

AMENDMENT #13

TO THE CUMBERLAND COUNTY

SOLID WASTE MANAGEMENT PLAN

FEBRUARY 1997

PREPARED BY THE

CUMBERLAND COUNTY IMPROVEMENT AUTHORITY

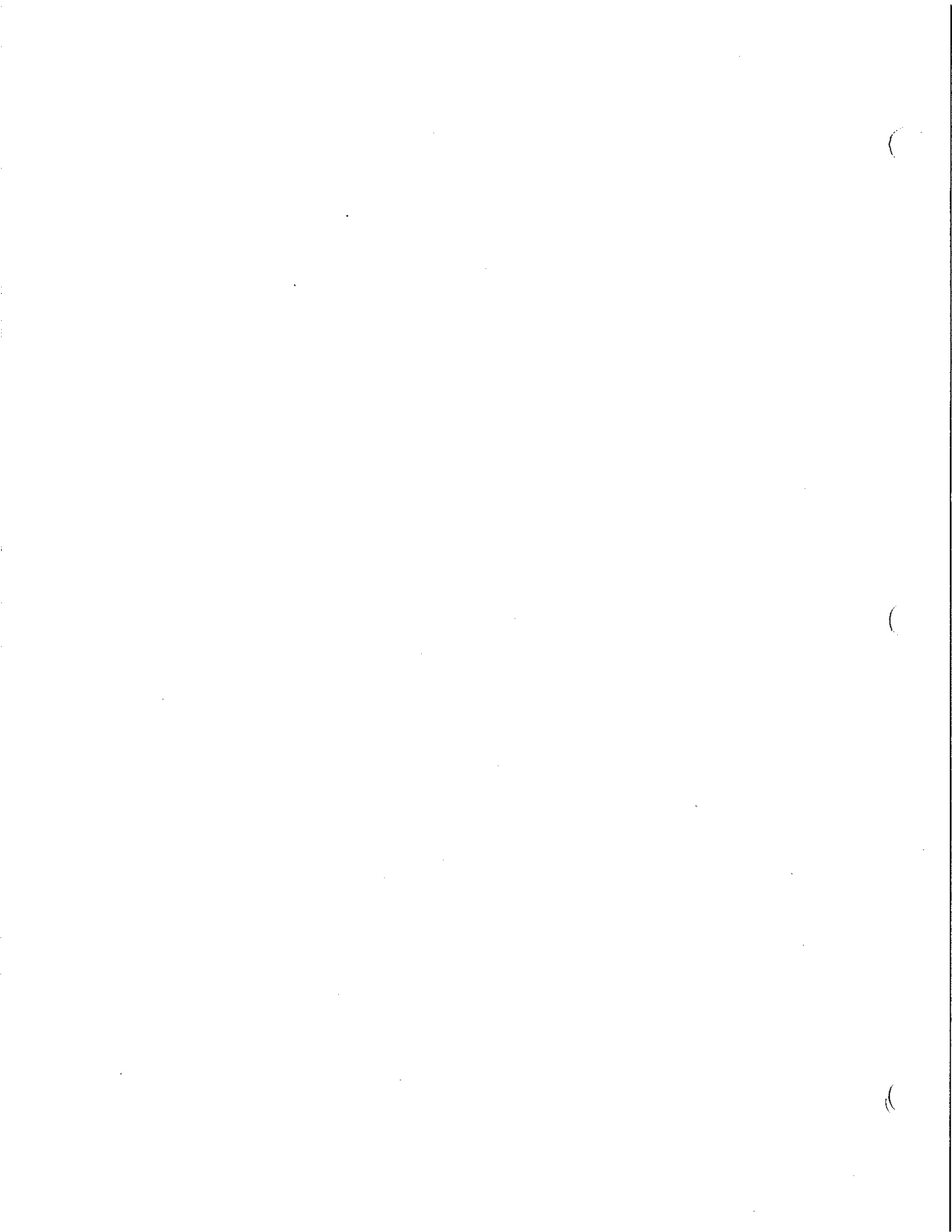
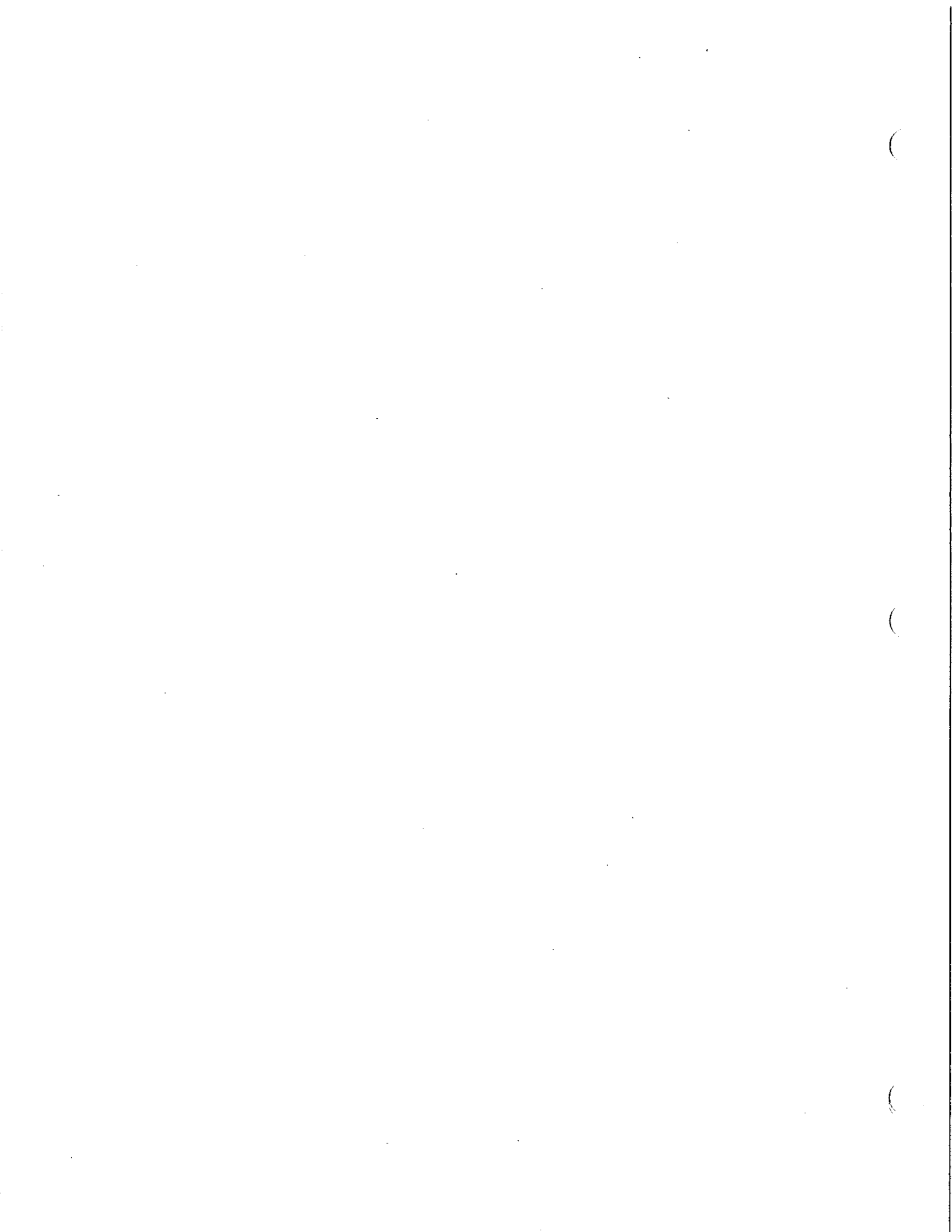


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1.0 INTRODUCTION

The County of Cumberland proposes to amend the Cumberland County Solid Waste Management Plan pursuant to the requirements of the New Jersey Solid Waste Management Act (NJSA 13:1E-1 et. seq.). The New Jersey Solid Waste Management Act (the Act) designates each county in the State and the Hackensack Meadowlands District as solid waste management districts, and provides each county and the Hackensack Meadowlands Development Commission with the authority to develop and implement comprehensive solid waste management plans which meet the needs of every municipality within each county and within the Hackensack Meadowlands District. 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 10 year planning period. The Act further provides that a district may review its plan at anytime and, if found inadequate, adopt a new plan.

The Cumberland County Solid Waste Management Plan (SWMP or County Plan) was adopted by the Cumberland County Board of Chosen Freeholders on December 13, 1979, and approved with modifications by the Commissioner of the New Jersey Department of Environmental Protection (the Commissioner) on March 4, 1981. Since 1981, twelve amendments to the SWMP have been adopted by the Board of Chosen Freeholders and later approved by the Commissioner.

The primary purposes of the thirteenth amendment to the SWMP are as follows: to adjust the spending schedule of funds from the Resource Recovery Investment Tax as approved in Amendment #9; and to formally abandon construction of a bulky waste recycling facility as originally contemplated in Amendment #8.

To insure the broadest possible participation by the general public in this Plan Amendment process, the Cumberland County Board of Chosen Freeholders has scheduled a public hearing on April 10, 1997, at the County Administration Building. All County residents, public officials or

organizations interested in Amendment #13 to the SWMP are encouraged to attend and offer testimony.

Inquires and written comments or questions concerning this proposed Plan Amendment may be addressed to:

Cumberland County Board of Chosen Freeholders
790 East Commerce Street
Bridgeton, NJ 08302

or

Cumberland County Improvement Authority
2 West Vine Street
Millville, NJ 08332

2.0 SUMMARY OF CUMBERLAND COUNTY SOLID WASTE MANAGEMENT PLAN

The Cumberland County Solid Waste Management Plan (SWMP) was adopted by the Cumberland County Board of Chosen Freeholders on December 13, 1979, and approved with modifications by the Commissioner of the New Jersey Department of Environmental Protection (NJDEP) on March 4, 1981. The SWMP consists of an integrated approach to solid waste management which includes waste reduction, source separation and recycling, resource recovery, and landfilling.

The original SWMP set forth a process for siting a regional landfill to serve Cumberland County, developing a resource recovery facility to serve the County, and developing recycling programs in each municipality in the County. Furthermore, the plan designated the Cumberland County Improvement Authority (Authority) as the solid waste implementing agency within the County. In order to further develop the SWMP and meet the requirements of the Solid Waste Management Act and the Mandatory Source Separation and Recycling Act which was passed in 1987, the County prepared several plan amendments which are described below:

Amendment No.	Date of Amendment	NJDEP Approval	Purpose of Amendment
1	July 14, 1983	December 22, 1983*	Prepare background studies and update the Solid Waste Management Plan.
2	March 15, 1984	July 30, 1984	Select site for Cumberland County Solid Waste Complex.
3	May 8, 1986	October 9, 1986	Leaf and vegetative waste composting policy, interim disposal capacity, transportation analysis and construction debris.
4	October 17, 1987	March 9, 1988*	County Recycling Plan.

Amendment No.	Date of Amendment	NJDEP Approval	Purpose of Amendment
5	October 17, 1987	March 9, 1988*	Resource Recovery Investment Tax disbursement schedule, convenience centers, solid waste contingency plan, existing landfill closures, litter abatement partnership program.
6	July 26, 1989	November 27, 1989*	Modifications to Amendment #4 and #5 as required by NJDEP.
7	December 20, 1989	June 4, 1990	Use of Resource Recovery Investment Tax funds for Material Separating Facility and household recycling buckets.
8	July 18, 1991	January 3, 1992*	Include recycling centers located in the County, include the development of a bulky waste recycling facility by the CCIA, and revise the disbursement of Resource Recovery Investment Tax funds to cover MSF operating costs.
9	June 9, 1992	September 18, 1992 November 17, 1992*	Revise the disbursement schedule of Resource Recovery Investment Tax Funds, include recycling centers located in the County, address recommendations of the Emergency Solid Waste Assessment Task Force Final Report, and include a blanket inclusion policy for recycling centers.

Amendment No.	Date of Amendment	NJDEP Approval	Purpose of Amendment
10	April 14, 1994	August 15, 1994	Response to Gov. Florio's Emergency Solid Waste Assessment Task Force in such areas as recycling, enforcement, education, source reduction. Also includes the plan for debris disposal from the demolition of the County Manor.
11	December 15, 1994	April 27, 1995	In response to Amendment No. 10, includes procurement practices, household hazardous waste collection program and collection of recyclables. Also, delays construction of the bulky waste recycling facility and includes a class B recycling center into the plan.
12	June 22, 1995	August 3, 1995	Inclusion of a class B recycling center into the plan.

* Approved with modifications requested by the Commissioner

3.0 RESOURCE RECOVERY INVESTMENT TAX FUND

3.1 Purpose and Background

Assembly Bill No. 1778, (the McEnroe Bill) became effective on May 1, 1985. This bill required every owner or operator of every sanitary landfill in New Jersey to levy a Resource Recovery Investment Tax (RRIT). The tax was established at a rate of \$1.00 per ton in 1988 and was increased to \$4.00 per ton in 1989. The tax is no longer levied effective December 31, 1995.

Each county must create a District Resource Recovery Investment Fund which shall be the depository for moneys appropriated to each county by the Department of Treasury, and shall be administered by the governing body of each county. The bill provides that funds in the Resource Recovery Investment Fund only be expended 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 resource recovery facility is defined by the Department of Environmental Protection (NJDEP) as, " any place, equipment, device or plan designed and/or operated to separate or process solid or liquid waste into usable secondary materials; including fuel and energy." 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 NJDEP 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 purposes in accordance with the study conducted pursuant to section 11 of this amendatory and supplementary act; 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.

Prior to any disbursement of any funds in its district investment tax fund, each county must prepare a plan which shall outline the proposed uses of moneys in the district investment tax fund. Each plan must be adopted as an amendment to the district solid waste management plan pursuant to NJSA 13:1E-1 et. seq.

3.2 Resource Recovery Investment Tax Fund Use

The operation of the Authority's Material Separating Facility (MSF) is currently an essential component to Cumberland County's recycling strategy. The MSF provides a secure market for source separated recyclables that are collected by the individual municipalities in Cumberland County, and provides tangible evidence of the County's commitment to recycling. However, due to unstable market conditions, in particular the disastrous market conditions existing since 1995, coupled with lower than expected throughput, and the aging of the facility itself, annual operating costs at the MSF have not been offset by annual revenues. The Authority, with NJDEP approvals, has been utilizing RRIT funds to subsidize the operations of the MSF.

Consequently, Amendment #9 provided for the disbursement of RRIT funds to cover certain operating costs associated with the MSF as follows: \$600,000 in 1992, \$650,000 in 1993,

\$560,516 in 1994, \$439,410 in 1995, and \$499,341 in 1996. However, the Authority must now look ahead to 1997 and beyond to evaluate its existing and planned resource recovery projects.

Pursuant to Amendment #9, \$252,624 of RRIT funds are available to subsidize the operating costs associated with the MSF for 1997. Based upon current outlook, the Authority maintains that this sum will not be sufficient. As indicated in Table 3-1, the historical utilization of RRIT funds has been less than originally anticipated. This has created enough remaining funds to adequately subsidize 1997 operations and beyond.

As indicated in Table 3-1, there were anticipated RRIT fund disbursements for operations of a bulky waste recycling facility. It should be pointed out that the construction of the Bulky Waste Recycling Facility continues to be on hold, pursuant to NJDEP's April 27, 1995 certification of Amendment #11. (The Bulky Waste Recycling Facility will be discussed in depth in Section 4.0 of this plan amendment.) Further, the pre-processing of solid waste, as part of a regional compost facility, is no longer under consideration. The possibility of these two resource recovery projects coming to fruition is negated by the demise of New Jersey's "flow control" system.

3.3 Resource Recovery Investment Tax Disbursement Schedule

The Authority proposes to revise the disbursement of RRIT funds in order to continue operations at the MSF. While there exists a balance of approximately \$1.9 million in the district investment tax fund, the Authority does not wish to present a disbursement schedule reflecting complete dissolution of that fund. Rather, the Authority respectfully requests that \$750,000 of the RRIT fund be applied to MSF operations for 1997. The Authority will be better suited to address the balance remaining in the fund once the matter of New Jersey's "flow control" system is resolved.

Table 3-1

Cumberland County Improvement Authority
 Resource Recovery Investment Tax (RRIT)
 Fund Utilization
 1992-1997

Year	MSF Operations			Bulky Waste Recycling		
	Budget per Amendment #9	Experience	(Over), Under Budget **	Budget per Amendment #9	Experience	(Over), Under Budget **
1992	\$600,000	\$333,319	(1) \$266,681			(1)
1993	\$650,000	\$483,722	(1) \$166,278	\$50,000		(1) \$50,000
1994	\$560,516	\$325,449	(1) \$235,067	\$50,000		(1) \$50,000
1995	\$439,410	\$165,769	(1) \$273,641	\$50,000		(1) \$50,000
1996	\$499,341	\$369,023	(2) \$130,318			
1997	\$252,624	\$750,000	(3) (\$497,376)			

- ** (1) Actual amount(s) from the Authority's independent annual audit report
 (2) Actual amount(s) from the Authority's unaudited financial statements
 (3) Estimated amount(s)

Note: Balance remaining in the Resource Recovery Investment Tax Fund at the end of 1997 is estimated to be \$1,163,503.

4.0 BULKY WASTE RECYCLING FACILITY

4.1 Background

In Plan Amendment #8, (July 1991), the Cumberland County Improvement Authority provided a description of how to reach a 60% recycling rate. A Bulky Waste Recycling Facility (Facility) was introduced to increase recycling by separating and marketing bulky waste recyclables. Waste composition studies revealed that over 31% of solid waste delivered to the Cumberland County Solid Waste Complex during 1989 and 1990 was bulky waste. The implementation of the facility was scheduled subject to economic feasibility of the facility and market conditions. The financing for the construction of the facility was included in the Cumberland County Improvement Authority County Guaranteed Solid Waste Systems Revenue Bonds, Series 1991 (1991 Bonds).

As reflected in Plan Amendment #9, (June 1992), the bulky waste stream (Type 13 only) represented approximately 25% of all waste delivered to the Cumberland County Solid Waste Landfill. Markets for the bulky waste material were identified and an implementation schedule for the design, permitting and construction of the facility was proposed.

In Plan Amendment #10, (April 1994), the Authority included paper sorting as one of the components of the Bulky Waste Recycling Facility.

In Plan Amendment #11, (December 1994), the Authority temporarily halted the development of the facility due to court rulings that eliminated a guaranteed waste stream. The Authority continued to assess the viability for the construction of the facility.

4.2 Bulky Waste Recycling Facility Feasibility

The Authority considered many factors to determine the feasibility of the facility. These factors are listed below:

1. There was a reduction in the amount of bulky waste material delivered to the Cumberland County Solid Waste Complex (CCSWC), and there was a reduction of the recyclable material extractable from the bulky waste. The actual number of tons of bulky waste currently delivered to the CCSWC is significantly lower than those projected in the original feasibility report. (A 1989 peak of 51,407 (Type 13) tons as compared to 1995 (pre-deregulation) of 35,375 (Type 13) tons, a reduction of over 31%.)
2. Recent court rulings deregulated flow control of Type 13 construction and demolition waste. There is a concern for future court decisions regarding New Jersey's waste flow control system.
3. Private bulky waste recycling facilities that have begun operations since 1989 have the potential to divert bulky waste flow from the CCSWC with the possibility for increased diversion in the future.
4. The construction and operating costs for the facility have increased over the original estimates. The original feasibility report projected construction of the facility to be completed by October 1, 1994; the present cost to construct the facility today would be approximately 16% higher.

On the basis of the significant decrease in the present bulky waste flow and decreased amounts of recyclable material contained therein, the decrease in the future bulky waste flow that can be expected as a result of the presence of other bulky waste facilities and as a consequence of the unconstitutionality of "flow control", the Authority is abandoning the construction of the Bulky Waste Facility.

4.3 Use of Remaining Proceeds from 1991 Bonds

The Authority desires to use the remaining proceeds of the 1991 Bonds that were allocated for the Bulky Waste Recycling Facility for the implementation of Leachate System Improvements.

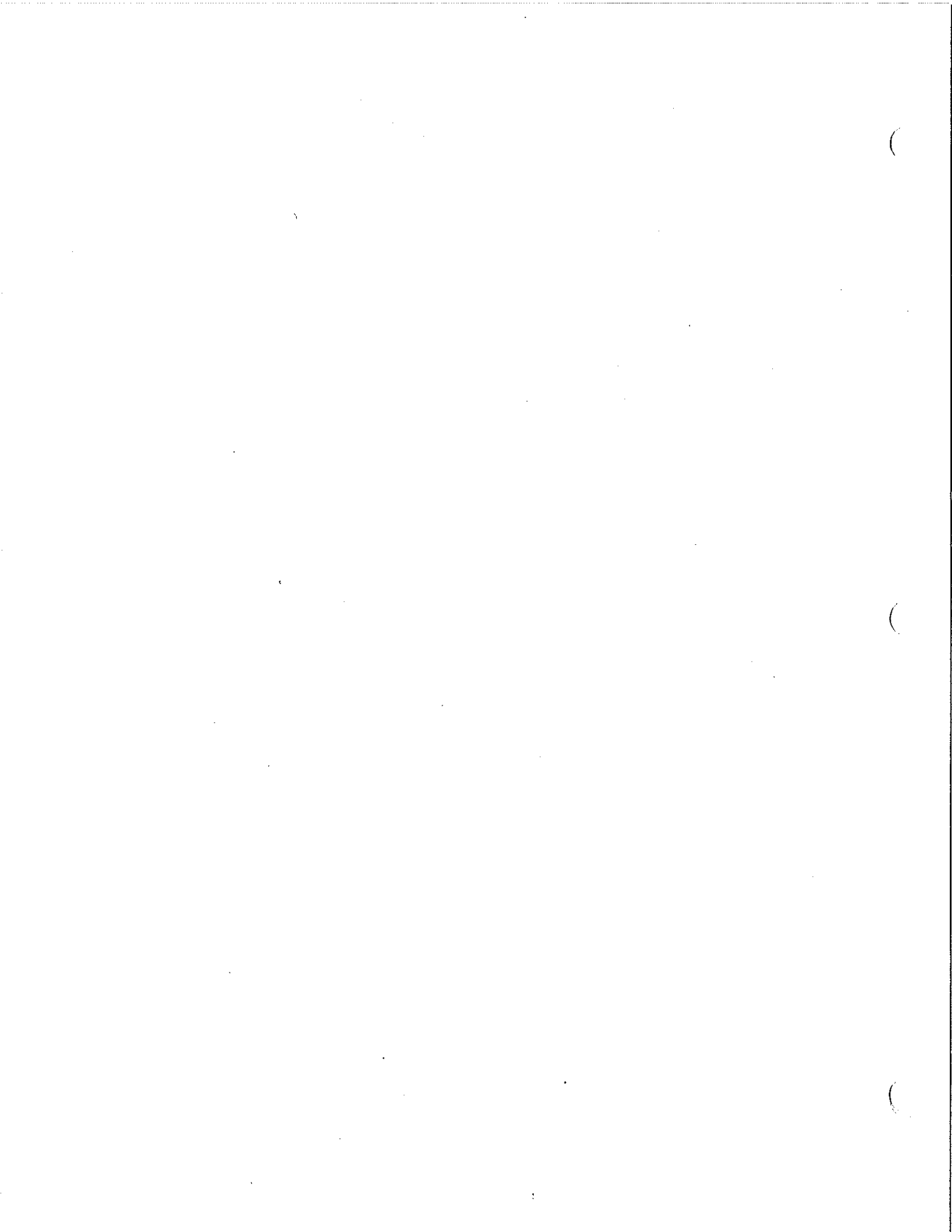
The Leachate System Improvements would include a 1.2 million gallon above ground leachate storage tank (tank) and system modifications to incorporate the tank into the current Leachate Pretreatment System. (The Leachate Pretreatment System was funded by the 1991 Bonds.) The need for the tank has become apparent for the following reasons:

1. Leachate generation is expected to increase through development of the landfill.
2. The tank would improve hydraulic performance of the Leachate Pretreatment System.
3. The tank would increase untreated leachate storage capacity. The existing storage capacity has been exceeded on two occasions since the Leachate Pretreatment Facility started operations, requiring the Authority to declare an emergency by-pass and haul untreated leachate to the Cumberland County Utilities Authority.
4. Aeration within the new tank will improve the Leachate Pretreatment Facility performance.
5. The existing in-ground storage lagoons, which the tank would replace, present a potential risk to the environment if leaks were to develop in the geomembrane liner system.
6. Periodic replacement of the lagoon liner system and floating covers result in increasing capital expenditures that will continue through post closure.
7. Storing leachate in the existing unaerated lagoons has an adverse impact on the Leachate Pretreatment System operation. The anaerobic condition in the existing lagoons causes a build-up of hydrogen sulfide gas, which creates odor problems.

4.4 Conclusion

Over five years has passed since the 1991 Bonds provided for the construction of the Bulky Waste Recycling Facility. The most significant event during that period has been the court rulings deeming "flow control" unconstitutional. It is this guaranteed flow control which was the basis for tonnage projections for the Bulky Waste Recycling Facility. The Authority believes that at a time when no amount of any type of waste can be legally directed to a given facility, it would be imprudent to construct and operate a recycling facility absent of flow control. The continued philosophy of the Authority is not to compete with the private sector, but to fill in where the private sector falls short. Clearly, with the existence of the private facilities currently handling this stream, the need does not exist.

However, there exists a real need for the improvements discussed earlier of the Leachate Pretreatment System. The Authority believes that the remaining proceeds from the 1991 Bonds would be better utilized improving and enhancing the existing system for collecting and treating leachate, than to construct a bulky waste facility absent of a guaranteed revenue stream.



APPENDIX A

PLAN AMENDMENT #11 CERTIFICATION
(see pae 4A)

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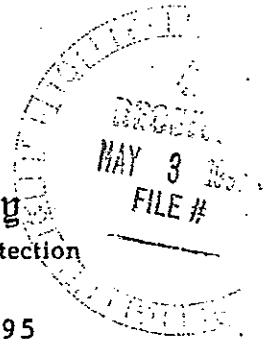
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State of New Jersey

Department of Environmental Protection



Christine Todd Whitman
Governor

Robert C. Shinn, Jr.
Commissioner

April 27, 1995

Honorable Jennifer Lookabaugh, Director
Cumberland County Board of Chosen Freeholders
790 East Commerce Street
Bridgeton, New Jersey 08302

Dear Freeholder Director Lookabaugh:

Enclosed is the certification of the solid waste management plan amendment which the Cumberland County Board of Chosen Freeholders adopted on December 15, 1994. The amendment provides an expanded strategy for addressing the State requirements for source reduction and recycling by containing additional information regarding the implementation of the County's procurement and household hazardous waste collection programs, and its plan for designating, collecting, and marketing recyclable materials. The amendment also includes Casie/Protank located in Vineland as a recycling center for Class B materials.

The strategy portion of the amendment, which is in response to deficiencies noted in the Department's August 15, 1994 certification of the County's April 14, 1994 amendment, is approved. However, the County is again directed to investigate the feasibility of developing a permanent household hazardous waste collection facility or the entering into of an interdistrict agreement for the shared use of such a facility.

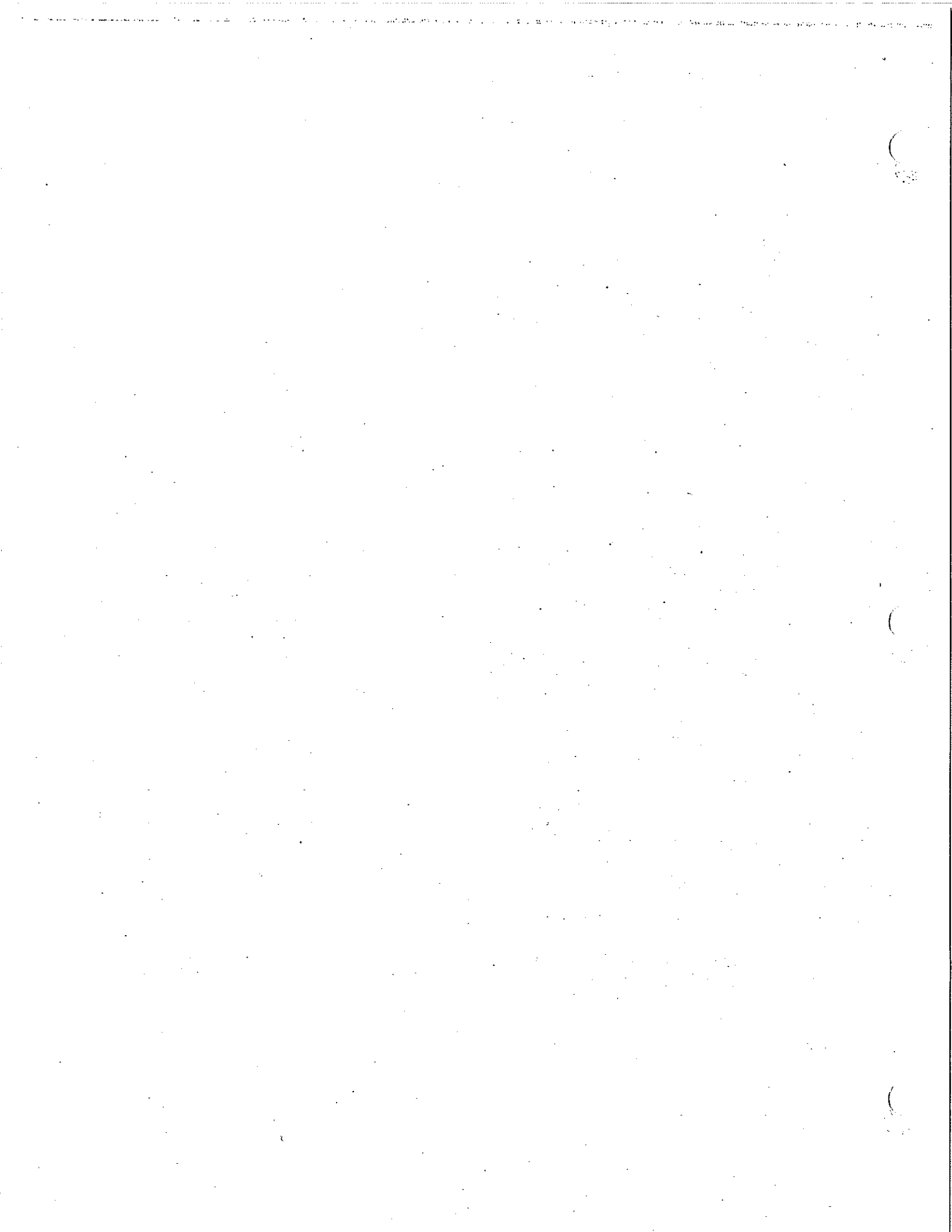
Regarding the inclusion of Casie/Protank which is also approved, please be advised that although the amendment includes this facility as a Class B recycling center, the proposed thermal desorption process constitutes a treatment rather than a recycling facility. Therefore, the permitting of this process will be accomplished by the Department as a modification to the applicant's existing hazardous waste facility permit rather than as an approval to operate a recycling center for Class B materials.

I look forward to working with Cumberland County in further refining and implementing its solid waste management plan.

Sincerely,

Robert C. Shinn, Jr.
Commissioner

RCS:MJM
Enclosure





State of New Jersey

Christine Todd Whitman
Governor

Department of Environmental Protection

Robert C. Shinn,
Commissioner

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 DECEMBER 15, 1994
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 of Environmental Protection (DEP or Department) approved, with modifications, the Cumberland 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. The Cumberland County Board of Chosen Freeholders (County Freeholders) completed such a review and on December 15, 1994, adopted an amendment to its approved County Plan.

The amendment proposed an expanded strategy for addressing the State requirements concerning source reduction and recycling and included Casie/Protank in the County Plan as a recycling center for Class B materials. The strategy portion of the amendment is in response to the Department's August 15, 1994 certification of the County's plan amendment of April 14, 1994. That certification directed the County, within a subsequent plan amendment submission, to provide greater specificity relative to implementation of its procurement and household hazardous waste programs, and its strategy for designating, collecting, and marketing recyclables.

The amendment was received by the Department on January 23, 1995 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 December 15, 1994 is approved as provided in N.J.S.A. 13:1E-24.

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 have studied and reviewed the December 15, 1994 amendment to the County 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 with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders and the applicant are notified of the issues of concern relative to the December 15, 1994 amendment which are included in Section B.2. below.

In conjunction with the review of the amendment, the Department circulated copies to sixteen federal and state 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 the Department. All agencies contacted are as follows:

Office of Air Quality Management, DEP
Division of Parks and Forestry, DEP
Division of Fish, Game and Wildlife, DEP
Division of Solid and Hazardous Waste, DEP
Division of Enforcement, DEP
Division of Water Quality, DEP
Green Acres Program, DEP
Land Use Regulation Element, 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
Pinelands Commission
U.S. Environmental Protection Agency

1. Agency Participation in the Review of the December 15, 1994 Amendment

The following agencies did not object to the proposed amendment:

Division of Parks and Forestry, DEP
Division of Enforcement, DEP
Division of Water Quality, DEP
Green Acres Program, DEP
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Transportation
Department of Community Affairs

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

Office of Air Quality Management, DEP
Division of Fish, Game and Wildlife, DEP
Land Use Regulation Element, DEP
Department of Health
Pinelands Commission
U.S. Environmental Protection Agency

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

Division of Solid and Hazardous Waste, DEP

2. Issues of Concern Regarding the December 15, 1994 Amendment

Issue: County Response to State Requirements regarding Source Reduction and Recycling

On June 9, 1992, the County adopted an amendment to address the State requirements concerning source reduction, recycling, and regionalization planning. The Department, in its certification of November 17, 1992, approved the County's general strategy but noted deficiencies in certain areas relative to source reduction and recycling and directed the County to address these deficiencies within 180 days in a subsequent plan amendment submission. On April 14, 1994, the County adopted a subsequent amendment to address the noted deficiencies. The Department, in its certification of August 15, 1994, approved the responses to the

noted deficiencies but directed the County, within 180 days in an additional subsequent plan amendment submission, to provide greater specificity relative to implementation of its procurement and household hazardous waste programs and its strategy for designating, collecting, and marketing recyclable materials. On December 15, 1994, the County adopted the required subsequent plan amendment. The DEP has reviewed the December 15, 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 responses to the above noted deficiencies concerning source reduction and recycling.

a. Designated Recyclable Materials

Previously, Cumberland County was advised that, pursuant to the New Jersey Statewide Mandatory Source Separation and Recycling Act (Recycling Act) of 1987, the County and not a municipality must designate the materials to be recycled, develop the strategy for collecting and marketing these materials, and enter into contracts for said marketing. Therefore, the County was directed to provide additional information with regard to its strategy for designating, collecting, and marketing recyclable materials. Although the County was advised that its strategy of granting discretionary authority to municipalities to designate additional mandated recyclables was inconsistent with the Recycling Act, the amendment indicates that the County is not currently considering designating additional mandated recyclables. Such designation is linked to the development of a bulky waste processing facility which is on hold due to uncertainty concerning waste flow control. Regarding the collection of recyclables, the County indicates that due to its rural nature a more localized approach to recycling collection is necessary. Specifically, in urban centers curbside pick-up is the preferred system and municipalities contract this service on an annual basis, while in the more rural areas municipalities have opted for convenience center drop-off points as their collection strategy. Currently 81% of the County is served by the curbside pick-up method. Finally, regarding marketing, the County indicates that it relies on both spot marketing and long-term contracts for the sale of recyclables and believes that this flexible approach is best for the County.

b. Procurement Policy

Previously, the County was directed to provide greater specificity regarding procurement including a timetable for implementation. The County has provided the required schedule which calls for the development of a procurement policy and the dissemination of same to all participants by the end of 1995. The development of this policy will be preceded by the County's completion, by the end of the third quarter of 1995, of waste audits in the public and private sectors. Upon completion, the County should provide to the Department in letter form the results of the waste audits conducted

in the public and private sectors.

c. Household Hazardous Waste Collection Program

Previously, the County was directed to provide greater detail regarding its household hazardous waste collection program. The County will conduct two household hazardous waste collections days per year alternating the collection sites between locations in Bridgeton and Vineland. Should the need arise, the County will increase the number of collection days to three per year. However, although previously directed to do so, the amendment does not address the feasibility of developing a permanent household hazardous waste collection facility within the County or the shared use of a permanent facility in another county on a regional basis. The DEP is encouraging counties to develop permanent household hazardous waste collection facilities rather than the continued reliance on household hazardous waste collection days. Burlington County is the first New Jersey county to construct and operate a permanent household hazardous waste collection facility. This facility cost about \$400,000.00 to develop and has an anticipated cost of \$300,000.00 to operate on an annual basis. Therefore, rather than continue to allocate funds to finance household hazardous waste collection days, funds should be allocated toward the development of a permanent household hazardous waste collection facility or the entering into of a regional agreement for the shared use of such a facility.

As noted within Section C., the County's responses to the deficiencies relative to source reduction and recycling are approved. However, the County is again directed to investigate the feasibility of developing a permanent household hazardous waste collection facility either on a local or regional basis.

Issue: Casie/Protank Recycling Center

The December 15, 1994 amendment is silent as to location and capacity for the proposed Casie/Protank recycling center for Class B materials. However, the application package submitted to the DEP for Class B approval identifies the location of the facility as the City of Vineland, Cumberland County, at Block 89, Lot 17, with a capacity to process petroleum contaminated soils not to exceed 10,000 tons per day, 60,000 tons per week, or 195,000 tons per year. Therefore, within Section C., Casie/Protank is included within the County Plan as a recycling center for Class B materials subject to these siting and capacity restrictions.

Casie/Protank is both an existing, permitted hazardous waste treatment facility and transporter. Although the Department's recycling regulations require a recycling center approval for Class B materials for any operation which receives, stores, processes, or transfers source separated nonhazardous petroleum contaminated soil, the amendment indicates that Casie/Protank will recycle

petroleum contaminated soil by utilizing a thermal desorption process. Such an operation constitutes a treatment rather than a processing (recycling) facility. Therefore, as noted within Section C., although Casie/Protank is included within the County Plan as a recycling center for Class B materials, the permitting of the thermal desorption process will be accomplished as a modification to the applicant's existing hazardous waste facility permit.

Issue: Permitting Requirements for Recycling Centers

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 and property. Also, recycling centers are considered solid waste facilities and are subject to N.J.A.C. 7:27-8.2(a)16 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.

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

C. Certification of the Cumberland 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, I have reviewed the December 15, 1994 amendment to the approved County Plan and certify to the County Freeholders that the December 15, 1994 amendment is approved as further specified below.

1. Source Reduction and Recycling Deficiencies

The County's responses to the deficiencies relative to source reduction and recycling previously identified within the Department's August 15, 1994 certification are approved. However, as noted within Section B., the County is again directed to investigate the feasibility of developing a permanent household hazardous waste collection facility or the entering into of an interdistrict agreement for the shared use of such a facility.

2. Casie/Protank

The County Plan inclusion of Casie/Protank located in the City of Vineland, Cumberland County, at Block 89, Lot 17, as a recycling center for Class B materials is approved. Specifically, the

facility may accept for processing, by thermal desorption, soils contaminated with petroleum hydrocarbons and polyaromatic hydrocarbons up to a total capacity of 195,000 tons per year, not to exceed 10,000 tons per day or 60,000 tons per week.

As noted within Section B., the permitting of the proposed thermal desorption process will be accomplished as a modification to the applicant's existing hazardous waste facility permit. However, this certification shall not be construed as an expression of the Department's intent to issue any modification to an existing hazardous waste facility permit.

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 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 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 amendment contained herein shall operate in compliance with 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 Waste 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 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 amendment to the County Plan contained herein shall take effect immediately.

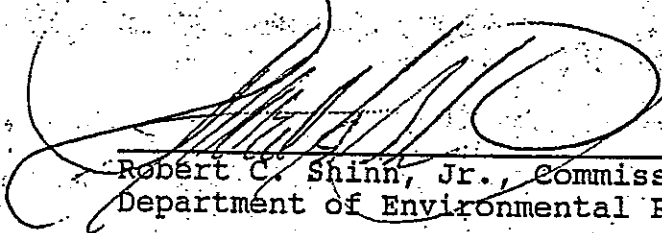
7. Reservation of Authority

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 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 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 December 15, 1994.

4/27/95
Date


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

APPENDIX B

NJDEP CERTIFICATION OF PLAN AMENDMENT #12

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State of New Jersey

Christine Todd Whitman
Governor

Department of Environmental Protection
Division of Solid and Hazardous Waste
CN 414

Robert C. Shinn, Jr.
Commissioner

Trenton, NJ 08625-0414
Tel. #609-984-6880
Fax. #609-777-0769

HAND CARRIED
Signature
Date

Robert Whittle
8-24-95

Mr. Robert Dragotta
Bridgeton Crumb Rubber Company, LLC.
P.O. Box 563
100 Grove Street
Bridgeton, New Jersey 08302

RE: Recycling Center Application for General Approval
Bridgeton Crumb Rubber Company, LLC.
City of Bridgeton, Cumberland County
Facility ID #0601001357

Dear Mr. Dragotta:

Enclosed is a recycling center Approval for the operation of the above referenced facility. Please note that this Approval is valid for a period of five (5) years from the date of issuance, subject to the requirements of N.J.A.C. 7:26A-3.12.

Conditions have been incorporated within this Approval that must be complied with in order for it to remain valid. The Department will consider amendment or modification of the specific terms of the conditions of this Approval if a written request is submitted by certified mail within twenty (20) days of receipt of this Approval. Said written request must clearly state the proposed amendment or modification, and the factual basis for the request. This Approval is non-transferable.

If you have any questions regarding this matter, please contact Mr. Stephen Boyer, of my staff, at (609) 984-6664.

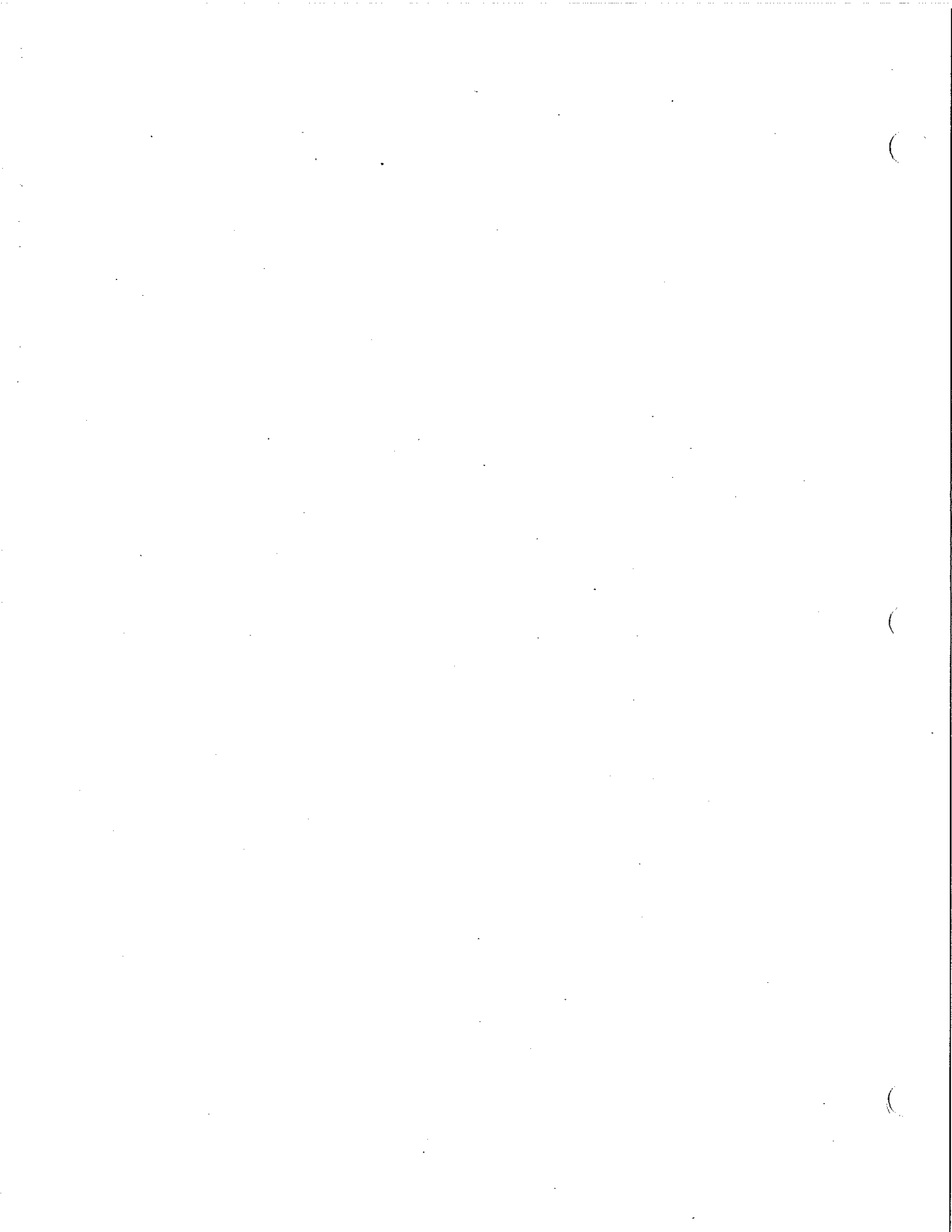
Sincerely,

John A. Castner

John A. Castner, P.E., P.P.
Bureau Chief
Bureau of Landfill, Compost & Recycling Mgt.

JAC:SB
Enclosure

- c: Joseph Feast, Assistant Director, DEFO, Enforcement
- Richard D. Mather, Cumberland County Solid Waste Coordinator, w/enc.
- Dennis DeMatte, Cumberland County Recycling Coordinator
- Darlene J. Richmond, Municipal Clerk, City of Bridgeton, w/enc.
- Health Officer, Cumberland County Health Department, w/enc.
- Peter Lynch, DEP, Land Use Regulation, w/enc.
- Stephen Boyer, DSHW



APPENDIX C

SOLID WASTE ADVISORY COUNCIL (SWAC) MINUTES

A motion to nominate Mr. Jacobsen as Vice-Chairperson was made by Mr. Giordano and seconded by Mr. Mistretta.

A motion was made and seconded to close nominations for Vice-Chairperson.

Mr. Jacobsen was unanimously elected Chairperson.

WASTE FLOW CONTROL

Mr. Wymbs informed SWAC that the Federal Appellate Court is expected to reach a decision striking down the continuation of waste flow for a two year period after all appeals are exhausted and remand the case back to Judge Irenas.

If this happens, the end of waste flow may occur within 6 months.

Mr. Wymbs then presented SWAC with a briefing on Assemblyman Gibson's proposed legislation which would remove certain environmental investment costs such as debt service from the tipping fee and result in a county wide assessment to pay for these environmental assessment costs.

Mr. Wymbs indicated that if waste flow is abolished, the Authority will re-assess the free programs sponsored by the Authority such as household hazardous waste collection, recycling programs, clean communities, free bulky waste programs and the derelect housing program. Cumberland County municipalities that decide to send their waste elsewhere when waste flow is abolished, will to be assessed for these programs.

Mr. Wymbs indicated he would be conducting meetings with all fourteen (14) municipalities in the county to present them with the facts concerning waste flow in order that they may make educated decisions.

Following his update on waste flow a discussion ensued concerning:

- our current tipping fee (\$60.37 per ton)
- assessment of a portion if not all of the environmental investment cost portion of the tipping fee on waste received from out of county
- volatility of the markets for recyclables and the \$107 per ton of recyclables cost of operating the Material Separating Facility.

PLAN AMENDMENT #13

Mr. Wymbs presented SWAC with a synopsis of Plan Amendment No. 13 a copy of which was given to all SWAC members in attendance.

As presented, Plan Amendment No. 13 will:

- Re-allocate the Resource Recovery Investment Tax (RRIT) available to the Authority to allow for the continued operation of the Material Separating Facility
- Formally abandon the plan to construct a bulky waste facility due to the decline in the amount of recyclable bulky waste received at the Solid Waste Complex. It is the intent of the Authority to utilize the funding originally intended for the Bulky Waste Facility to construct a 1.2 million gallon untreated leachate storage/equalization tank and to decommission two (2) inground, lined leachate lagoons.

Mr. Maloney made a motion to approve Plan Amendment No. 13 provided it does not affect the present tipping fee.

Mr. Turpin seconded the motion.

The motion was approved unanimously.

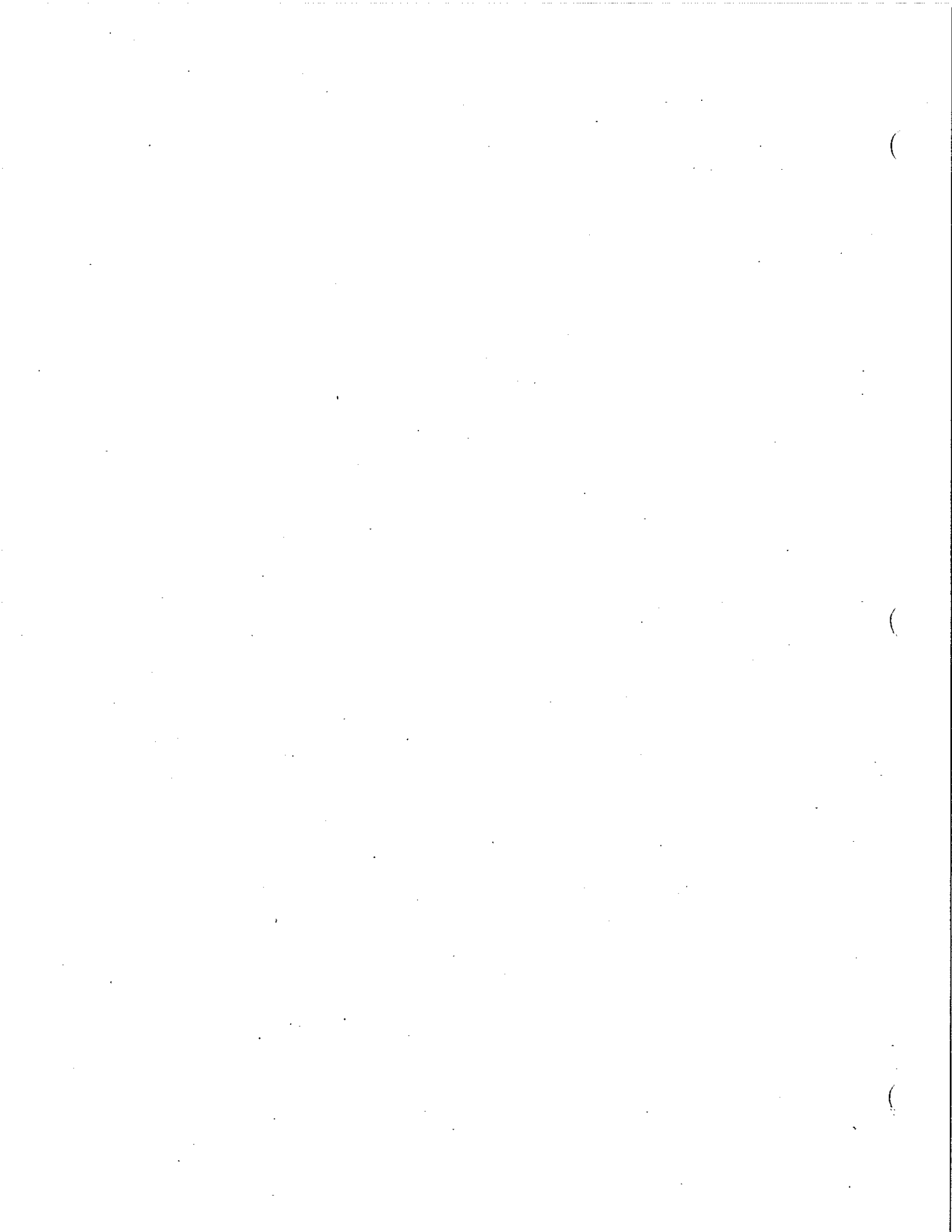
A discussion regarding meeting on a regular basis resulted in a decision to meet quarterly.

Notices regarding the next meeting will be sent out by Mr. Germanio.

ADJOURNMENT

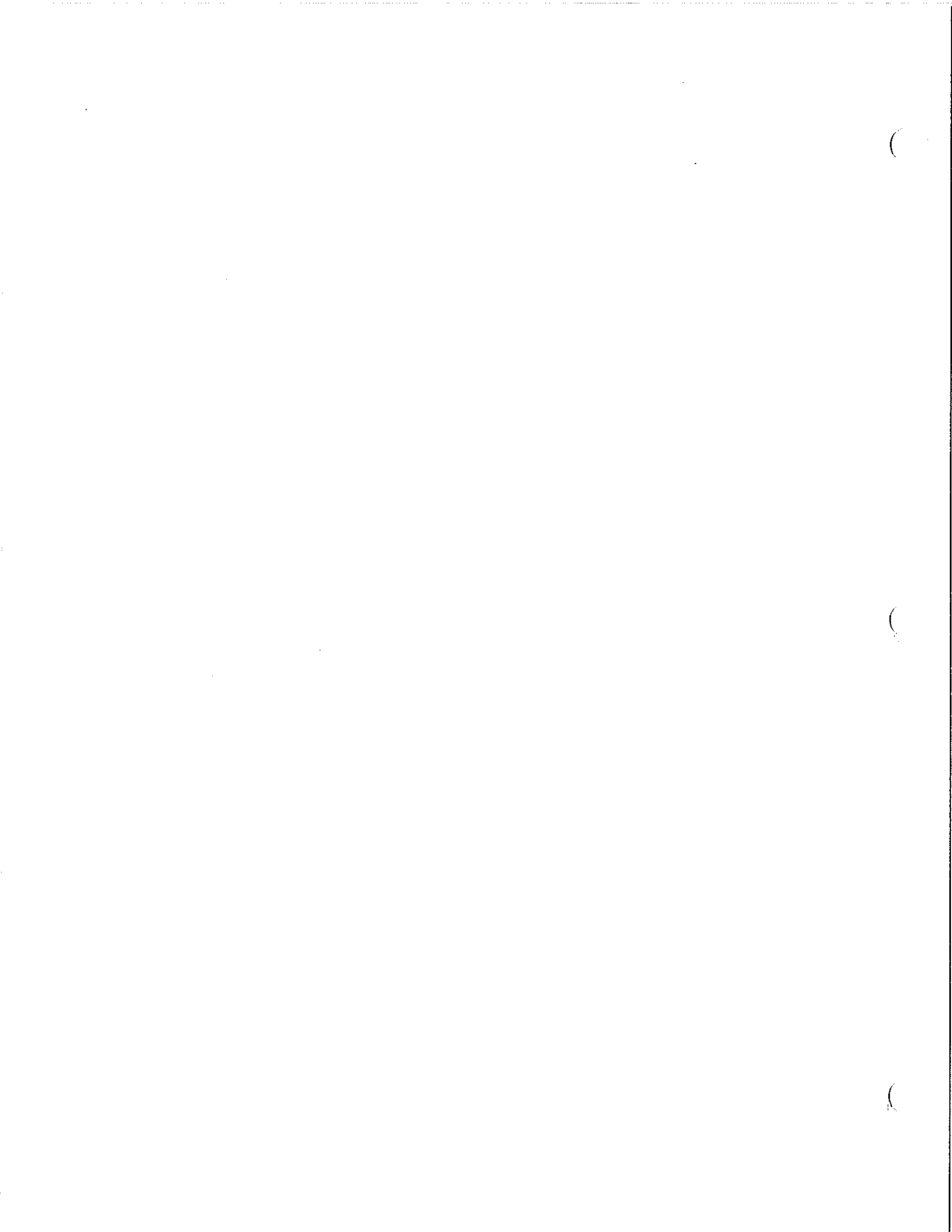
A motion to adjourn was made by Mr. Maloney and seconded by Mr. Turpin.

The motion was approved unanimously.



APPENDIX D

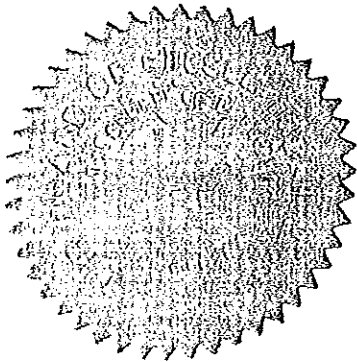
BOARD OF CHOSEN FREEHOLDERS APPROVAL

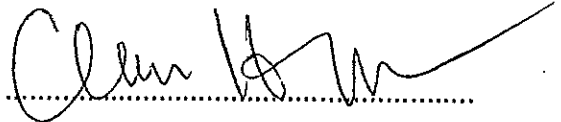


Board of Chosen Freeholders
Cumberland County
Bridgeton, New Jersey

I, CLAIR H. MILLER, JR., Clerk of the Board of Chosen Freeholders of the County of Cumberland, do hereby certify that the annexed is a true copy of a Resolution, passed at aregular..... meeting of the Board of Chosen Freeholders, held on thetenth..... day ofApril....., 19.97.....

In Witness Whereof, I have hereunto set my hand and the seal of the County of Cumberland, this
.....fifth..... day ofMay....., 19.97.....




.....
Clerk of the Board

**BOARD OF CHOSEN FREEHOLDERS
COUNTY OF CUMBERLAND**

MEMBER	AYE	NAY	NOT VOTING	ABSENT
GOODWIN	✓			
GRIFFITHS	✓			
LOOKABAUGH	✓			
PETERSON	✓			
PIZZO	✓			
RITTER	✓			
FISHER	✓			

RESOLUTION 1997 - 204

Offered by: Mrs. Lookabaugh

Seconded by: Mr. Peterson

Date: April 10, 1997

**Resolution Approving Amendment #13 To The
Cumberland County Solid Waste Management Plan**

BE IT RESOLVED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF CUMBERLAND, as follows:

That Amendment #13 to the Cumberland County Solid Waste Management Plan revising the Resource Recovery Investment Tax Disbursement Schedule, abandoning the construction of the Bulky Waste Recycling Facility and re-allocating the remaining proceeds of the 1991 Bonds for the implementation of leachate system improvements, is hereby approved.

Passed and adopted at a regular meeting of the Board of Chosen Freeholders held at the Cumberland County Court House, Broad and Fayette Streets, Bridgeton, New Jersey on Thursday, April 10, 1997 at 7:00 p.m. prevailing time.

APPENDIX E

NJDEP CERTIFICATION OF PLAN AMENDMENT #13

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