



## State of New Jersey

Christine Todd Whitman  
Governor

Department of Environmental Protection

Robert C. Shinn, Jr.  
Commissioner

**IN THE MATTER OF CERTAIN AMENDMENTS  
TO THE ADOPTED AND APPROVED SOLID  
WASTE MANAGEMENT PLAN OF THE  
SUSSEX COUNTY SOLID WASTE  
MANAGEMENT DISTRICT**

**CERTIFICATION  
OF THE MAY 25, 1994  
AMENDMENT TO THE SUSSEX 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 June 1, 1981, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Sussex County District Solid Waste Management Plan (County 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 a 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 a 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 County Plan at any time and, if found inadequate, a new County Plan must be adopted. Amendments to the Act found in N.J.S.A. 13:1E-136 et seq. require that, among other things, counties amend their district solid waste management plans to include an outline of the proposed uses of the moneys in the District Resource Recovery Investment Tax (RRIT) Fund, as well as establish a schedule for the disbursement of moneys in that fund. The Sussex County Board of Chosen Freeholders (County Freeholders) completed such a review and on May 25, 1994, adopted an amendment to its approved County Plan.

The amendment updates the entire County Plan, identifies a strategy for addressing the State requirements for source reduction, recycling, and regionalization planning, and proposes uses of and a disbursement schedule for \$1,940,649.00 of the County's RRIT Fund.

The amendment was received by the Department on July 1, 1994, and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this amendment and has determined that the amendment adopted by the County Freeholders on July 1, 1994 is approved in part and rejected in part as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the July 1, 1994 amendment to the County Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and N.J.S.A. 13:1E-150 and I find and conclude that the approved portions of this plan amendment are consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders and the applicants are notified of the issues of concern relative to the July 1, 1994 amendment which are identified in Section B.2. below.

In conjunction with the review of the amendment, the Department circulated copies to fourteen administrative review agencies and solicited their review and comment. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various bureaus, divisions, and agencies within and without the Department. These agencies are the following:

- Office of Air Quality Management, DEP
- Division of Parks and Forestry, DEP
- Division of Fish, Game and Wildlife, DEP
- Division of Solid Waste Management, DEP
- Division of Enforcement, DEP
- Green Acres Program, DEP
- Land Use Regulation Element, DEP
- Division of Water Quality, DEP

New Jersey Turnpike Authority  
New Jersey Advisory Council on Solid Waste Management  
Department of Agriculture  
Department of Health  
Department of Transportation  
Department of Community Affairs  
U.S. Environmental Protection Agency

1. Agency Participation in the Review of the May 25, 1994 Amendment

The following agencies did not object to the proposed amendment:

Division of Parks and Forestry, DEP  
Division of Fish, Game and Wildlife, DEP  
New Jersey Turnpike Authority  
New Jersey Advisory Council on Solid Waste Management  
Department of Agriculture  
Department of Community Affairs

The following agencies did not respond to our requests for comment:

Green Acres Program, DEP  
Department of Health  
Department of Transportation  
U.S. Environmental Protection Agency

The following agencies provided substantive comments as shown in Section B. of the certification document:

Division of Water Quality, DEP  
Office of Air Quality Management, DEP  
Land Use Regulation Element, DEP  
Division of Solid Waste Management, DEP

2. Issues of Concern Relative to the May 25, 1994 Amendment

**Issue: County Response to the State Requirements Concerning Source Reduction, Recycling, and Regionalization Planning**

In the Department's August 28, 1992 certification of the January 22, 1992 amendment to the County Plan, the Department directed the County to further address the State requirements concerning source reduction, recycling, and regionalization planning within 120 days (or by December 28, 1992) in a subsequent plan amendment submission. The required plan amendment submission was received on July 1, 1994. The Department has reviewed the May 25, 1994 amendment within the context of the adopted Solid Waste Management State Plan Update: 1993-2002 and relevant State law. The following is an overview of the County's response to the State requirements concerning source reduction, recycling, and regionalization planning as well as the Department's comments on the amendment.

## Source Reduction

### a. Source Reduction Goals

The County has adopted the State's goal for source reduction of solid waste by capping the per capita generation rate for waste at 1991 levels (1991 data is being used instead of 1990 data because 1991 data is more accurate reflecting the first full year of operation of the Sussex County Municipal Utilities Authority (SCMUA) Landfill), capping total waste generation within five years, and reducing total waste generation within ten years.

### b. Waste Audits

The County is requiring waste audits to be performed at all municipal and county government agencies, schools, institutions, and industries employing 50 persons or more. Audits shall be performed by the public or private entity and the results submitted to the SCMUA according to the following schedule:

1. Municipal and county government agencies, schools, institutions, and large industries employing 500 or more persons shall submit results of audits by December 31, 1994.
2. Businesses employing 100 to 499 persons shall submit results of audits by December 31, 1995.
3. Businesses employing 50 to 99 persons shall submit results of audits by December 31, 1996.

The County should submit by letter the summary results of the waste audits conducted for all county and municipal buildings and periodically report to the Department the summary results of waste audits conducted in the private sector.

### c. Per Container Fee System

The County has implemented a per container disposal charge system at the resident's convenience center located at the SCMUA landfill. The resident's convenience center allows residents to directly dispose of solid waste and pay based upon the actual weight of the solid waste delivered.

### d. Yard Waste Management

The County recycling coordinator interacts with each municipal recycling coordinator to establish municipal leaf management strategies. In addition to refusing to accept for disposal leaves at the SCMUA landfill, the SCMUA provides technical assistance to municipalities to ensure that leaves are not placed for collection with the intent of disposal and that municipal ordinances contain leaf recycling provisions. Educational materials are also made

available to residents explaining backyard composting techniques. Although not presently contemplated, the County should consider a similar landfill acceptance ban for grass clippings as well as promoting a "Cut It and Leave It" campaign to reduce the need to dispose of grass clippings. Finally, the SCMUA operates a vegetative waste recycling facility located at the SCMUA landfill, consisting of a 5.5 acre site, where leaves, grass clippings, brush, large limbs, and tree stumps are accepted from County residents for composting. The amendment lists leaf/vegetative waste composting sites as follows:

1. SCMUA Vegetative Waste Recycling Facility, facility # 19013, located in Lafayette Township;
2. Hopatcong Township Compost Facility, facility # 1912A, located in Hopatcong Township;
3. Sparta Township Compost Facility, facility # 1918A, located in Sparta Township;
4. Stanhope Township Compost Facility, facility # 1919A, located in Stanhope Township;
5. Peterson Tree Service Compost Facility, facility # 1904A, located in Byram Township; and
6. Byram Township Compost Facility, located at Block 351, Lot 1, in Byram Township.\*

\* Newly designated site

e. Household Hazardous Waste

The County initiated its first household hazardous waste collection program in 1987. Currently, the SCMUA sponsors two household hazardous waste collection days per year. The SCMUA solid waste complex located in Lafayette Township is the collection site for this program. The SCMUA is considering increasing the frequency of the collection days to at least one per month depending on demand. The County should investigate the feasibility of establishing a permanent household hazardous collection facility at the site of the SCMUA Landfill and report the results of such an investigation in a subsequent plan amendment submission.

f. Inventory of Pathological and Infectious Waste Incinerators and Destruction Facilities

The amendment lists pathological and infectious waste incinerators and destruction facilities as follows:

1. Abbey Glen Pet Memorial Park, located at Route 94, Lafayette Township;

2. Andover Animal Hospital, located at Route 517, Sparta Township;
3. Augusta Veterinary Hospital, located at Plains Road, Augusta; and
4. Schering Corporation, located at Route 94 and County Route 659, Lafayette Township.

g. Procurement

The amendment indicates that the County's Solid Waste Advisory Council will be developing a procurement strategy to be recommended to the county and municipal governing bodies. The Guide to Public Procurement of Recycled Products prepared by the Department, as well as the State's Executive Order 91 (issued on May 3, 1993), will be used as guides in developing this procurement policy. The County must provide in a subsequent plan amendment submission a schedule for the adoption and implementation of the County's recycled product procurement policy.

**Recycling**

a. Recycling Goals

The County has endorsed the State's goal, pursuant to P.L. 1992, c. 167, of recycling at a minimum 50% of the municipal waste stream and 60% of the total waste stream by December 31, 1995. The amendment contains numerous charts and tables that indicate the County achieved for calendar year 1991 a municipal recycling rate of 32% and a total recycling rate of 48%. However, some of these graphics are confusing and appear contradictory. The County should provide within a subsequent plan amendment submission a consolidated table that indicates current and projected recycling rates with specific tonnage targets by material to indicate achievement of the mandated State goals.

b. Designated Recyclable Materials

The materials mandated to be recycled by all residential, commercial, institutional, and industrial waste generators are as follows:

Newsprint

Corrugated cardboard

Magazines and junk mail

High grade office paper

Tin and bimetal cans

Color separated glass bottles (clear, green, and amber)

PETE #1 plastic containers (soda bottles)

HDPE #2 plastic containers (dairy, water, juice and detergent bottles)

Aluminum pie plates and cans

Old clothing  
Used motor oil  
Wood waste  
Concrete block, stone, or brick  
Ferrous and nonferrous metals (white goods)  
Asphalt  
Tires  
Lead acid vehicular batteries  
Propane tanks  
Tree stumps, large limbs, and branches

c. Collection Inventory for Recyclables

As indicated in the amendment, ten municipalities, as well as the SCMUA, maintain drop-off depots for recyclables. Five municipalities conduct curbside collection of recyclables by municipal employees and eleven municipalities receive curbside collection by private haulers through municipal contracts. Seven municipalities have residents enter into contracts for curbside collection directly with private haulers.

d. Inventory of Recycling Centers for Class A Materials

The amendment lists recycling centers for Class A materials as follows:

1. SCMUA Recycling Center located at the SCMUA solid waste complex in Lafayette Township and
2. H.S.S. Inc., located at Block 117, Lot 33, in Wantage Township.\*

\* Newly designated site

e. Inventory of Recycling Centers for Class B Materials

The amendment lists recycling centers for Class B materials as follows:

1. SCMUA Bulky Waste Recycling Center located at the SCMUA solid waste complex in Lafayette Township;
2. Wimpey Minerals USA Recycling Center, located at Block 70001, Lot 1, in Hopatcong Township; and
3. Grinnell Recycling Center, located at Block 26, Lot 38, in Sparta Township. As noted in Section C., this facility is approved to accept 200 TPD of concrete, block, and brick and 100 TPD of wood.\*

\* Newly designated site

f. Enforcement

The amendment indicates that the County, through the SCMUA, will take aggressive steps to establish a strong enforcement program to ensure strict compliance with the County's solid waste management and recycling plan. Enforcement will occur at both the county and municipal levels. The SCMUA will monitor municipal recycling ordinances and recycling tonnages to insure compliance with State and County recycling goals. The SCMUA will also monitor all solid waste deliveries to the SCMUA landfill to insure that deliveries do not contain recyclables. Each municipality is required to have a recycling ordinance that contains enforcement provisions and a method to implement enforcement actions. These ordinances must require the recycling of the designated materials as contained in the County Plan, the inclusion of a description of set-out methods, the establishment of a system of fines and penalties, and an antiscavenging provision.

g. Education

The amendment indicates that the SCMUA has developed a public education plan which involves direct County initiatives as well as the review and coordination of municipal education programs. The County initiatives include the creation of a recycling education and promotion subcommittee of municipal recycling coordinators; the development of a recycling manual and educational material; press releases to local media; and the promotion of recycling events around the County. Municipal recycling programs are required to include a description of the publicity and education campaign to be implemented by the municipality.

**Regionalization Planning**

The amendment only addresses regionalization planning by noting that the County solid waste complex had already been planned, sized, and for the most part already constructed, prior to the State's requirement for regionalization planning. Therefore, the County considers regionalization of this solid waste complex to be impractical. The amendment also indicates that many of the privately owned and operated recycling centers located within the County are regional facilities which serve a number of out-of-county municipalities. However, the amendment also states "It is the policy of the Sussex County District that solid waste generated from sources outside of Sussex County shall be prohibited from disposal at any Sussex County solid waste facility, whether publicly or privately owned. The county has not entered into, nor does it intend to enter into, any Interdistrict Waste Flow Agreement." While the DEP acknowledges the primacy of the County in solid waste planning, the Department reserves the right to redirect waste to the SCMUA Landfill in an emergency situation and, therefore, has rejected the regionalization strategy adopted by the County.



As noted in Section C. of the certification, the Department has approved in part and rejected in part the County's responses pertaining to source reduction, recycling, and regionalization planning. Specifically, the County's initiatives for promoting source reduction and recycling are approved. However, within 180 days in a subsequent plan amendment submission, the County must provide specific tonnage targets by material to indicate achievement of the 50% municipal and 60% total waste stream recycling rates and a schedule for adopting its procurement policy, and report on the feasibility of developing a permanent household hazardous waste collection facility. Finally, the County's regionalization strategy is rejected since it precludes the DEP's authority to redirect waste under emergency situations.

**Issue: Effective Competition within Sussex County**

The Solid Waste Collection Regulatory Reform Act of 1992 mandates that it shall be the policy of the State of New Jersey to substantially deregulate the solid waste collection industry. The Department is charged, in the Act, with the responsibility of monitoring, promoting, and insuring effective competition within the industry after deregulation in 1995. However, the Act also provides the Department with the responsibility to financially regulate those firms, geographic areas or industry segments that do not have effective competition (see N.J.S.A. 13:1E-126 et seq.). The Department is empowered to reregulate that element of the industry that is not competitive, or bar certain firms from the industry for noncompetitive practices.

Data contained in the amendment indicates that the Sussex County solid waste industry is not competitive. One collector has more than half the identified customers and is more than three times larger than its nearest competitor in both residential and commercial accounts. The Department's records indicate that for commercial customers only 12 collectors have any customers in the County and only seven have more than 10 customers. For residential customers, only five companies reported customers and only two companies have more than 1,000 customers.

If Sussex County, or some portion of the industry within the County, is classified as noncompetitive or lacking effective competition, then the Sussex County solid waste collection industry will be subject to continued traditional financial regulation by the Department. To avoid continued financial regulation of the industry by the State and to address the possible lack of effective competition in the Sussex County solid waste industry, the County, in cooperation with its municipalities and the State, should institute a variety of policies and practices that promote effective competition. Solid waste collection firms should be identified that currently do not operate within Sussex County and be encouraged to either bid on municipal contracts or provide services within the County.

**Issue: Regulatory Requirements**

Recycling centers are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits the release of odors and other air contaminants which interfere with the enjoyment of life and property. Also, the recycling of asphalt may release organic substances to the air. The recycling equipment of any bituminous plant which uses the recycled asphalt may need an air pollution control apparatus to control organic substance emissions.

If any operation of a recycling center will discharge pollutants as defined in N.J.A.C. 7:14-1.9, said operation must secure a New Jersey Pollution Discharge Elimination System Permit and/or a Treatment Works Approval for pollution discharges prior to operation.

Freshwater Wetlands Permits and Stream Encroachment Permits may be needed for the expansion and/or closure of solid waste facilities that are located in or near freshwater wetlands, freshwater wetlands transition areas or floodplains.

**Issue: Waste Reduction Facility**

The amendment indicates that for the County to achieve the State mandated 50% municipal and 60% total waste stream recycling rates, additional steps by the County must be pursued. One such project under consideration is the development of a waste reduction facility. Presently, the County is considering a solid waste composting facility (estimated capacity of 350 TPD) that would follow a front-end separation facility. Once a definitive site and capacity are determined, the County must provide such information within a subsequent plan amendment submission.

**Issue: Deletion of Mass-Burn Incineration Technology/Disposal of Incinerator Ash**

The DEP's April 17, 1989 certification of the County's October 11, 1988 amendment rejected the proposed deletion of mass-burn incineration technology pending the submission of a fully described, developed, and proven alternate resource recovery technology. The April 17, 1989 certification also rejected the deletion of accepting mass-burn incinerator ash at the County landfill until the mass-burn technology was deleted from the County Plan. The May 25, 1994 amendment proposes the deletion of both mass-burn incineration technology and mass-burn incinerator ash acceptance at the SCMUA landfill. The County proposes to replace the mass-burn resource recovery technology with a seven step program established to achieve the State requirement to attain the 50% and 60% recycling rates. The seven step program proposes the following:

- \*Continued public education for recycling;
- \*Continued operation of the County's bulky waste recycling facility;
- \*Increased picking of bulky waste from the landfill's working face;
- \*Reduction in tip fees for source separated bulky waste delivered to the solid waste complex;
- \*Continued operation of the County's vegetative waste compost facility;
- \*Development of the waste reduction facility; and
- \*Evaluation of mining Phases 1A and 1B of the SCMUA Landfill.

As noted within Section C., based upon the strategy outlined above the Department approves the deletion from the County Plan of the mass-burn incineration technology. However, although the DEP is approving this strategy, the Department is rejecting the ban on the acceptance of mass-burn incineration ash at the SCMUA Landfill.

During 1994, the 103rd Congress actively debated the enactment of both interstate waste shipment and flow control legislation at the federal level. Although such legislation was not passed by Congress prior to its election recess, similar legislation may be considered by the 104th Congress. Paramount in importance in any federal legislation regarding waste shipment and flow control is New Jersey's goal to achieve disposal self-sufficiency by December 31, 1999. Although previous draft federal legislation did not include ash from municipal solid waste incineration within the definition of solid waste, the Department must be prepared for such a contingency. Therefore, it is imperative that the DEP not be precluded from its ability to redirect out-of-county waste, including ash, to the SCMUA Landfill under emergency situations. Accordingly, as noted within Section C., the Department is rejecting the ban on the acceptance of mass-burn incineration ash at the SCMUA Landfill.

**Issue: Hopatcong Landfill**

The April 17, 1989 certification of the October 11, 1988 amendment approved the County Plan inclusion of the Hopatcong Landfill closure and post-closure plan. The closure plan projected the estimated life span of the landfill to be about seven years. However, the Department noted that the landfill was not a state-of-the-art facility and recommended a gradual phase-out of the landfill over a one year period from the date of the opening of the SCMUA landfill. The County landfill has been in operation since February 1990 and the Hopatcong Landfill continues to operate. This landfill does not have a solid waste facility permit and is operating without the environmental safeguards required by current solid waste regulations such as a liner and leachate collection system. Further, the May 25, 1994 amendment notes that, according to the DEP, the Hopatcong Landfill will cease operations in 1995. The amendment is correct in stating that the Department will not allow the landfill to continue to operate in noncompliance with

current environmental regulations and, by way of this certification, the County is hereby notified that the Department will issue a closure order for the Hopatcong Landfill directing that this facility cease operations by December 31, 1995.

**Issue: RRIT Fund Disbursement Schedule**

Pursuant to N.J.S.A. 13:1E-150(c), each county shall establish a schedule for the disbursement of moneys from the RRIT Fund. While the May 25, 1994 amendment did contain a disbursement schedule, the Department requested further clarification regarding the dates for the disbursement of moneys from the fund. In a letter dated October 31, 1994, the County did address the DEP's concerns by clarifying the disbursement dates. These dates are specified within Section C.5. below.

**C. Certification of the Sussex County District Solid Waste Management Plan Amendment**

In accordance with N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-21, which establishes specific requirements regarding the contents of the district solid waste management plans and N.J.S.A. 13:1E-150 which establishes eligible uses and disbursement schedule requirements for a District RRIT Fund, I have reviewed the May 25, 1994 amendment to the approved County Plan and certify to the County Freeholders that the May 25, 1994 amendment is approved in part and rejected in part as further specified below.

**1. Source Reduction, Recycling, and Regionalization Planning Requirements**

**a. Source Reduction**

The County's strategy to enact specific source reduction tasks comprising source reduction goals, waste audits, per container fees, yard waste management, household hazardous waste collection, and procurement is approved. However, as noted in Section B., the County must provide within 180 days in a subsequent plan amendment submission a schedule for adopting its procurement policy and to report on the feasibility of developing a permanent household hazardous waste collection facility.

**b. Recycling**

The County's strategy to achieve, at a minimum, a 50% recycling rate of the municipal waste stream and a 60% recycling rate of the total waste stream by December 31, 1995 is approved. Further, the list of designated recyclable materials, the enforcement strategy, and the education strategy are also approved. However, as noted in Section B., the County must within 180 days in a subsequent plan amendment submission provide in tabular form current and projected recycling rates with specific tonnage targets by material to

indicate achievement of the mandated recycling rates.

**c. Regionalization**

The strategy of only regionalizing private recycling centers while prohibiting the disposal of out-of-county waste at any solid waste facility, whether publicly or privately owned, is rejected. As noted in Section B., this strategy precludes the Department's right to redirect out-of-county waste to the SCMUA Landfill in an emergency situation.

**2. Compost Facility**

The County Plan inclusion of the Byram Township leaf compost facility located at Block 351, Lot 1, in Byram Township is approved.

**3. Recycling Center for Class A Materials**

The County Plan inclusion of the H.S.S., Inc. recycling center for Class A materials located at Block 117, Lot 33, in Wantage Township is approved.

**4. Recycling Center for Class B Materials**

The County Plan inclusion of the Grinnell Recycling Center for Class B materials located at Block 26, Lot 38, in Sparta Township is approved. This facility is approved to accept 200 TPD of concrete block and brick and 100 TPD of wood.

Pursuant to N.J.A.C. 7:26A-4.1(a)1.iii, Class A recyclable materials may be commingled only with other Class A recyclable materials. Class B recyclable materials may be commingled only with other Class B recyclable materials and only to the extent authorized in the general approval.

Any residue generated as a result of the operation of the recycling center handling only Class B materials shall be disposed of pursuant to the County Plan and the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26 et seq.). The construction or operation of a recycling center which receives, stores, processes or transfers Class B recyclable materials, as defined at N.J.A.C. 7:26A-1.3, shall be preceded by the acquisition of the necessary approvals pursuant to N.J.A.C. 7:26 et seq., and shall be in conformance with Department regulations and guidelines, including N.J.A.C. 7:26A-4.

This certification shall not be construed as an expression of the Department's intent to issue a recycling center approval to any recycling center for Class B recycling materials. A recycling center approval shall only be granted where the applicant has submitted as administratively complete application, as per N.J.A.C.

7:26A-3.2, 3.3, and 3.4 are satisfied, where a fee has been paid in accordance with N.J.A.C. 7:26A-2, and where none of the criteria for denial of a recycling center approval are met, as per N.J.A.C. 7:26A-11 and 12.

#### 5. RRIT Fund Use and Disbursement Schedule

The County Plan inclusion of the proposed uses of and a disbursement schedule for moneys from the County RRIT Fund is approved. Specifically, RRIT Fund moneys shall be disbursed to the County for the designated uses as follows:

PROGRAM	ALLOCATION	YEAR ACCRUED	YEAR DISBURSED
Residents Convenience/Recycling Center Development	\$ 316,031.00	1991	1995
Phase 2 Landfill Development	324,618.00	1992	1995
Residents Convenience/Recycling Center Development	325,000.00	1993	1995
Phase 2 Landfill Development	325,000.00	1994	1995-96
Phase 2 Landfill Development	325,000.00	1995	1996
Phase 2 Landfill Development	<u>325,000.00</u>	1996	1997
TOTAL DESIGNATED	\$1,940,649.00		

#### 6. Deletion of Mass-Burn Incineration Technology/Disposal of Incinerator Ash

The County Plan deletion of mass-burn incineration technology is approved. However, the County Plan inclusion of a policy that prohibits the acceptance of mass-burn incinerator ash at the SCMUA Landfill is rejected. As noted in Section B., approval of such a policy precludes the Department's ability to redirect out-of-county waste, including ash, to the SCMUA Landfill under emergency situations.

#### 7. Transporter Routes

The County Plan inclusion of designated transporter routes from each of the County's 24 municipalities to the SCMUA Landfill is approved. These routes, which are too voluminous to be included within this certification, are described within Appendix E of the May 25, 1994 amendment.

**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 this amendment to the County 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 and operating pursuant to a contract as herein described, shall be deemed to be in violation of the approved portions of this amendment and of the County 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, and for good cause shown, obtain an extension of time to complete such renegotiation.

**2. Compliance**

All solid waste facility operators and transporters registered with the Department and operating within the County and affected by the approved portions of this amendment contained herein shall operate in compliance with the approved portions of this amendment and all other approved provisions of the County Plan. Any facility operator or transporter 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 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 County 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. All nonhazardous 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 set forth at N.J.A.C. 7:26A-1 et seq.

**4. Certification to Proceed with the Implementation of the Plan Amendment**

This document shall serve as the certification of the Commissioner of the Department to the County 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 this amendment certified 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 -99.12, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

**6. Effective Date of the Amendment**

The approved portions of this amendment to the County Plan contained herein shall take effect immediately.

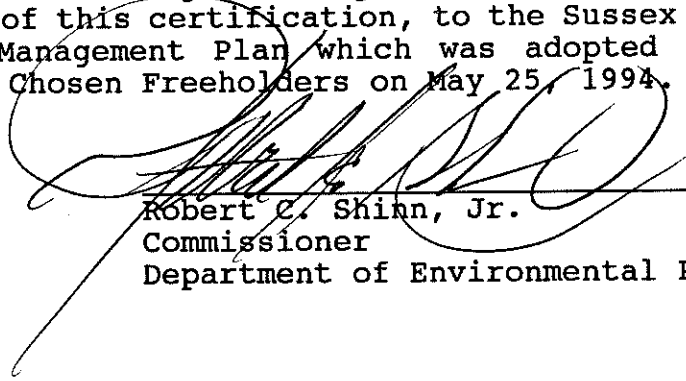
**7. Reservation of Authority**

Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, 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 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 Sussex County District Solid Waste Management Plan which was adopted by the Sussex County Board of Chosen Freeholders on May 25, 1994.

11/15/94  
Date

  
Robert C. Shinn, Jr.  
Commissioner  
Department of Environmental Protection