar-Tee Middle Township Sanitary Landfill will continue operation until December 31, 1982.
- e) All solid wastes, with the exception of those noted in Section 3.c. herein, and bulky (type 13) wastes, generated from within the Cape May County municipality of Upper shall be disposed of at the Upper Township Sanitary Landfill, facility number 0511A, located in Upper Township, Cape May County, New Jersey. All bulky (type 13) wastes, generated from within the Cape May County municipality of Upper shall be disposed of at the Foundations-Structures, Inc. landfill, facility number 0516B, located in Woodbine Boro, Cape May County, New Jersey.
- f) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from within the Cape May County municipalities of Cape May City, Cape May Point, and West Cape May shall be disposed of at the Wildwood Crest Solid Waste Disposal Area landfill (formerly Smiths Landfill), facility number 0505D, located in Lower Township, Cape May County, New Jersey.
- g) All solid wastes, with the exception of those noted in Section 3.c. herein, and bulky (type 13) wastes, generated from within the Cape May County municipality of Wildwood Crest shall be disposed of at the Wildwood Crest Solid Waste Disposal Area landfill, facility number 0505D, located in Lower Township, Cape May County, New Jersey. All bulky (type 13) wastes generated from within the Cape May County municipality of Wildwood Crest shall be disposed of at the Mar-Tee Middle Township Sanitary Landfill, facility number 0506C, located in Middle Township, Cape May County, New Jersey.
- h) Upon closure of the Dennis Township Belleplain Landfill, facility number 0504B; the Dennis Township South Seaville Landfill, facility number 0504C; the Foundations-Structures, Inc. landfill, facility number 0516B; the Mar-Tee Middle Township Sanitary Landfill, facility number 0506C; the Upper Township Sanitary Landfill, facility number 0511A; and the Wildwood Crest Solid Waste Disposal Area, facility number 0505D; (all the landfill facilities identified in this section shall, according to the modifications adopted and promulgated herein, close by December 31, 1982) processable* solid wastes going to these facilities and to Lee's Gravel Pit landfill, facility number 0108B, shall be disposed of at the Cape May County regional landfill scheduled to be operational by January 1, 1983. Residues

*Processable solid waste is that part of the solid waste stream which can be processed through a resource recovery facility.

and non-processable** solid wastes generated from any future resource recovery facilities shall also be disposed of at the regional County landfill.

2) Out-of-County Wastes

- a) Due to decreasing landfill capacity in Cape May County, out-of-county wastes will be prohibited from entering the County on the effective date of the Modifications.

3) Other Provisions Effecting the Plan Modifications

a) Contracts

Nothing contained in these Modifications shall be construed as to interfere with, or in any way modify, the provisions of any contract for solid waste collection or solid waste disposal in force in any solid waste management district upon the effective date of this Act (July 29, 1977); provided, however, as set forth at N.J.S.A. 13:1E-29 no renewal of any such contract upon the expiration or termination of the original term thereof, and no new contract for solid waste collection or solid waste disposal, shall be entered into after the effective date of this act, unless such renewal or such new contract shall conform with the applicable provisions of the approved solid waste management plan, as set forth herein, of the relevant solid waste management district or unless such contract is approved by the Commissioner.

Any contract renewal or new contract for solid waste collection or solid waste disposal which was executed prior to the approval of the within modifications to the Cape May County District Solid Waste Management Plan 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 these Modifications and of the Cape May County District Solid Waste Management Plan if such renegotiation is not completed by the effective date of these Modifications (June 1, 1981); 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.

b) Compliance

All solid waste facility operators registered with the Department of Environmental Protection and operating within Cape May County

**Non-processable solid waste includes that part of the waste stream which cannot be processed through a given resource recovery facility and solid wastes resulting from emergency back-up procedures.

and effected by the Modifications contained herein shall operate in compliance with these Modifications and all other approved provisions of the Cape May County District Solid Waste Management Plan. Any facility operator 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 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.

c) Types of Solid Wastes Covered by the Cape May County District Solid Waste Management Plan Modifications

The Modifications contained herein shall apply to all "solid wastes" generated within the identified County municipalities, as defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-2.5.27 and with the exceptions of liquid wastes, sewage sludge, septage, hazardous wastes, oil spill clean-up waste, infectious waste and those wastes separated and recovered at the point of generation.

d) Certification to Proceed with the Implementation of Plan Modifications

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 Modifications contained herein.

e) Definitions

For the purpose of these Modifications 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 -2.5.27.*

f) Effective Date of Modifications

The adopted and promulgated Modifications to the Cape May County District Solid Waste Management Plan contained herein shall take effect on June 1, 1981.

g) 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 shall conform with the Statewide Solid Waste Management Plan. The Statewide Solid Waste Management Plan includes the Department's Planning Guidelines and rules, regulations, and orders of the Department, and will include the


*Note: In a municipal collection system where commercial and residential solid wastes are collected together, the wastes shall be considered, for the purposes of District solid waste planning, as residential solid waste.

compilation of individual District Plans and modifications as they are approved.**

E. Certification of Approval and Adoption and Promulgation of Modifications 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 Cape May County District Solid Waste Management Plan and its adopted modifications, subject to the modifications and replacements contained and adopted herein.

February 4, 1981
DATE



JERRY FITZGERALD ENGLISH
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION

**The Commissioner may adopt modifications to the approved District Plans in the Statewide Solid Waste Management Plan when it is promulgated.