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

CERTIFICATION OF APPROVAL  
OF MODIFICATIONS TO THE  
SALEM COUNTY DISTRICT  
SOLID WASTE MANAGEMENT PLAN

BY ORDER OF THE COMMISSIONER:

A. Introduction

In order to establish a meaningful and responsible role for the State in the solution of solid waste problems, the New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) grants broad powers to the Department of Environmental Protection. This includes the power "...to regulate and supervise all solid waste collection and disposal facilities and operations...", "...to register all persons engaged in the collection or disposal of solid waste...", "...to develop through a Statewide solid waste management plan objectives, criteria and procedures to assure the orderly preparation and evaluation of the [district] solid waste management plans...", "...to approve, modify or reject such solid waste management plans on the basis of their conformity with such objectives, criteria and procedures...", and "...to develop and implement such a plan where none is approved or forthcoming from any solid waste management district...."

The Act further provides that "...if the board of chosen freeholders, the Hackensack Commission, or the department [Department of Environmental Protection] as the case may be, determines that any solid waste management plan, or any part thereof, is inadequate for the purposes for which it was intended, such board of chosen freeholders or the Hackensack Commission, as the case may be, shall develop and formulate a new solid waste management plan, or any part thereof, and such new plan, or part thereof, shall be adopted thereby pursuant to the procedures contained in section 14 [N.J.S.A. 13:1E-23] of this amendatory and supplementary act." Upon the adoption of the solid waste plan, or any part thereof, the board of chosen freeholders or the Hackensack Meadowlands Commission, as the case may be, shall submit such plan, or any part thereof, along with a transcript of every public meeting held thereon, to the Commissioner of the Department of Environmental Protection for review and final approval. The Commissioner has authority to modify, reject or approve such plans, or parts thereof, and, in the final analysis, the Commissioner is authorized to adopt and promulgate any modification or replacement she deems necessary with respect to the solid waste management plan.

On February 11, 1981, I approved, with modifications, the Salem County District Solid Waste Management Plan. On June 29, 1981, the Salem County Board of Chosen Freeholders adopted modifications to its approved District Solid Waste

Management Plan. The modifications were received by the Department of Environmental Protection on July 9, 1981 and were distributed to the various State level agencies for review and comment. Based on the results of this review and evaluation, I have determined that the modifications adopted by the Salem County Board of Chosen Freeholders on June 29, 1981 are approved (see N.J.S.A. 13:1E-24).

B. Approved Salem County District Solid Waste Management Plan Modifications

I, Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq., do hereby approve the Modifications to the Approved Salem County District Solid Waste Management Plan which were adopted by the Salem County Board of Chosen Freeholders on June 29, 1981, and certify to the Salem County Board of Chosen Freeholders that the modifications outlined below are hereby made a final approved part of the Salem County District Solid Waste Management Plan.

The adopted Salem County District Solid Waste Management Plan is amended to include the implementation of a county-wide source separation program which will follow the recommendations of the completed Salem County source separation study. Salem County is directed to establish a recycling coordination function within the County Planning Staff to provide information and technical assistance on the establishment of source separation programs, to encourage the public to utilize proposed drop-off centers or curbside collection programs, and to monitor the progress of municipally sponsored programs.

The implementation schedule for resource recovery is amended. An energy recovery facility feasibility analysis will be undertaken by the Salem County Utilities Authority, the County's implementing agency, which will recommend the most suitable energy recovery facility for Salem County. The energy recovery feasibility analysis will be completed by January 1, 1982.

The implementation schedule for the County landfill will remain unchanged and Salem County will continue to pursue the landfill development program as included in the adopted Plan and as ordered by the Department of Environmental Protection in its Certification of Approval with Modification of the Salem County District Solid Waste Management Plan issued on February 11, 1981.

C. Other Provisions Effecting the Plan Modifications

1) Contracts

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

Any contract renewal or new contract for solid waste collection or solid waste disposal which was executed prior to the approval of the within modifications to the Salem County District Solid Waste Management Plan and subsequent to the effective date of the Solid Waste Management Act (July 29, 1977), and which shall further be for a term in excess of one year, shall immediately be renegotiated in order to bring same into conformance with the terms and provisions herein set forth. Any solid waste collection operation or disposal facility registered by the Department of Environmental Protection and operating pursuant to a contract as herein described, shall be deemed to be in violation of these Modifications and of the Salem County District Solid Waste Management Plan if such renegotiation is not completed by the effective date of these Modifications (December 1, 1981); provided, however, that any such registrant may, upon application to the Department of Environmental Protection and for good cause shown, obtain an extension of time to complete such renegotiation.

2) Compliance

All solid waste facility operators and collector/haulers registered with the Department of Environmental Protection and operating within Salem County and effected by the Modifications contained herein shall operate in compliance with these Modifications and all other approved provisions of the Salem 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, 10 and 12 and all other applicable laws.

3) Types of Solid Wastes Covered by the Salem County District Solid Waste Management Plan Modifications

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

4) Certification to Proceed with the Implementation of Plan Modifications

This Document shall serve as the Certification of the Commissioner of the Department of Environmental Protection to the Salem County Board of Chosen Freeholders, as provided for by N.J.S.A. 13:1E-24f., to proceed with the implementation of the Modifications contained herein.

5) Definitions

For the purpose of these Modifications and unless the context clearly requires a different meaning, the definitions of terms shall be the same as those found at N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-1.4 and -2.5.27.\*

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

6) Effective Date of Modifications

The approved Modifications to the Salem County District Solid Waste Management Plan contained herein shall take effect on December 1, 1981.

7) 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 Salem County District Solid Waste Management Plan, including any modifications made thereto, shall conform with the Statewide Solid Waste Management Plan. The Statewide Solid Waste Management Plan includes the Department's Planning Guidelines and rules, regulations, and orders of the Department, and will include the compilation of individual District Plans and modifications as they are approved.\*\*

D. Certification of Approval by the Commissioner of the Department of Environmental Protection

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve the modifications to the Salem County District Solid Waste Management Plan which were adopted by the Board of Chosen Freeholders on June 29, 1981.

10/21/81

DATE



JERRY FITZGERALD ENGLISH  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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