



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER
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(IN THE MATTER OF CERTAIN AMENDMENTS)
(TO THE ADOPTED AND APPROVED SOLID)
(WASTE MANAGEMENT PLAN OF THE)
(CUMBERLAND COUNTY SOLID WASTE)
(MANAGEMENT DISTRICT)

CERTIFICATION
OF THE JUNE 13, 1989
AMENDMENT TO THE CUMBERLAND 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 March 4, 1981, the Department approved, with modifications, the Cumberland 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 Cumberland County Board of Chosen Freeholders completed such a review and on June 13, 1989, adopted amendment #6 to its approved district solid waste management plan.

The portion of plan amendment #6 addressed herein responds to deficiencies in amendment #5 which was previously certified by the N.J.D.E.P. on March 11, 1988. Specifically, the amendment addresses the Resource Recovery Investment Tax Fund Uses and Disbursement Schedule, within which the county's proposed Material Separating Facility was sited; the policy providing for a public notice procedure for Municipal Convenience/Recycling Centers; and the solid waste contingency plan. The other portion of amendment #6, as adopted, was addressed in a previous certification of

August 18, 1989 and related to the modification of the district recycling plan as required by the Department's Certification of March 14, 1988.

The amendment was received by the Department of Environmental Protection on June 30, 1989, 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 Cumberland County District Solid Waste Management Plan, and has determined that the amendment adopted by the Cumberland County Board of Chosen Freeholders on June 13, 1989, is approved in part and rejected in part as provided in N.J.S.A. 13:1E-24. With regard to the district plan, while the requirements of the Act concerning the report have been met, the district's plan remains deficient in an important way.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I, Christopher J. Daggett, Commissioner of the Department of Environmental Protection have studied and reviewed the June 13, 1989, amendment to the Cumberland County District Solid Waste Management Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that the approved portion of this plan amendment is consistent with the Statewide Solid Waste Management Plan.

In addition, the Division of Solid Waste Management circulated the plan amendment to fifteen 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 Board of Public Utilities. Also among these agencies were the Department of Community Affairs, the Department of the Public Advocate, the Department of Health, the Department of Agriculture, the Department of Transportation, 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 Fish, Game and Wildlife and Parks and Forestry; the State Departments of Agriculture and Transportation, 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 Water Resources and Coastal Resources; the State Departments of Health, Community Affairs and the Public Advocate; the Green Acres Program, the Pinelands Commission, and the U.S. Environmental Protection Agency. The N.J.D.E.P. Divisions of Environmental Quality and Solid Waste Management submitted substantive comments which are further addressed below.

The Division of Solid Waste Management commented that with regard to the Resource Recovery Investment Tax Fund, the conditions set forth in the March 11, 1988 certification of the Cumberland County Solid Waste Management Plan concerning the uses of the Resource Recovery Investment Tax Fund have only been partially fulfilled via this plan amendment. With regard to the Material Separating Facility (MSF), the plan amendment does identify the location of the MSF as being in Deerfield Township, Cumberland County, Lots 34, 35, 36, and 37, Block 42 on the site of the Cumberland County Solid Waste Complex. In addition, the plan amendment identifies the vendor for

design, construction and operation of the MSF as New England Cr, Inc. of North Billerica, Massachusetts. However, with regard to the Cumberland County Resource Recovery Facility (RRF), the plan amendment states that this facility is presently in the early planning stages and a site has not been designated. Consequently, the use of Resource Recovery Investment Tax (RRIT) Funds for the MSF is approved but the use of RRIT Funds for the RRF remains rejected. Specifically, the plan is rejected until the county submits an approved plan amendment that selects a site for the RRF, and designates a resource recovery technology at that site as further identified in Section C. below. The plan amendment also proposed the use of RRIT Funds for the purchase of residential recycling containers and for the hiring of personnel to enforce the County Solid Waste Management Plan. The Division finds the use of RRIT funds to purchase residential recycling containers an acceptable use, but the use to hire personnel to enforce the district solid waste management plan is inconsistent and is therefore rejected. Eligible uses of the fund are provided in Attachment I, Part I.

Further, the Division of Solid Waste Management determined that the disbursement schedule outlined in the subject amendment is inadequate because its level of detail and clarity is not sufficient to enable the Department to conduct a meaningful review and discharge its statutory oversight responsibilities. Therefore, the Department has rejected the disbursement schedule as outlined in Section C. below. In order to evaluate the adequacy of financial disbursement procedures, the Department has established criteria (See Attachment I, Part II).

The Division of Solid Waste Management also commented with regard to municipal convenience/recycling centers, that commercial haulers should be prohibited from using the centers, their use should be limited to passenger type vehicles, and convenience/recycling centers must comply with the Division of Environmental Quality's noise codes. The Division of Solid Waste Management further commented that pursuant to N.J.S.A. 13:1E-99.34, "No recycling center shall receive, store, process or transfer any waste material other than source separated non-putrescible or source separated commingled non-putrescible metal, glass, paper, or plastic containers, and corrugated and other cardboard without the prior approval of the Department". N.J.S.A. 13:1E-99.12 defines designated recyclable materials as those including "metal, glass, paper or plastic containers, food waste, corrugated and other cardboard, newspaper, magazines, or high-grade office paper designated in a district recycling plan to be source separated in a municipality pursuant to Section 3 of this amendatory and supplementary Act". Should the county at any time wish to recycle any materials at the convenience/recycling centers, other than those designated recyclables listed above (e.g., construction/demolition debris, wood, etc.), prior Departmental approval will be required. In response, the Department concurs with DSWM's comments and Cumberland County is hereby notified of the requirements for the operation of the municipal convenience/recycling centers.

The Division of Environmental Quality commented that recycling centers 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. The DEQ also commented that recycling centers being solid waste facilities are subject to N.J.A.C. 7:27-8.2(a) 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. Further, DEQ commented that 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 require that the combustion of such oil only be done in controlled devices with air pollution control permits specific to the combustion of used waste oil. In response, the Department concurs with DEQ's comments and herein notifies Cumberland County of these requirements.

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

I, Christopher J. Daggett, 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 June 13, 1989 amendment to the approved Cumberland County District Solid Waste Management Plan and certify to the Cumberland County Board of Chosen Freeholders that the June 13, 1989 amendment is approved in part and rejected in part as further specified below.

1. The Resource Recovery Investment Tax Fund Amendment is approved in part and rejected in part as follows:

The inclusion of the use of a portion of Block 42, Lots 34, 35, 36 and 37 for the Material Separating Facility site in Deerfield Township, which block and lots were previously included in the Cumberland County Solid Waste Management Plan on July 30, 1984, is approved.

The proposed uses outlined in the Cumberland County District Resource Recovery Investment Tax Fund section of the plan amendment are in conformance with the requirements of the N.J.S.A. 13:1E-150b(1) only as they limit disbursement from the district fund for the purchase of equipment for the Material Separation Facility (MSF); operating subsidies for the MSF until the point that the MSF revenues meet or exceed expenses; purchase of residential recycling containers; and up to an amount not to exceed two percent of the total money appropriated to the fund during the fiscal year for the purposes of administration of the fund. Proposed uses of the fund for the RRF are rejected. Specifically, the plan is rejected until such time as the county selects a resource recovery site, and designates a resource recovery technology at that site. The plan amendment's proposed use of the RRIIT Fund to hire personnel to enforce the district solid waste management plan is also rejected because it is inconsistent with N.J.S.A. 13:1E-150 et seq. The proposed uses of said fund are, therefore, approved with the exception of expenses to be incurred on the RRF and for the hiring of personnel to enforce the district solid waste management plan.

Further, the Department finds that the provisions of the plan amendment concerning the allocation of activities over time as they relate to the District Resource Recovery Investment Tax Fund do not meet adequate content and format criteria for provision of a disbursement schedule. Therefore, the disbursement schedule section of the plan amendment is rejected. The Cumberland County Board of Chosen Freeholders shall submit a revised disbursement schedule containing a line item budget for the approved uses herein. The submission of this schedule shall be accomplished with the adoption of another amendment to the approved Cumberland County District Solid Waste Management Plan in accordance with N.J.S.A. 13:1E-1 et seq. (particularly 13:1E-23).

Finally, in accordance with N.J.S.A. 13:1E-150, no disbursements from the Cumberland County District Resource Recovery Investment Tax Fund shall be made until and unless the Department approves a plan amendment(s) containing a revised disbursement schedule. The ultimate demonstration of overall rate reduction shall be the responsibility of the county.

2. The proposed policy and public notice procedure for inclusion of Municipal Convenience/Recycling Centers into the Cumberland County Solid Waste Management Plan is approved as follows:

MUNICIPAL CONVENIENCE/RECYCLING CENTERS POLICY AND PUBLIC NOTICE PROCEDURE

In general, the operating characteristics of the Convenience/Recycling Centers (See Attachment II for Approved Sites, Types of Containers and Operating Hours) are similar and meet the following pattern:

- a. Residents enter a fenced in area in their vehicle and show proof of residence in municipality;
- b. They approach the trash receiving receptacle (stationary compactor, compactor truck, open-top roll-off container) and deposit their solid waste as directed by the attending staff. Recyclables are deposited in the appropriate recycling container;
- c. They then leave through a second gate in most cases.

All centers are staffed when they are in operation and some have raised ramps adjacent to the trash receptacle or the operating staff provide assistance in depositing the solid waste in walk-in roll-offs.

All centers mitigate adverse impacts by being fenced in and by utilizing staff to collect any blowing trash. Also, the trash containers are removed and taken to the county landfill within two days to mitigate any air emissions.

The recyclables will be removed as the collecting container is filled and delivered to the County Material Separating Facility at the Cumberland County Solid Waste Complex by either municipal employees or privately contracted haulers.

Policy Statement. The policy of the Cumberland County Solid Waste Management District states that any application for a Municipal Convenience/Recycling Center is consistent with the approved Cumberland County District Solid Waste Management Plan and no further plan modification is required to include the facility or site, provided that:

- a. The operating and design conditions in Amendment #5 are met to the satisfaction of the Cumberland County Improvement Authority, the Cumberland County Health Department and the New Jersey Department of Environmental Protection.
- b. If the proposed site of the operation is located within the Pinelands area, the Pinelands Commission is first notified in writing of the proposed use.
- c. The host municipality notifies the Cumberland County Improvement Authority in writing of the proposed use including any applicable engineering designs, reports, maps, etc., which are pertinent.
- d. The municipality publish two (2) notices of the proposed use, one each week for two (2) consecutive weeks, in a newspaper of general circulation within the host municipality. A notice shall set forth.
 - 1) The nature of project;
 - 2) The block and lot number of the site location;
 - 3) The generally recognized address of site;
 - 4) The location of the depositories (which in all cases, shall be the municipal building and the Office of Solid Waste Management District) for inspection of the complete application and supporting documents; and
 - 5) A statement that written comments on the proposed application will be accepted by the Office of the Solid Waste Management District for a period of 30 days from the date of the first notice.

- e. No objections to the site location are raised by the host municipality, the solid waste management district, the Pinelands Commission, if applicable, or any other person, provided further, however, that if any such objection be raised, the proposed site and facility must be subject to the formal plan amendment process pursuant to N.J.S.A. 13:1E-23 and 24 including notice, public hearing, Freeholder Board approval, and subsequent DEP approval.
- f. An applicant that has satisfied the procedural requirements (newspaper notice, etc.) outlined in Items a. to d. above and there are no objections raised, may then submit a completed application to the Department for review accompanied by a letter and all accompanying procedural documentation from the County stating the proposed facility's consistency with the District Plan. If a proposed application raises objections, the County must amend its Plan to formally consider inclusion of the facility. Upon amendment of the Plan, the applicant shall then submit the application to the Department for review.

Finally, the construction and operation of the Municipal Convenience/Recycling Centers shall be preceded by obtaining all necessary approvals and permits required at N.J.S.A. 13:1E-1 et seq., and all other applicable laws. Although the Division of Solid Waste Management does not permit convenience/recycling (drop-off) centers at this time, other state, county or local agencies may regulate this activity. Also, in the future, convenience/recycling centers will be required to comply with any new regulations pertaining to these types of activities.

3. Solid Waste Disposal Contingency Plan:

The Department supports and approves of Cumberland County's commitment to develop a solid waste contingency plan as explained in Section 3.3 of the June 13, 1989 plan amendment. However, since no plan has yet been fully developed and submitted to the Department in the form of a properly adopted plan amendment, this continues to be a deficiency in the district solid waste management plan as further specified below.

Finally, the Department has reviewed the entire Cumberland County District Solid Waste Management 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:

N.J.S.A. 13:1E-21b(2) requires a statement of the solid waste disposal strategy to be applied . . . which strategy shall include the maximum practicable use of resource recovery procedures . . . in the Solid Waste Management District.

In accordance to Section B(2) of the Certification of the July 14, 1983 Amendment to the Cumberland County Solid Waste Management Plan, the County was required to evaluate the feasibility of utilizing high technology resource recovery. Further, Section C(4) of the Certification of the October 15, 1987 Amendment to the Cumberland County Solid Waste Management Plan required the County to develop the steps and contingency plan implementation schedule to facilitate an immediate response in the event of an emergency consistent with Item #7 of the Commissioner's February 23, 1987 guidance notice. Since the County has not yet complied with either of these requirements, the Cumberland County plan remains deficient with respect to the requirements of the N.J.S.A. 13:1E-21b(2).

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 Cumberland 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 Cumberland 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 Cumberland County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Cumberland 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 Cumberland 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 Cumberland 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 portions 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 portions of the amendment to the Cumberland 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 Cumberland 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 in Part and Rejection in Part of the Amendment and Notification of Deficiency 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 in part and reject in part the amendment as outlined in Section C. of this certification, to the Cumberland County District Solid Waste Management Plan which was adopted by the Cumberland County Board of Chosen Freeholders on June 13, 1989. I further direct the Cumberland County freeholders to remedy the deficiency outlined in Section C. of this certification as soon as possible.

11/27/89
DATE


CHRISTOPHER J. DAGGETT
for COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ATTACHMENT I

Content and Format Criteria for District Resource Recovery Investment Tax Fund Plan Amendment Submissions, in Accordance with N.J.S.A. 13:1E-150

I. Proposed Uses

The moneys in the fund shall be disbursed only for the following purposes:

- 1) To reduce the rates charged to all users by a resource recovery facility serving the county in order to provide a gradual transition to resource recovery facility rates from sanitary landfill facility rates. A county may achieve reductions through the use of moneys in its district investment tax fund to pay directly part of the fees charged for disposal to all users of a resource recovery facility;
- 2) To design, finance, construct, operate or maintain environmentally sound state-of-the-art sanitary landfill facilities to be utilized for disposing of those solid wastes which cannot be processed by a resource recovery facility or the waste products resulting from the operation of a resource recovery facility;
- 3) To design, finance, construct, operate or maintain environmentally sound state-of-the-art sanitary landfill facilities to be utilized for disposal of solid waste, on a long-term basis, if a county can demonstrate to the satisfaction of the department that utilization of a resource recovery facility is not feasible for disposal of the solid waste generated in that county;
- 4) To finance the closing costs for the proper closure of any terminated sanitary landfill facility located within a county whenever that county has made an investment tax rate adjustment for this purpose in accordance with the study conducted pursuant to N.J.S.A. 13:1E-146; and
- 5) To administer the investment tax fund, up to an amount not to exceed 2% of the total moneys appropriated to the fund during the fiscal year.

II. Disbursement Schedule

All disbursement schedules for District Resource Recovery Investment Tax Fund moneys shall be consistent with, but not be limited to, the following:

- 1) Narrative which outlines the purpose, background and legislative justification of and authorization for the use of the funds;
- 2) Narrative which provides the purpose, description and objectives of the project proposed for receipt of fund moneys;
- 3) Narrative which provides specific project performance data, implementation schedules and project status;

4) A spreadsheet or other tabular or budgetary format which provides at least the following information, over time (choice of the time interval is at the discretion of the county, but shall not be longer than annually):

- a) Initial fund balance;
- b) Additional deposits to fund based upon tax rates and projected waste generation and disposal figures, under various recycling or other reduction assumptions and population and/or economic growth assumptions;
- c) Interest accrued on fund balance, by year;
- d) Recipients of fund moneys, by amount, by proposed use, by time interval;
- e) Use of moneys by recipients, by amount, by time interval;
- f) A budget for fund disbursements.

ATTACHMENT II

CUMBERLAND COUNTY CONVENIENCE CENTER OPERATIONS

<u>MUNICIPALITY</u>	<u>OPERATION PLAN</u>	<u>OPERATION</u>	
		<u>DAYS</u>	<u>HOURS</u>
Bridgeton	Roll-offs	Monday	8-3
	Open top	Friday	8-3
	Provided by contractor as needed	Saturday	8-3
Commercial	Not in operation		
Downe	Compactor truck	Wednesday	7-12
	Open storage area for recyclables	Saturday	7-2
	Closed storage area for newspaper Fenced in area for white-goods		
Fairfield	Roll-offs	Wednesday	8-4
	Open-top	Saturday	8-4
	Two to four		
Hopewell/Greenwich	Two stationary compactors	Wednesday	8-5
	Two closed roll-offs	Saturday	8-5
	Four open roll-offs		
	Three trailers for recyclables		
Lawrence	Roll-offs	Wednesday	7-4
	Open-top	Saturday	7-4
	Provided by contractor as needed		
Maurice River	Storage areas (recyclables only)	Municipal Access Only	Employee
Stow Creek	Roll-offs	Wednesday	8-4
	Provided by contractor as needed	Saturday	8-4
Upper Deerfield	One stationary compactor	Monday	8-3
	Two closed roll-offs	Friday	8-3
	Two open roll-offs	Saturday	8-3
	Recyclables stored inside		