



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
RICHARD T. DEWLING, Ph.D., P.E., COMMISSIONER  
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(IN THE MATTER OF CERTAIN AMENDMENTS)  
(TO THE ADOPTED AND APPROVED SOLID )  
(WASTE MANAGEMENT PLAN OF THE )  
(CAMDEN COUNTY SOLID WASTE )  
(MANAGEMENT DISTRICT )

CERTIFICATION  
OF THE OCTOBER 8, 1987  
AMENDMENT TO THE CAMDEN 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 Board of Chosen Freeholders and the Hackensack Meadowlands Development Commission develop comprehensive plans for waste management in their respective districts. On July 7, 1980, the Department approved, with modifications, the Camden 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.)

Amendments to the Act found in N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A 13:1E-99.11 et seq., require that counties amend their district solid waste management plan to include a district recycling

plan. The Camden County Board of Chosen Freeholders adopted such an amendment on October 8, 1987.

Camden County has taken the position that is exempt from the mandated requirements of the New Jersey Statewide Mandatory Source Separation and Recycling Act, (herein referred to as the "Recycling Act"), pursuant to N.J.S.A. 13:1E-99.15, and therefore, the amendment only addressed the "priority consideration" provision of N.J.S.A. 13:-1E-99.13. The amendment proposed to identify and recognize those private recycling businesses which meet the criteria for "priority consideration", pursuant to N.J.S.A. 13:1E-99.13.

The amendment was received by the Department of Environmental Protection on November 10, 1987, 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 Camden County District Solid Waste Management Plan, and has determined that the amendment adopted by the Camden County Board of Chosen Freeholders on October 8, 1987, is approved with modifications as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I, Richard T. Dewling, Commissioner of the Department of Environmental Protection have studied and reviewed the October 8, 1987, amendment to the Camden County District Solid Waste Management Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and N.J.S.A. 13:1E-99.11 et seq. and I find and conclude that this plan amendment is consistent as modified herein with the Recycling Act.

In addition, the Division of Solid Waste Management circulated the plan amendment to eight review agencies and solicited their review and recommendations. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various agencies, bureaus, and divisions within the Department of Environmental Protection, as well as the Department of Community Affairs, the Board of Public Utilities and the New Jersey Advisory Council on Solid Waste Management. In addition, a memo identifying the amendment as a district recycling plan was distributed to various agencies, bureaus, and divisions within the DEP as well as the Department of Public Advocate, the Department of Health, the Department of Agriculture, the Department of Transportation, the U.S. Environmental Protection Agency, the Pinelands Commission, and the New Jersey Turnpike Authority. Of these agencies, the following did not object to the proposed plan amendment: the N.J.D.E.P. Divisions of Solid Waste Management, Bureau of Solid Waste and Resource Recovery, Environmental Quality and Water Resources; the State Department of Community Affairs; the Board of Public Utilities and the New Jersey Advisory Council on

Solid Waste Management. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Divisions of Fish, Game and Wildlife, Parks and Forestry, Coastal Resources and Financial Management; the State Departments of Agriculture, Health, Transportation and the Public Advocate; the Green Acres Program, the New Jersey Turnpike Authority, the Pinelands Commission and the U.S. Environmental Protection Agency. The Office of Recycling submitted substantive comments which are further addressed below.

The Office of Recycling commented on the county recycling plan as follows:

1. According to the Recycling Act, N.J.S.A. 13:1E-99.15, "Any county which has prepared and adopted a district recycling plan required pursuant to the provisions of the 'Solid Waste Management Act,' P.L. 1970, c.39 (c. 13:1E-1 et seq.), and the district recycling plan has been approved by the department prior to January 1, 1987, shall be exempt from the provisions of N.J.S.A. 13:1E-99.13 and N.J.S.A. 13:1E-99.14 of this amendatory and supplementary act. To be eligible for an exemption pursuant to this section, a county shall have established and implemented a county-wide mandatory source separation and recycling program for at least three recyclable materials, in addition to leaves, and shall have demonstrated that it has secured markets for these materials". Camden County has implemented a county-wide mandatory source separation and recycling program for at least three recyclable materials, however, it has not fulfilled the leaf recycling requirements necessary for an exemption as defined in N.J.S.A. 13:1E-99.15 of the Recycling Act.
2. Pursuant to N.J.S.A. 13:1E-99.22, municipal ordinances must be amended to include a provision that mandates the source separation and recycling of leaves placed for collection by persons occupying residential premises.
3. Pursuant to N.J.S.A. 13:1E-99.13, each district recycling plan shall designate recovery targets for each municipality to "achieve the maximum feasible recovery of recyclable materials from the municipal solid waste stream". The Camden County district recycling plan fails to address the source separation and recycling requirements of the commercial and institutional sectors. To meet the state recycling goals, the Office of Recycling recommends that corrugated cardboard and mixed high grade office paper be mandated by the county for source separation and recycling. The Office of Recycling also recommends that municipal ordinances be amended to include a provision that mandates the source separation and recycling of corrugated cardboard and mixed high grade paper. Where appropriate, such as in taverns and restaurants, bottles and cans should also be considered for source separation.

4. The county shall forward to the DEP, within six months of the certification of the district recycling plan, the municipal ordinances which reflect the designation of the additional mandated materials to be source separated and recycled, (see comment 3), and which reflect the inclusion of enforcement provisions, which shall include the fines and/or penalties for violations of the recycling ordinance and also the manner in which the provisions of N.J.S.A. 13:1E-9 will be utilized to enforce the source separation requirements of the municipal ordinances adopted.
5. Pursuant to N.J.S.A. 13:1E-99.13, each district recycling plan is required to designate the "strategy for the collection, marketing and disposition of designated source separated recyclable materials". The Office of Recycling is aware of the processing and marketing services provided by the Camden County Recycling Center. However, the number of municipalities which presently have contracts with the county for these services must be listed in the county plan. The status of the municipalities which have opted not to utilize the processing and marketing services of the county facility must also be clarified in the plan. The plan shall indicate whether the county recycling center's processing and marketing services are available to all municipalities within the district. The plan must also indicate the manner in which newspaper is processed and marketed in the county.
6. The plan does not address the requirements of N.J.S.A. 13:1E-99.13d of the Recycling Act which states, "each district recycling plan may be modified after adoption pursuant to a procedure set forth in the adopted plan as approved by the Department." The county is to indicate the modification procedure it intends to utilize. The Office of Recycling recommends that the county establish a listing of major and minor plan modifications. Those considered minor would then be included in the plan upon the recommendation of the Camden County Solid Waste Advisory Council at a meeting for which a public notice has been published once in a newspaper of general circulation no less than ten days prior to the meeting, and upon affirmative resolution of the Camden County Board of Chosen Freeholders. Those modifications considered major would be considered solid waste management plan amendments and shall follow the standard procedure established for solid waste management plan amendments set forth at N.J.S.A. 13:1E-1 et seq.
7. Pursuant to N.J.S.A. 13:1E-99.21, the county plan shall identify the operating leaf composting facilities within the county. The county shall further identify the leaf composting facilities to be utilized by the municipalities currently without permitted facilities.

C. Certification of Camden County District Solid Waste Management Plan Amendment

I, Richard T. Dewling, 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-99.11 et seq., which established specific requirements regarding the contents of the district solid waste management plans and the district recycling plans, have reviewed the October 8, 1987, amendment to the approved Camden County District Solid Waste Management Plan and certify to the Camden County Board of Chosen Freeholders that the October 8, 1987 amendment is approved as further specified below.

1. The inclusion into the district plan of the provisions of the Camden County District Solid Waste Management Plan Amendment of October 8, 1987, which proposed to identify and recognize those private recycling businesses which meet the criteria for "priority consideration", is approved.
2. In all other respects, the provisions of the Camden County District Solid Waste Management Plan Amendment of October 8, 1987, are modified and require that the county remedy the deficiencies outlined by the Office of Recycling in Section B. The required modifications are considered minor and, therefore, the county is not required to conduct a public hearing to address the deficiencies identified by the Office of Recycling as outlined in Section B. of this certification. However, a freeholder resolution incorporating the necessary changes into the recycling plan shall be adopted. Twelve copies of this resolution are to be returned to the Department of Environmental Protection within forty-five days of the effective date of this certification.

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 Camden 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 Camden 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 Camden County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Camden 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, and 12 and all other applicable laws.

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

The provisions of the Camden County District Solid Waste Management Plan shall apply to all solid wastes defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-2.13 and shall not apply to liquid wastes, sewage sludge, septage, and hazardous wastes. Also, all non-hazardous materials separated at the point of generation for sale or reuse are excluded from the waste flows designated in the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6).

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 Camden County Board of Chosen Freeholders and pursuant to N.J.S.A. 13:1E-24c. and f., the county shall proceed with the implementation of the approved amendment contained herein.

5. Definitions

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

6. Effective Date of Amendment

The Amendment to the Camden County District Solid Waste Management Plan contained herein shall take effect immediately.

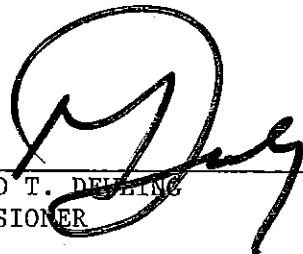
7. Reservation of Authority

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 Camden County District Solid Waste Management Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan. The Department has published a Statewide Solid Waste Management Plan with appendices which includes the Department's planning guidelines and rules, regulations, and orders of the Department, including the interdistrict and intradistrict waste flow rules and also includes the compilation of individual district plans and amendments as they are approved.

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 with modification the amendment as outlined in Section C. of this certification, to the Camden County District Solid Waste Management Plan which was adopted by the Camden County Board of Chosen Freeholders on October 8, 1987. I further direct the Camden County Board of Chosen Freeholders to submit a subsequent resolution within forty-five (45) days of the date of this certification to remedy the deficiencies outlined in Section B. of this certification.

March 23, 1988  
DATE

  
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RICHARD T. DEWITT  
COMMISSIONER