

Let's protect our earth



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
JUDITH A. YASKIN, COMMISSIONER  
CN 402  
TRENTON, N.J. 08625-0402  
(609) 292-2885  
Fax: (609) 984-3962

(IN THE MATTER OF CERTAIN AMENDMENTS)  
(TO THE ADOPTED AND APPROVED SOLID)  
(WASTE MANAGEMENT PLAN OF THE)  
(SOMERSET COUNTY SOLID WASTE)  
(MANAGEMENT DISTRICT)

CERTIFICATION  
OF THE AUGUST 7, 1990  
AMENDMENT TO THE SOMERSET 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 July 12, 1980, the Department approved, with modifications, the Somerset 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 Somerset County Board of Chosen Freeholders completed such a review and on August 7, 1990, adopted a multifaceted amendment to its approved district solid waste management plan. The August 7, 1990 amendment proposes to:

1. Include in the district plan the Warren County/Somerset County Interdistrict Waste Flow Agreement, dated July 11, 1990, which establishes that 1400 tons per week of acceptable waste will be sent from Somerset County to the Warren County Resource Recovery Facility through the year 2001. From the year 2002 through November 30, 2008, Somerset County shall increase the acceptable waste it sends to the Warren County Resource Recovery Facility to 1977 tons per week. According to the agreement, Somerset County will deliver only acceptable waste to the resource recovery facility and Warren County agrees to provide the necessary landfill capacity to provide for the disposal of the residue or by-pass of the wastes that are subject to this agreement. Further, in the event that Somerset County fails to deliver the agreed upon tonnage of acceptable waste in a year, Somerset County shall pay the then current rate in effect at the resource recovery facility for each ton of acceptable waste not delivered;
2. Redesignate Lots 2, 3, and 3A, Block 6101, in Bridgewater Township from a mass-burn resource recovery facility and recycling center to a resource recovery complex site consisting of a municipal solid waste/sludge co-composting project and a recycling center;
3. Delete from the district plan Lot 33, Block 4001, in Montgomery Township as the site for a residual/bypass landfill;
4. Delete from the district plan Lot 15, Block 6401, in Bridgewater Township as a municipal solid waste balefill, and;
5. Provide for the mulching of leaves on farmland in accordance with Somerset County's generic vegetative composting policy statement.

The amendment was received by the Department of Environmental Protection on September 11, 1990 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 Somerset County Board of Chosen Freeholders on August 7, 1990 is approved in part, modified in part, and rejected in part as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I, Judith A. Yaskin, Commissioner of the Department of Environmental Protection have studied and reviewed the August 7, 1990 amendment to the Somerset 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 this plan amendment is consistent in part and inconsistent in part with the Statewide Solid Waste Management Plan.

In addition, the Division of Solid Waste Management circulated the plan amendment to sixteen 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 Water Resources, Fish, Game and Wildlife and Parks and Forestry, the State Departments of Community Affairs and Transportation; the Board of Public Utilities, the Green Acres Program and the New Jersey Turnpike Authority. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Division of Coastal Resources; the State Departments of Agriculture, Health, and the Public Advocate and the New Jersey Advisory Council on Solid Waste Management and the U.S. Environmental Protection Agency. The N.J.D.E.P. Divisions of Fish, Game and Wildlife, Environmental Quality, Solid Waste Management and Water Resources submitted substantive comments which are further addressed below.

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. Recycling centers are considered solid waste facilities which are subject to N.J.A.C. 7:27-8.2(a)16 and 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. The 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 requires the combustion of such oil only be done in controlled devices with air pollution control permits specific to the combustion of used waste oil.

Also, composting facilities are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution". This regulation prohibits odors and emissions of other air contaminants which interfere with the enjoyment of life or property. Additionally, air pollution control permits are required for equipment used to vent a solid waste facility to the ambient atmosphere (N.J.A.C. 7:27-8.2(a)16). Stationary conveying equipment which causes fugitive emissions of air contaminants requires air pollution control permits pursuant to the provisions of 7:27-8.2(a)11.

The Division of Fish, Game and Wildlife commented on the Bridgewater Township resource recovery complex site. The Division expressed concerns about adequate containment of the facility's proposed operations in or near the floodplain of the Raritan River.

The Division of Water Resources commented that according to United States Fish and Wildlife Service National Wetlands Inventory (NWI) Maps, the Bridgewater Township site contains wetlands. The Division suggested that the applicant contact the Division of Coastal Resources regarding the need for a Freshwater Wetlands Permit and possibly an Army Corps of Engineers 404 Permit and Water Quality Certification.

The Department responds to the comments from the Divisions of Fish, Game and Wildlife, Water Resources and Environmental Quality by stating that the proposed Bridgewater Township resource recovery complex (municipal solid waste/sludge co-composting facility and recycling center) site had been previously included in the May 3, 1988 amendment to the Somerset County district plan as the site for a mass burn resource recovery facility. State level review agency comments were received at that time similar to the comments received for this amendment. The Department, in the August 5, 1988 certification to the May 3, 1988 amendment, responded to these comments stating that these issues will be addressed in the technical phase of the Department's review process. Also, the certification stated that the facility will be required to obtain all applicable permits and to comply with all applicable regulations and requirements prior to development. Since the issues raised relate to issues to be addressed in the facility technical review process, the change in type of facility on the site does not alter the Department's response. Therefore, the Department's response remains the same as noted above.

The Division of Solid Waste Management commented that the amendment to the district plan references a significant change in waste flow deliveries to the Warren County Resource Recovery Facility. Before such an approval is formally granted by the Department, the impact created in bringing this waste to the resource recovery facility must be fully addressed. Action to designate a formal routing plan for waste delivery to the resource recovery facility in both Somerset and Warren Counties must be taken and a traffic study of major intersections impacted by delivery vehicles shall be provided to the Department for evaluation. Waste delivery to the resource recovery facility from Somerset County should not be approved until it is demonstrated that the traffic impacts made will be within the standards established.

The Division of Solid Waste Management also commented that a clarification of the term "acceptable waste" as used in the interdistrict agreement portion of the plan amendment is needed. If the definition of this term includes waste type ID #27, then the waste stream originating from Somerset County must be subject to the same restrictions placed upon Warren County's waste type ID #27 as reflected in Condition #21 of the resource recovery facility's operational permit. In addition, the Division noted that the June 30, 1989 Emergency Redirection Order only directs type 10 waste from the BRI Transfer Station in Somerset County to the Warren County Resource Recovery Facility. Therefore, a redirection of additional waste types requires a rule amendment by the DEP and BPU pursuant to N.J.A.C. 7:26-6.6. Also, the Division commented that Article 2.0 stated that, to date, the facility (Warren County Resource Recovery Facility) has not passed the Acceptance Test. The Division questions the impact of this on the interdistrict agreement.

The Division further noted that the Warren County/Somerset County Interdistrict Agreement contained certain provisions which must be commented upon. Article 6.2 stated that "Somerset County shall negotiate and execute a contractual agreement on a long-term basis with a landfill or landfills in the Commonwealth of Pennsylvania or elsewhere for the disposal of all solid waste including acceptable waste generated in Somerset County not otherwise delivered to the (Warren County) Facility under the terms of this Agreement." The Division indicated that it is the position of the Department that long-term reliance on out-of-state disposal is inconsistent with the Departmental goal of in-state self-sufficiency in solid waste disposal. Such long-term out-of-state disposal is approvable only as a contingency disposal strategy in the absence of long-term in-state back-up capacity. Other articles of the agreement provide for the use by Somerset County of the Warren County Landfill, if necessary, and the construction of a landfill in Somerset County, if necessary. The Division does not consider the Warren County Landfill to be a suitable back-up facility for all of Somerset County's solid waste. Therefore, while the current disposal practices in Somerset County involving the Warren County Resource Recovery Facility and Landfill, as well as out-of-state landfilling, should be approved on a short-term basis, Somerset County's reliance on long-term out-of-state disposal as a primary disposal strategy should only be approved as a component of that district's contingency plan. Also, another article in the agreement requires Warren County to study the possibility of expanding the resource recovery facility. A copy of this study should be forwarded to the Department for review within ten days (10) of its completion. Should any expansion of this facility progress in the planning stages, Warren County shall be required to submit a district plan amendment identifying the expansion.

The Division of Solid Waste Management further commented upon the redesignation of the Bridgewater Township mass burn resource recovery facility and recycling center site to a resource recovery complex including a solid waste/sludge co-composting project and recycling center. This site was originally designated in the May 3, 1988 amendment to the Somerset County district plan which the Department certified on August 5, 1988. The Division stated that under provisions of the New Jersey Solid Waste Management Act (Act), N.J.S.A. 13:1E-21b(3), it is the responsibility of the county to identify the disposal strategy or technology to be applied. The action taken by Somerset County to select another processing technology appears to be a proper use of the authorization given the county under the provisions of the Act.

Also, the Division noted that Article 8.0 of the Interdistrict Agreement states that Somerset County agrees to take the initiative to site a pilot solid waste/sludge co-composting facility. Somerset County's redesignation of the Bridgewater Township resource recovery site to a pilot solid waste/sludge co-composting site of unspecified scope appears to address Article 8. However, Somerset County must provide the Department within the technical phase of the permitting process specific information regarding the amounts and types of solid waste that will be processed at this planned facility.

The Division also commented upon the deletion of the Montgomery Township residual/bypass landfill site and the Bridgewater Township balefill site from the plan. A historical overview of county and Department action concerning these sites is appropriate. On June 7, 1983, the Somerset County Freeholder Board amended its district plan to include the Bridgewater Township balefill site. The Department approved the plan inclusion of the Bridgewater Township balefill site on November 14, 1983. On October 15, 1985, the Somerset County Freeholder Board amended its district plan to delete this balefill site. The Department rejected this plan amendment on January 23, 1986 citing the absence of any formal interdistrict waste disposal agreements and the absence of any alternative available suitable sites to provide in-state disposal capacity for the district's solid waste. On April 18, 1988, the Department approved a December 29, 1987 amendment to the Somerset County district plan which designated the Montgomery Township residual/bypass landfill site. Also, on June 15, 1988 the Department conditionally approved the August 4, 1987 amendment to the Somerset County district plan which proposed to delete the Bridgewater Township balefill site. The conditions to this approval concerned the judicial affirmation of the siting of the Bridgewater Township resource recovery site and the Montgomery Township residual/bypass landfill site. The conditional approval noted that the Department could not justify the removal of an approved site from the Somerset County plan without the assurance that other sufficient in-county disposal facilities will be available to replace the (Bridgewater Township) balefill facility. The Division notes that through this August 7, 1990 amendment, Somerset County is proposing to include into the district plan the Warren County/Somerset County Interdistrict Agreement and a solid waste/sludge co-composting project and a recycling center. However, until such time as Somerset County can demonstrate, through new or expanded interdistrict agreements or progress in in-county facility development, that the county's entire waste stream is adequately provided for, existing disposal site designations should not be deleted from the district plan.

The Division of Solid Waste Management also commented concerning the proposed leaf mulching policy statement, part of which says that "the DEP shall be responsible for the supervision and enforcement as identified in N.J.A.C. 7:26-1.12(d) and (e)." N.J.A.C. 7:26-1.12(d) and (e) does not state that the Department is solely responsible for enforcement. Pursuant to N.J.S.A. 13:1E-9.a, the Department's codes, rules and regulations shall be enforced by the Department and by every local board of health, or county health department, as the case may be.

Finally, the Division noted that the Interdistrict Agreement fails to specify how both Somerset and Warren Counties will achieve the 60% recycling rate as called for in the Emergency Solid Waste Assessment Task Force Final Report of August 6, 1990. The agreement, which was signed on July 11, 1990, does address recycling issues. Specifically, that Warren County may use the Somerset County recycling center to process and market its recyclables. However, in compliance with the Task Force's Final

Report, the Division recommends that Somerset County adopt an amendment to indicate how it will achieve the 60% recycling goal by 1995 and, also, how it will achieve source reduction, in light of increasing solid waste generation, through implementation of specific programs outlined in the report.

In response to the Division of Solid Waste Management's comments, the Department directs Somerset County in Section C. below to submit an amendment which specifies truck access routes to the Warren County Resource Recovery Facility. In the certification of the July 11, 1990 amendment to the Warren County plan, Warren County was directed to perform a traffic study in part assessing impacts on major intersections. Also, the Department advises Warren and Somerset Counties to adhere to all permit requirements regarding acceptance of type 27 waste at the Warren County Resource Recovery Facility but, until a redirection order is issued or a rule amendment adopted, only type 10 waste from the BRI Transfer Station is directed to Warren County's facility. Regarding a comprehensive assessment of the facility's unused disposal capacity and submission of the expansion study, both issues were addressed in the certification of the July 11, 1990 Warren County plan amendment which included the Somerset/Warren Interdistrict Agreement. Warren County was directed to submit the expansion study and the expansion study was required to include an analysis of the capacity at the Warren County Resource Recovery facility. In addition, the Department approves the basic provisions of the Interdistrict Agreement but the long-term reliance by Somerset County upon out-of-state disposal is modified for approval only as a component of the Somerset County Contingency Plan. Somerset County must adopt an amendment which specifies a long-term disposal strategy that provides reliable disposal of all its waste. Concerning the article in the Interdistrict Agreement that states that the resource recovery facility had not yet passed an Acceptance Test, this comment appears to be merely a statement of fact and does not have any bearing on the agreement between the two counties. Also, the Department is requiring in Section C. that Somerset County indicate in a subsequent amendment how it will achieve the 60% recycling goal by 1995 and, also, the source reduction programs called for in the Task Force Final Report. Finally, the Department rejects removal of the balefill site in Bridgewater Township and the residual/bypass landfill in Montgomery Township until Somerset County can demonstrate to the Department's satisfaction that suitable available in-state disposal options exist to receive all of Somerset County's solid waste stream. The Department concurs with the Division's comments regarding the leaf mulching policy and co-composting facility. Somerset County is notified of the future technical requirements for the co-composting facility. Somerset County is also notified of its ability to enforce the leaf mulching policy.

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

I, Judith A. Yaskin, 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 August 7, 1990 amendment to the approved Somerset County District Solid Waste Management Plan and certify to the Somerset County Board of Chosen Freeholders that the August 7, 1990 amendment is approved in part, modified in part and rejected in part as further specified below.

1. The district plan inclusion of the Warren County/Somerset County Interdistrict Agreement dated July 11, 1990 is approved with modification as noted below. This agreement establishes, among other things, that 1400 tons per week of acceptable waste will be sent from Somerset County to the Warren County Resource Recovery Facility through the year 2001. From January 1, 2002 through November 30, 2008, Somerset County shall increase the acceptable waste it directs to the Warren County Resource Recovery Facility to 1977 tons per week. According to the agreement, Somerset County will deliver only acceptable waste to the resource recovery facility and Warren County agrees to provide the necessary landfill capacity to provide for the disposal of the residue or by-pass of the wastes that are subject to this agreement. While the general concept of the agreement (as just noted) is approved, specific sections of the agreement are addressed in greater detail below.
  - a) Article 1.1 defines "acceptable waste". If the definition of this term includes solid waste type ID #27, then the waste stream originating from Somerset County must be subject to the same restrictions placed upon Warren County's waste type ID #27 as reflected in Condition #21 of the resource recovery facility's operating permit. The June 30, 1988 Emergency Redirection Order pursuant to which Somerset County waste is directed to the Warren County Resource Recovery Facility, only directs type 10 waste from the BRI Transfer Station. Direction of other waste types or waste from other locations in Somerset County requires a new order or rule amendment.
  - b) Article 4.2 states that Somerset County shall direct 1400 tons of acceptable waste per week to the Warren County Resource Recovery Facility. The impact created by bringing this waste to the Warren County Resource Recovery Facility must be fully addressed to ensure that the delivery does not violate any provisions of the facility's permit concerning truck traffic to the facility. Also, action to designate formal routing plans for waste delivery to the facility in both Somerset County and Warren County must be adopted by each county and submitted as amendments to the Department for review.
  - c) Article 6.2 states that Somerset County shall negotiate and execute a contractual agreement on a long-term basis with a landfill or landfills in the Commonwealth of Pennsylvania or elsewhere for the disposal of all solid waste including acceptable waste generated in Somerset County not otherwise delivered to the Warren County Resource Recovery Facility under the terms of this agreement. Article 6.3 states that in the event Somerset County is foreclosed from using their



designated landfill by a change-in-law or uncontrolled circumstance, Somerset County shall be permitted to use the Warren County Landfill as a back-up landfill for a period limited to a total of thirty-six (36) months whether consecutive or intermittent. Article 6.4 states that in the event Somerset County's use of the Warren County Landfill becomes necessary, Somerset County shall immediately initiate the process for developing a landfill to be used at the end of the thirty-six (36) month period by Somerset County and Warren County.

- It is the position of the Department that long-term reliance on out-of-state disposal is inconsistent with the Departmental goal of in-state self-sufficiency in solid waste disposal. Such out-of-state disposal is approvable only as a contingency disposal strategy in the absence of long-term in-state back-up capacity. The Department does not concur with Somerset County's position that the Warren County Landfill provides suitable in-state disposal back-up. The Warren County Landfill has been constructed to provide disposal capacity for ash, bypass waste and non-processibles from the 440 ton per day Warren County Resource Recovery Facility. It was never intended to accommodate up to 900 tons per day of solid waste generated from Somerset County for a three year period. Furthermore, based upon historical experience, three years may not be sufficient time for Somerset County to site, design, acquire all necessary permits and construct a landfill. Therefore, the Department is modifying Article 6.2, 6.3, and 6.4 of the Interdistrict Agreement to be a contingency plan and not a long-term disposal strategy. The modification of the plan amendment from a long-term plan to a contingency plan is a minor modification. However, this modification to the plan amendment leaves the Somerset District plan deficient regarding an acceptable disposal strategy for the portion of Somerset's waste stream which is not directed to the Warren County Resource Recovery Facility. Therefore, a plan amendment specifying a strategy for reliable long-term disposal of the waste must be adopted in a plan amendment by the Somerset County Freeholders and submitted to the Department. Until such action is taken, the Department, as further outlined in C.3 and 4 below, is rejecting the portions of the plan amendment deleting landfill sites previously designated in the Somerset plan.
2. The district plan revision of the use for the previously included Bridgewater Township site Lots 2, 3 and 3A, Block 6101, from a mass-burn resource recovery facility and recycling center to a resource recovery complex site consisting of a pilot municipal solid waste/sludge co-composting project of unspecified scope and a recycling center is approved. A more detailed project description specifying the amounts and types of solid wastes to be processed at this pilot facility will be required by the Department in the technical review stage of the project's permit application.

3. The deletion of the residual/bypass landfill on Lot 33, Block 4001, in Montgomery Township from the district plan is rejected. The deletion of this proposed disposal facility is rejected until such time as Somerset County can demonstrate that its entire waste stream has an in-state disposal option.
4. The deletion of the balefill site on Lot 15, Block 6401, in Bridgewater Township from the district plan is rejected. The deletion of this proposed disposal facility is rejected until such time as Somerset County can demonstrate that its entire waste stream has an in-state disposal option.
5. The district plan inclusion of leaf mulching operations on farmland provided it meets Somerset County's generic vegetative composting policy statement is approved.

Somerset County is hereby directed within 120 days of the date of this certification to submit to the Department a subsequent amendment which indicates how the county shall achieve the 60% recycling rate by 1995 and, also, how it will achieve source reduction, in light of increasing solid waste generation, through implementation of the programs called for by the Emergency Solid Waste Assessment Task Force Final Report of August 6, 1990.

The construction and operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals per N.J.S.A. 13:1E-1 et seq., N.J.S.A. 13:1E-99.34, and all other applicable laws. Issuance of operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department and the Attorney General to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126 et seq.

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 approved portions of the amendment to the Somerset County District Solid Waste Management Plan and which was executed prior to the approval of the approved portions 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 the approved portion of this amendment and of the Somerset County District Solid Waste Management Plan if such renegotiation is not completed within ninety (90) days of the effective date of the approved portions 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 Somerset County and affected by the approved portions of the amendment contained herein shall operate in compliance with the approved portions of this amendment and all other approved provisions of the Somerset 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 Plan

The provisions of the Somerset 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 Approved Portions of the Plan Amendment

This document shall serve as the certification of the Commissioner of the Department of Environmental Protection to the Somerset 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 Approved Portions of the Amendment

The approved portions of the amendment to the Somerset 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 Somerset 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, Modification in Part, and Rejection in Part of the Amendment 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, modify in part, and reject in part the amendment as outlined in Section C. of this certification to the Somerset County District Solid Waste Management Plan which was adopted by the Somerset County Board of Chosen Freeholders on August 7, 1990.

Feb. 6, 1991  
DATE

Judith A. Yaskin  
JUDITH A. YASKIN  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION