

AMENDMENT #14

TO THE CUMBERLAND COUNTY

SOLID WASTE MANAGEMENT PLAN

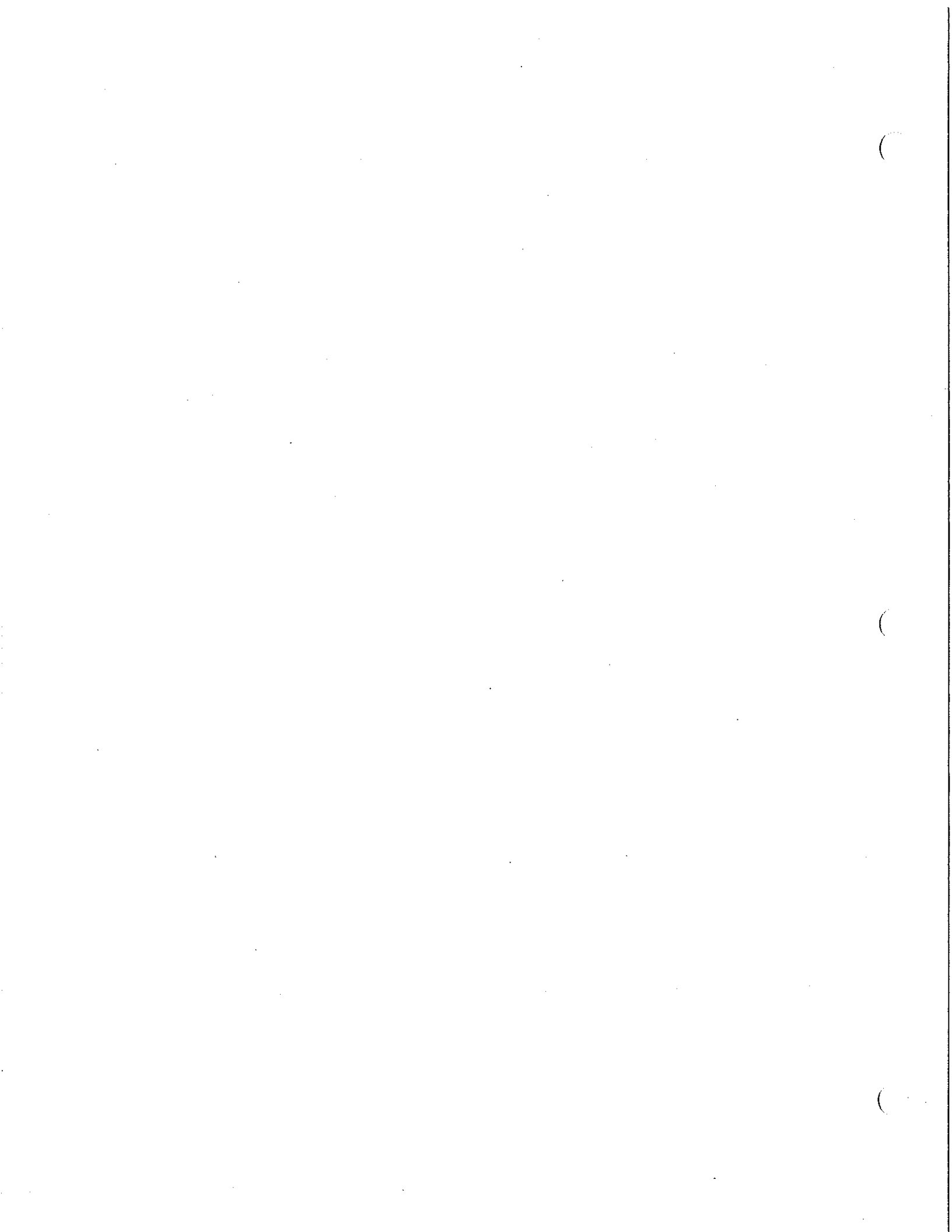


CUMBERLAND COUNTY IMPROVEMENT AUTHORITY

2 WEST VINE STREET

MILLVILLE, NEW JERSEY 08332

DECEMBER 1997

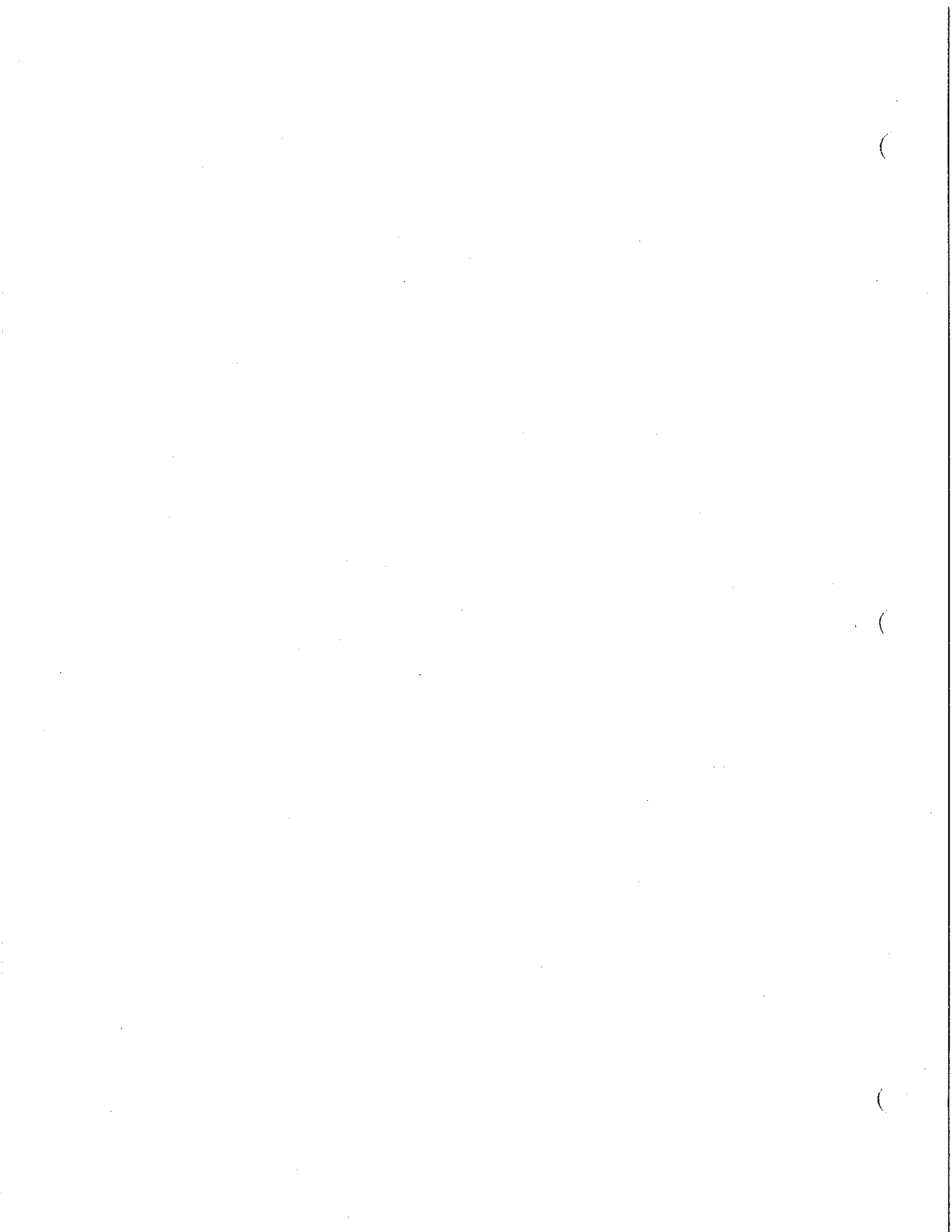


1.0 INTRODUCTION

The County of Cumberland proposes to amend the Cumberland County Solid Waste Management Plan (SWMP or County Plan) pursuant to the requirements of the New Jersey Solid Waste Management Act (N.J.S.A. 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 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, thirteen amendments to the SWMP have been adopted by the Board of Chosen Freeholders and later approved by the Commissioner.

The purpose of the fourteenth amendment to the Cumberland County Solid Waste Management Plan is to provide a solid waste disposal program for the Cumberland County Solid Waste Management District in reaction to the November 10, 1997, decision by the United States Supreme Court, which effectively rendered null and void the State of New Jersey's Interdistrict and Intradistrict Solid Waste Flow Rules at N.J.A.C. 7:26-6.5.



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 January 15, 1998, at the County Administration Building.

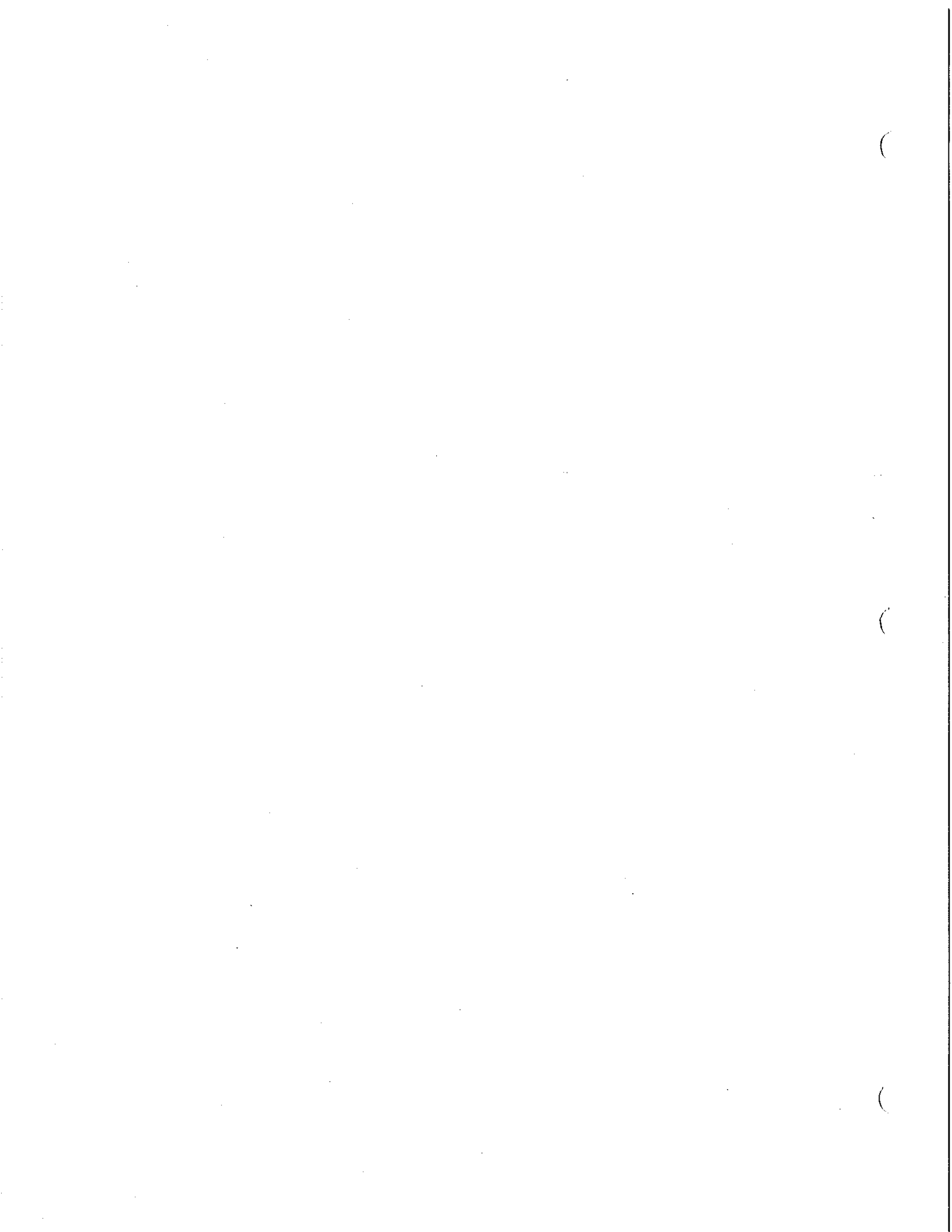
All County residents, public officials or organizations interested in Amendment #14 to the SWMP are encouraged to attend and offer testimony.

Inquiries and/or comments concerning this proposed Plan Amendment may be forwarded in writing 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

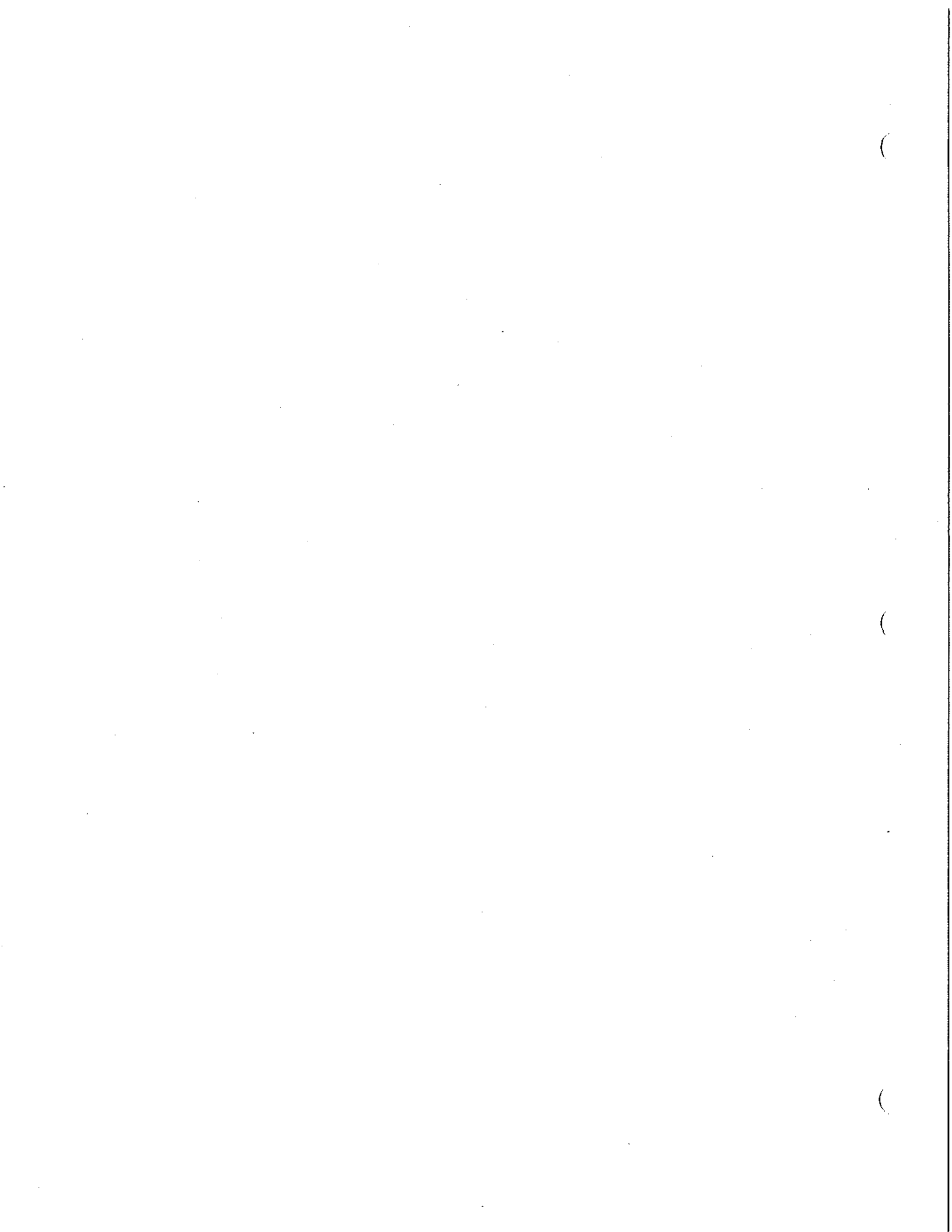


2.0 SUMMARY OF CUMBERLAND COUNTY SOLID WASTE MANAGEMENT PLAN

The Cumberland County Solid Waste Management Plan 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 (Improvement 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:

<u>Amendment No.</u>	<u>Date of Amendment</u>	<u>NJDEP Approval</u>	<u>Purpose of Amendment</u>
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.



Amendment No.	Date of Amendment	NJDEP Approval	Purpose of Amendment
4	October 17, 1987	March 9, 1988*	County Recycling Plan.
5	October 17, 1987	March 9, 1988*	Resource Recovery Investment Tax (RRIT) 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 RRIT 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 RRIT funds to cover MSF operating costs.
9	June 9, 1992	September 18, 1992 November 17, 1992*	Revise the disbursement schedule of RRIT Funds, include recycling centers located in the County, address recommendations of the Emergency Solid Waste Assessment Task Force Final Report, and include blanket inclusion policy for recycling centers.

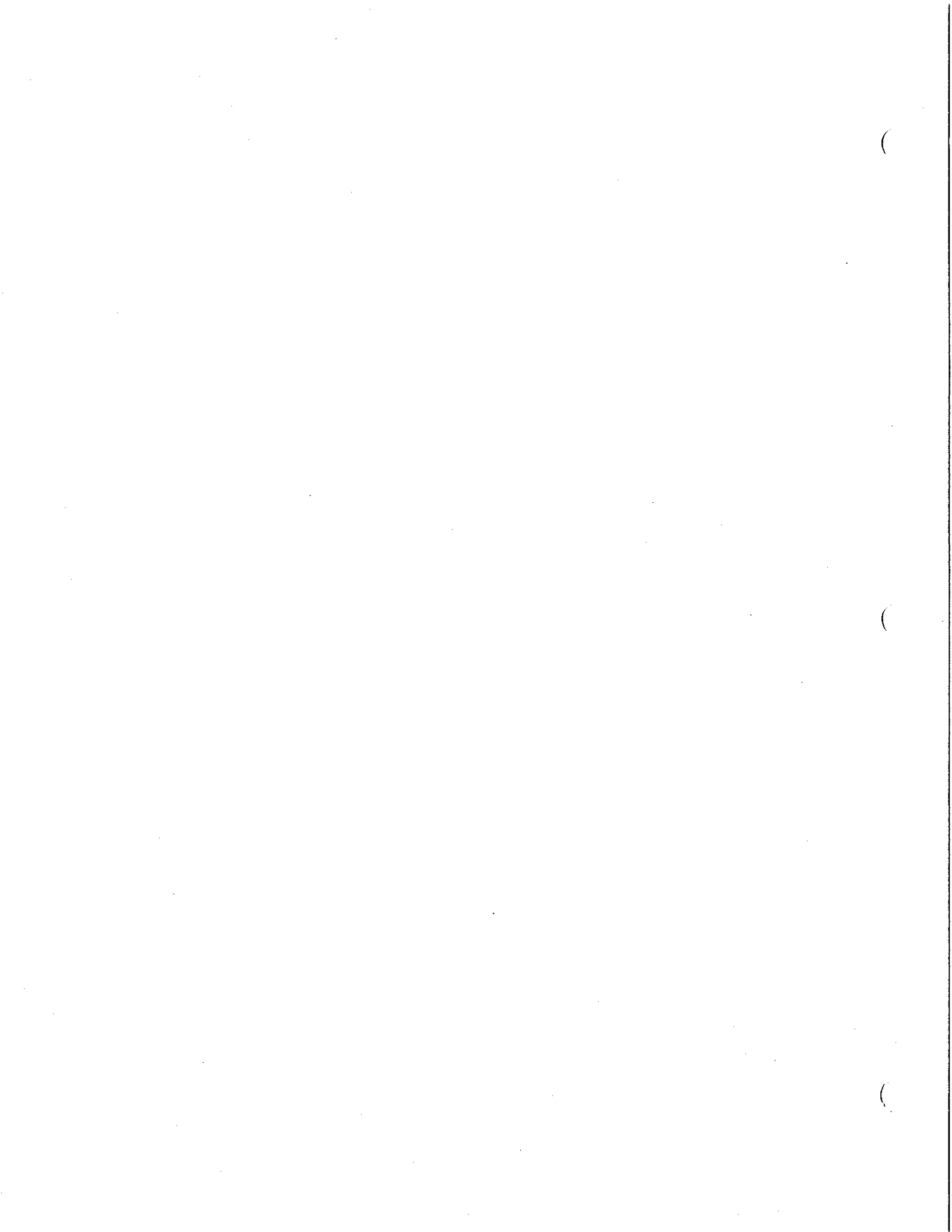
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Amendment No.	Date of Amendment	NJDEP Approval	Purpose of Amendment
10	April 14, 1994	August 15, 1994	Response to Gov. Florio's Emergency Solid Waste Assessment Task Force in such areas as recycling, enforcement, education, source reduction. Also includes 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.
13	April 10, 1997	August 5, 1997	Modifies the RRIT Fund disbursement schedule and deletes the Bulky Waste Recycling Facility from the SWMP.

* Approved with modifications requested by the Commissioner



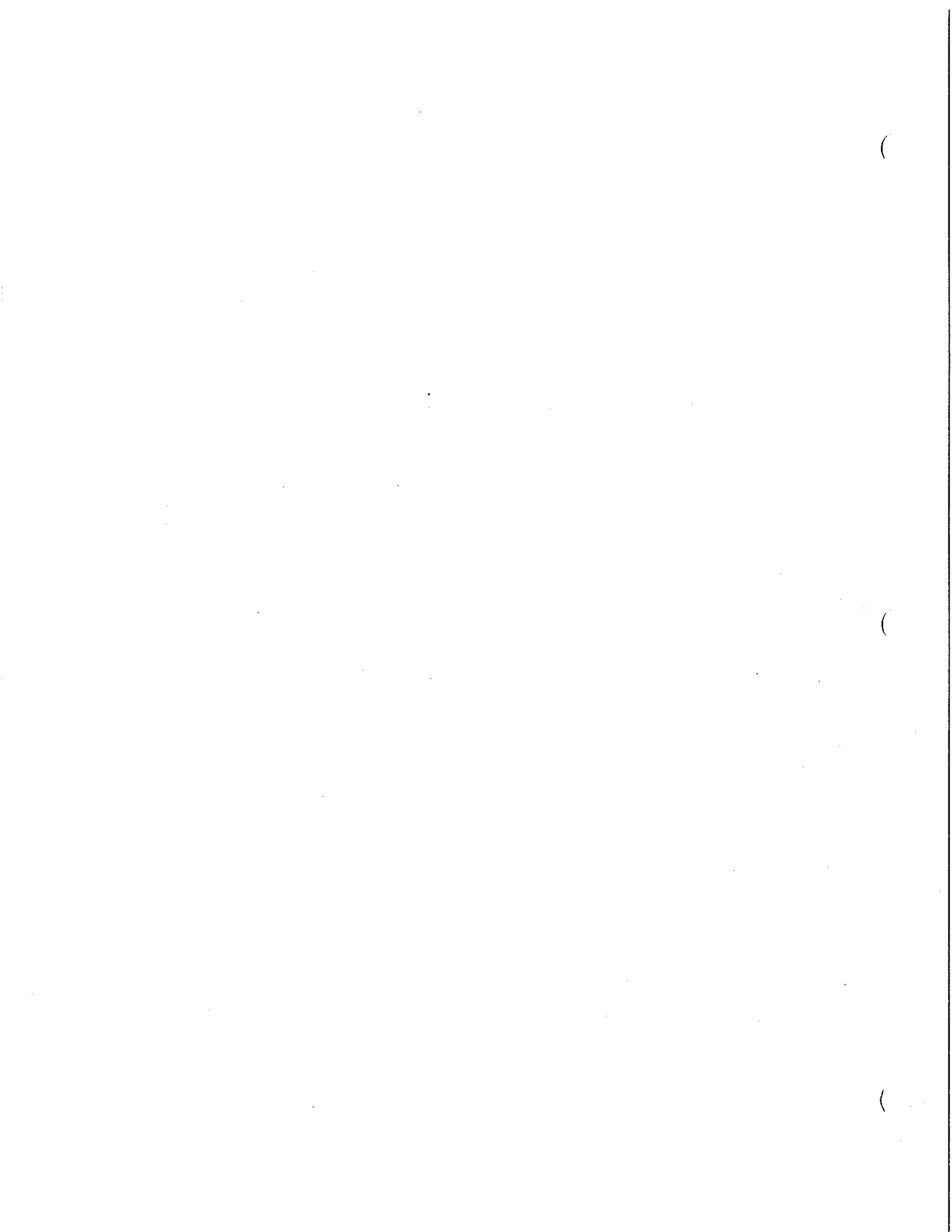
3.0 SOLID WASTE MANAGEMENT DISPOSAL PROGRAM

3.1 Purpose and Background

On May 1, 1997, the United States Court of Appeals for the Third Circuit ruled that New Jersey's waste flow control regulations are unconstitutional insofar as they discriminate against out-of-state operators of waste disposal facilities and directed that the twenty-two solid waste management districts modify their waste disposal plans to choose facilities to service their needs in a non-discriminatory manner. The Appellate Court also removed the two year transition period afforded by the District Court in July 1996 which could imminently end the historical flow control system. Although the Court stayed its injunction pending appeal to the United States Supreme Court, on November 10, 1997, the U.S. Supreme Court denied the State's Petition for Certiorari, which effectively rendered null and void the State of New Jersey's Interdistrict and Intradistrict Solid Waste Flow Rules at N.J.A.C. 7:26-6.5. Each solid waste management district must re-evaluate its solid waste disposal strategy in light of this action. Therefore, the following are the proscribed procedures governing participation in Cumberland County's Solid Waste Management System.

3.2 Landfill Capacity

The Improvement Authority designed, constructed, and operates its solid waste management system for the benefit of the residents of Cumberland County. The current approved capacity of 7,357,000 cubic yards is anticipated to serve the solid waste disposal needs of the residents of Cumberland County until the year 2016.



It is the objective of the Improvement Authority to market the disposal capacity of the Solid Waste Complex to an extent that it reduces tipping fees without compromising the anticipated 2016 closing date.

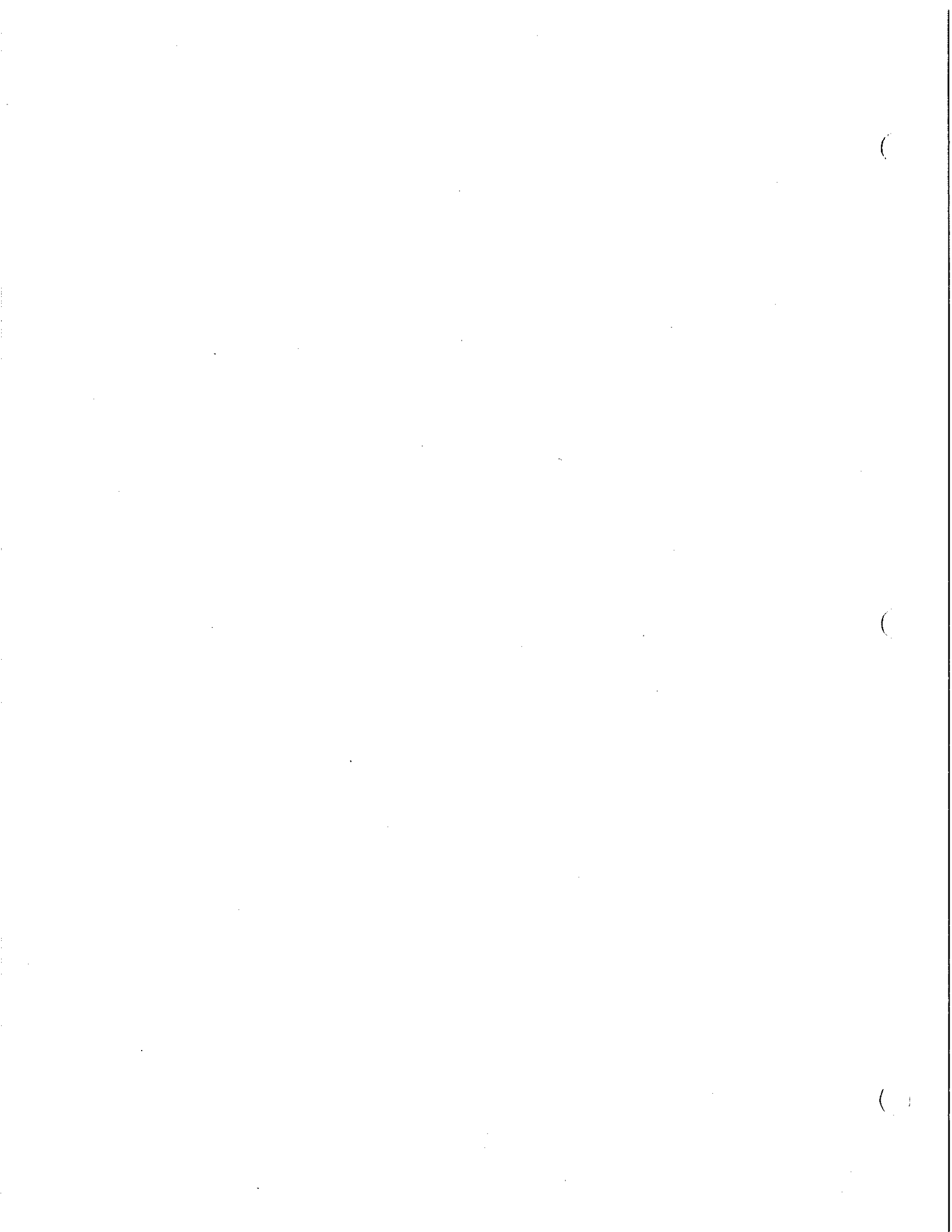
3.3 Contracted Waste

The Improvement Authority will enter into contracts, whose total estimated tonnage to be delivered will be monitored against a projected total annual tonnage for the entire facility. Throughout the year, these tonnages will be monitored closely so that all contracted waste can be accommodated; non-contract customer activity (see section 3.4 below) will be halted if the desired annual tonnage projection is being met prematurely. Conversely, if desired total annual tonnage deliveries are not being met, the Authority will aggressively seek out additional non-contract customers.

Commercial and institutional generators, private haulers and governmental subdivisions that have spot market/per event needs that can not be anticipated for inclusion in contract form will be evaluated/negotiated on a case by case basis. (See section 3.4 below.)

A. Contracts with Cumberland County Municipalities

It is the objective of the Improvement Authority, through the County Plan, to ensure available landfill capacity for the County's fourteen (14) municipalities, and the County itself, should they choose to contract with the Improvement Authority now or at a later date. Therefore, the Improvement Authority will aggressively pursue contracts first with the County's municipalities.



1. Authorization

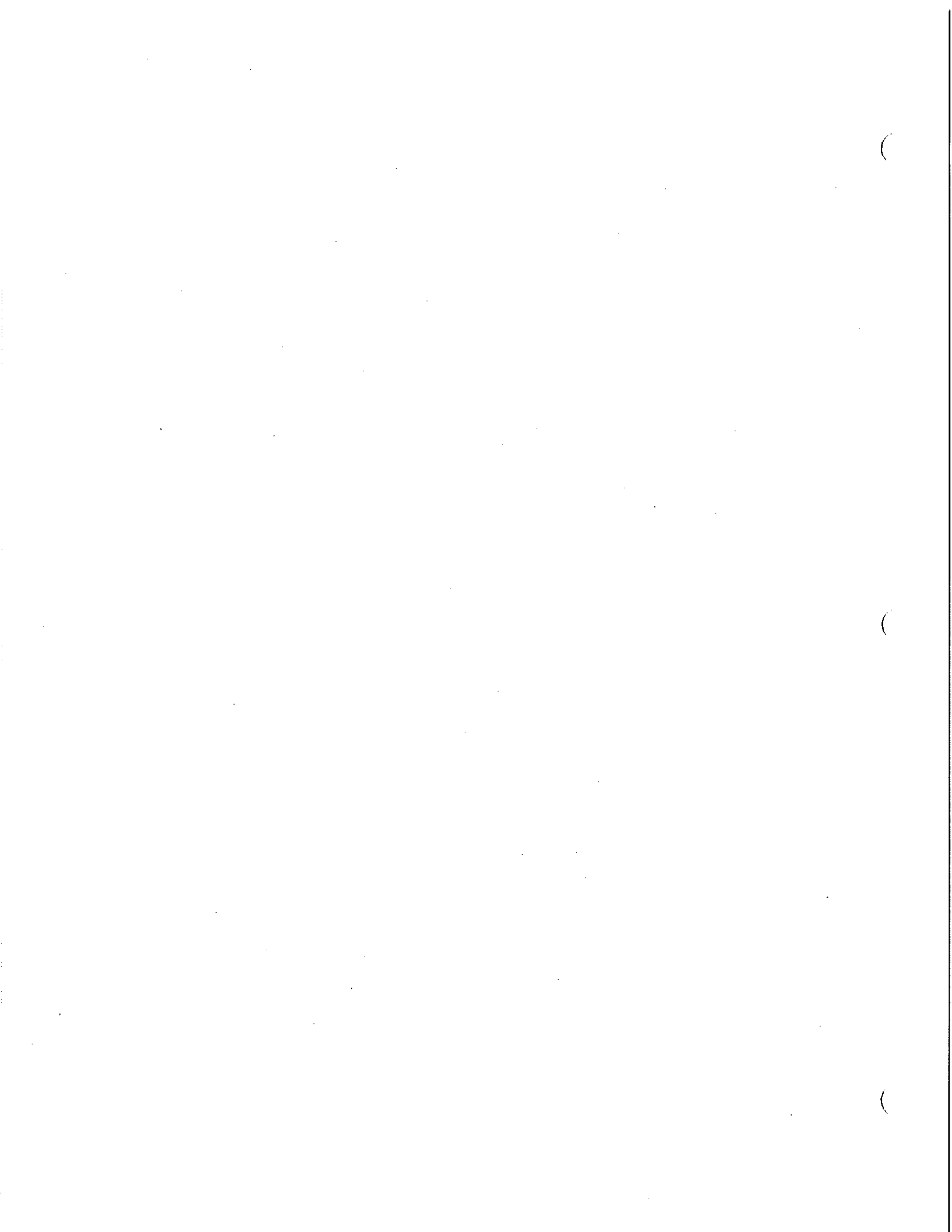
Contracts between the Cumberland County Improvement Authority and Cumberland County municipalities shall be executed pursuant to the Interlocal Services Act, N.J.S.A. 40:8A-1, et seq.

2. Services to be Provided

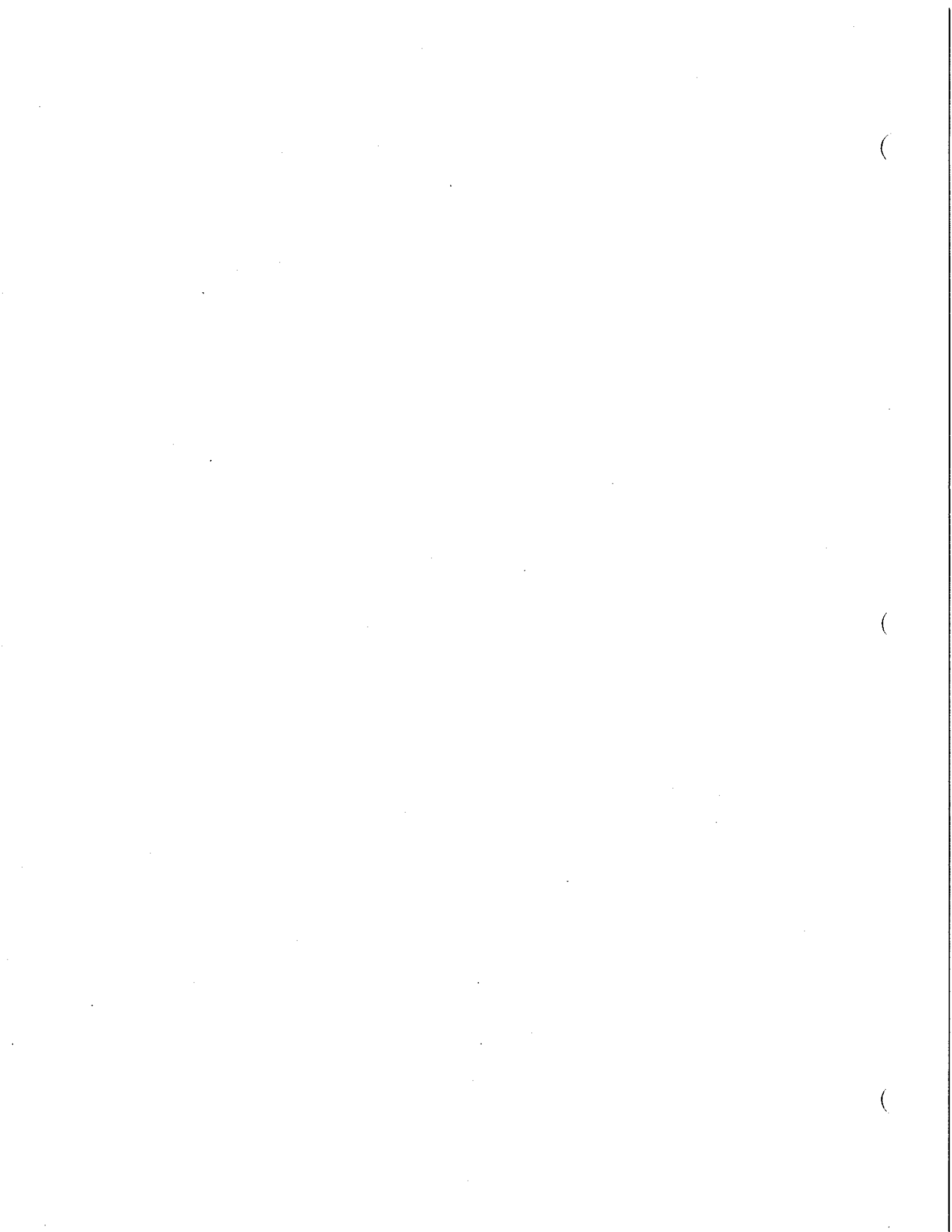
Those municipalities that wish to participate in the County's solid waste management system shall agree to deliver to the Cumberland County Solid Waste Complex waste that is generated within its geographic boundaries and collected by the municipality, on behalf of the municipality by contract and/or delivered to a municipal convenience center by the residents of the municipality. The Improvement Authority shall offer to:

- a. provide environmentally sound disposal capacity for the following nonhazardous waste types:

<u>Type (ID No.)</u>	<u>Description</u>
10	Municipal Solid Waste
13	Bulky Waste
13C	Construction/Demolition Debris
23	Vegetative Waste
25	Animal and Food Product Waste
27	Dry Industrial Waste
27A	Asbestos
27I	Incinerator Ash



- b. provide for the processing and marketing of recyclable materials designated to be recycled pursuant to the Mandatory Source Separation and Recycling Act, N.J.S.A. 13:1E-99.1 et seq., and the County Plan;
- c. conduct a minimum of one (1) County-wide Household Hazardous Waste Collection event annually for all participating municipalities;
- d. provide for the free disposal of all roadside litter and other debris collected by the municipality;
- e. provide for the free disposal of up to 500 tons per year of bulky waste to be prorated among the participating municipalities based on municipal population figures from the most recent census data;
- f. provide for the free disposal of up to 750 tons per year of debris generated from the razing of derelict building stock owned by the participating municipalities, with such annual tonnage being allocated on a first come/first serve basis;
- g. specifically for the County, provide for the free disposal of roadside litter and other debris collected by the County Clean Communities Program, the County Adopt-A-Road Program, or the County road department; and
- h. provide support services, such as educational programs aimed at increasing participation in recycling and source reduction programs.



3. Term of Contract

The Improvement Authority will offer contracts for a term which will commence upon execution and terminate on a future date agreeable to both parties. Future contracts will be dependent upon financial, legal, technical, historical and regulatory considerations.

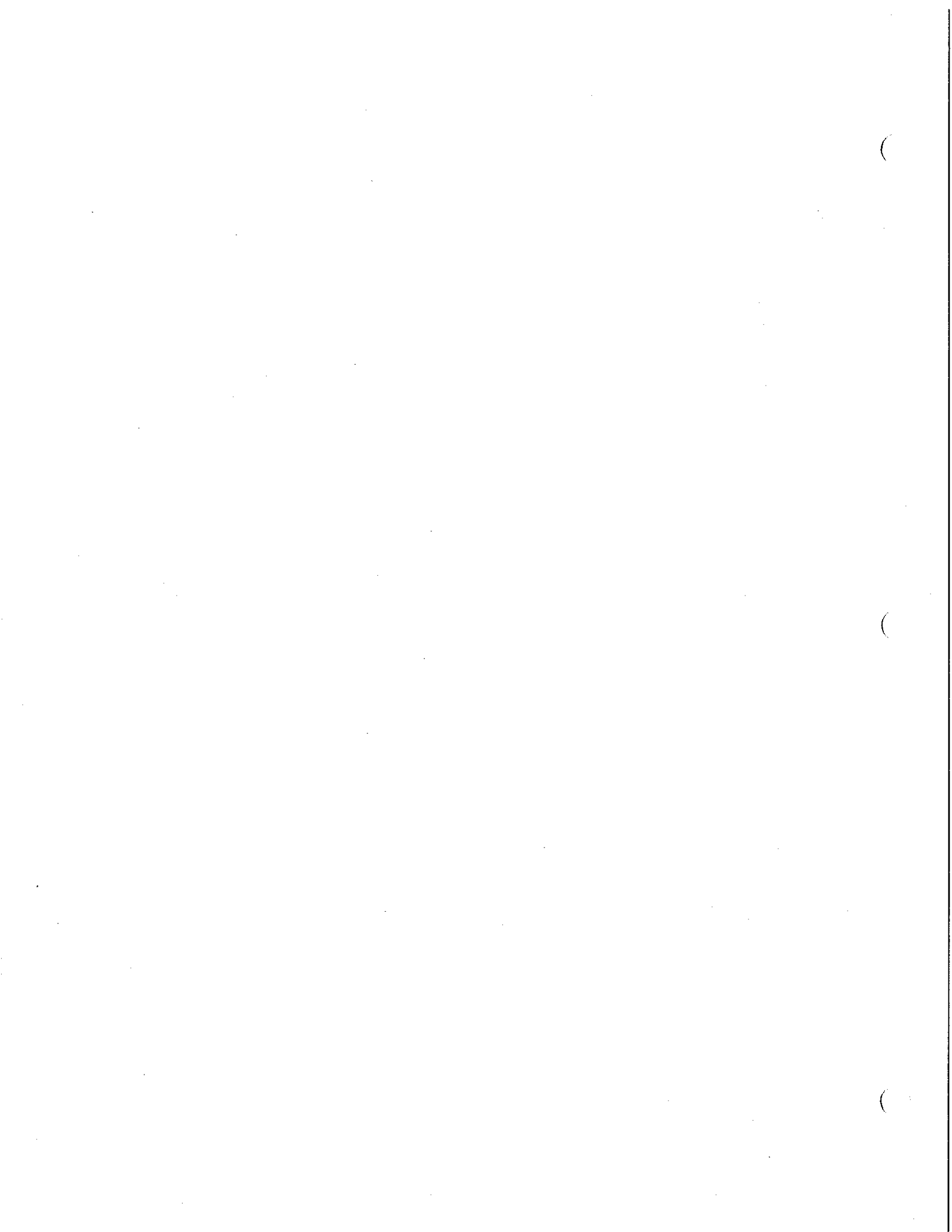
4. Service Fee

Fees for services provided shall be defined as a per ton tipping fee on solid waste delivered to the Cumberland County Solid Waste Complex. It is contemplated that a range of negotiated tipping fees, sufficient to cover operating costs, but not to exceed the approved tariff rate (exclusive of taxes and host community benefits) will be charged for all waste delivered to the Solid Waste Complex.

At this time, it is not the intent of the Improvement Authority to assess a separate environmental investment charge.

5. Recycling Revenues

Revenues generated from the operations of the recycling program will be rebated on a pro-rata basis to those County municipalities electing to participate in the overall system. The Improvement Authority will offer a form of recycling tonnage grants rebated to the participating municipalities that deliver or cause to deliver commingled recyclables and newspaper to the Improvement Authority's Material Separating Facility.



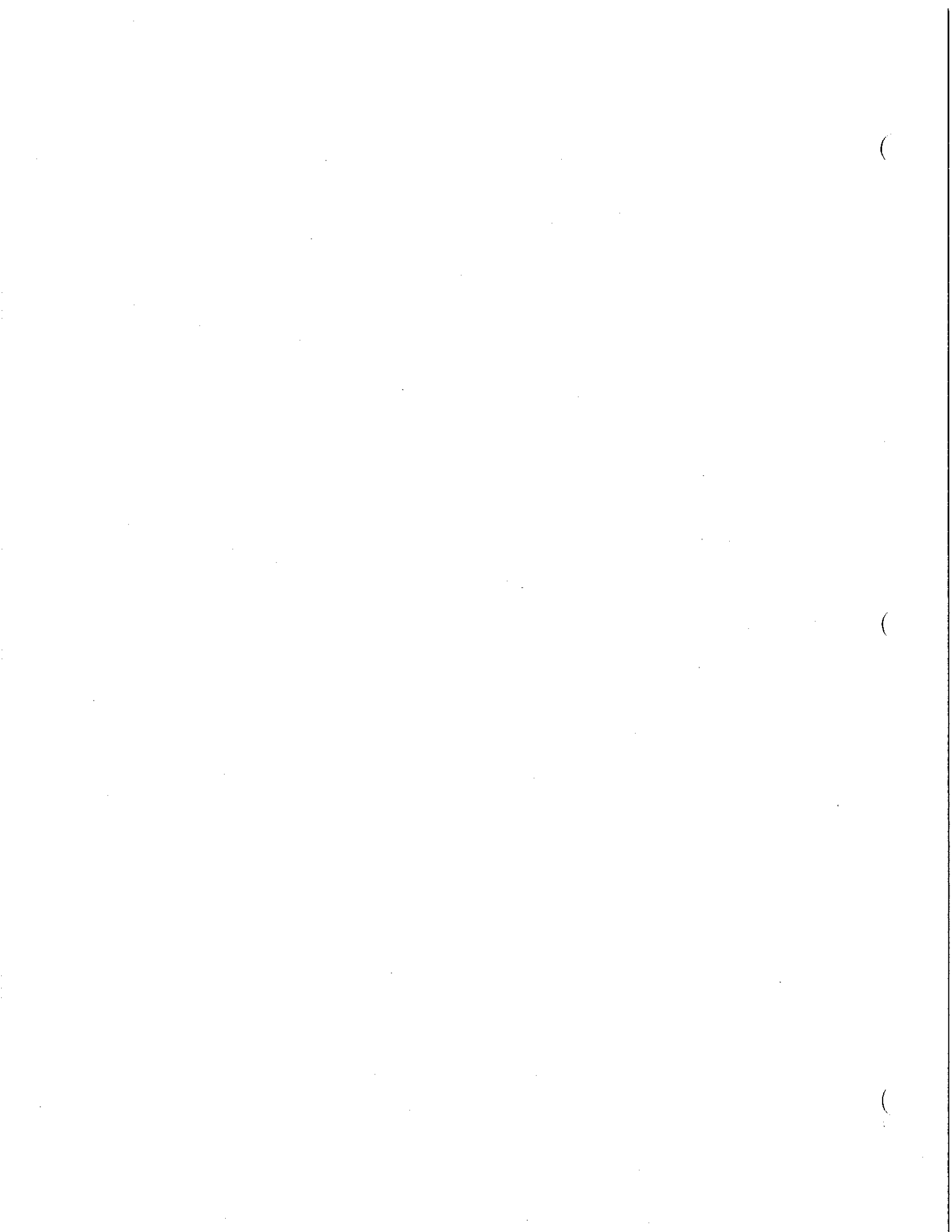
Rebates will be issued, after completion of the Improvement Authority's annual independent audit, based upon a pro-rata share of out-going recyclables sent to market. A guaranteed return is not possible due to the unpredictable nature of the sale of recyclable materials.

Rebates will be based upon a formula of 75% return to municipalities and 25% retainage for the Improvement Authority to establish an equipment replacement fund for the Material Separating Facility.

This section (Recycling Revenues) of the County Plan will only remain in effect as long as the previous recycling tax, or any tax resembling same, does not pass the Legislature and become law.

6. Municipalities that Do Not Elect to Participate in the System

Municipalities within Cumberland County that choose not to contract with the Improvement Authority but instead choose to deliver or cause to be delivered solid waste to a facility other than the Cumberland County Solid Waste Complex shall not receive any other services of the System, including the processing and marketing of recyclable materials, participation in any of the County-wide Household Hazardous Waste collection events, free disposal of roadside litter, free disposal of bulky waste collected on bulky waste clean-up days, free disposal of derelict housing, or any support services. (In accordance with the Mandatory Source Separation and Recycling Act, the municipality is required to provide for collection, processing and marketing of all materials



designated to be recycled under the Recycling Plan component of the District Solid Waste Management Plan.)

Further, if a municipality has not executed a contract for participation in the County system on or before a date to be specified by the Improvement Authority, and later seeks access to the System, the Improvement Authority may assess a fee in excess of the fee charged to those municipalities which did execute contracts by the County's specified date; said fee will not exceed the approved tariff rate (exclusive of taxes and host community benefits). However, acceptance of said municipality into the System will be contingent upon the availability of sufficient capacity. If sufficient capacity is not available, the Improvement Authority will endeavor to assist the municipality in locating environmentally sound disposal alternatives.

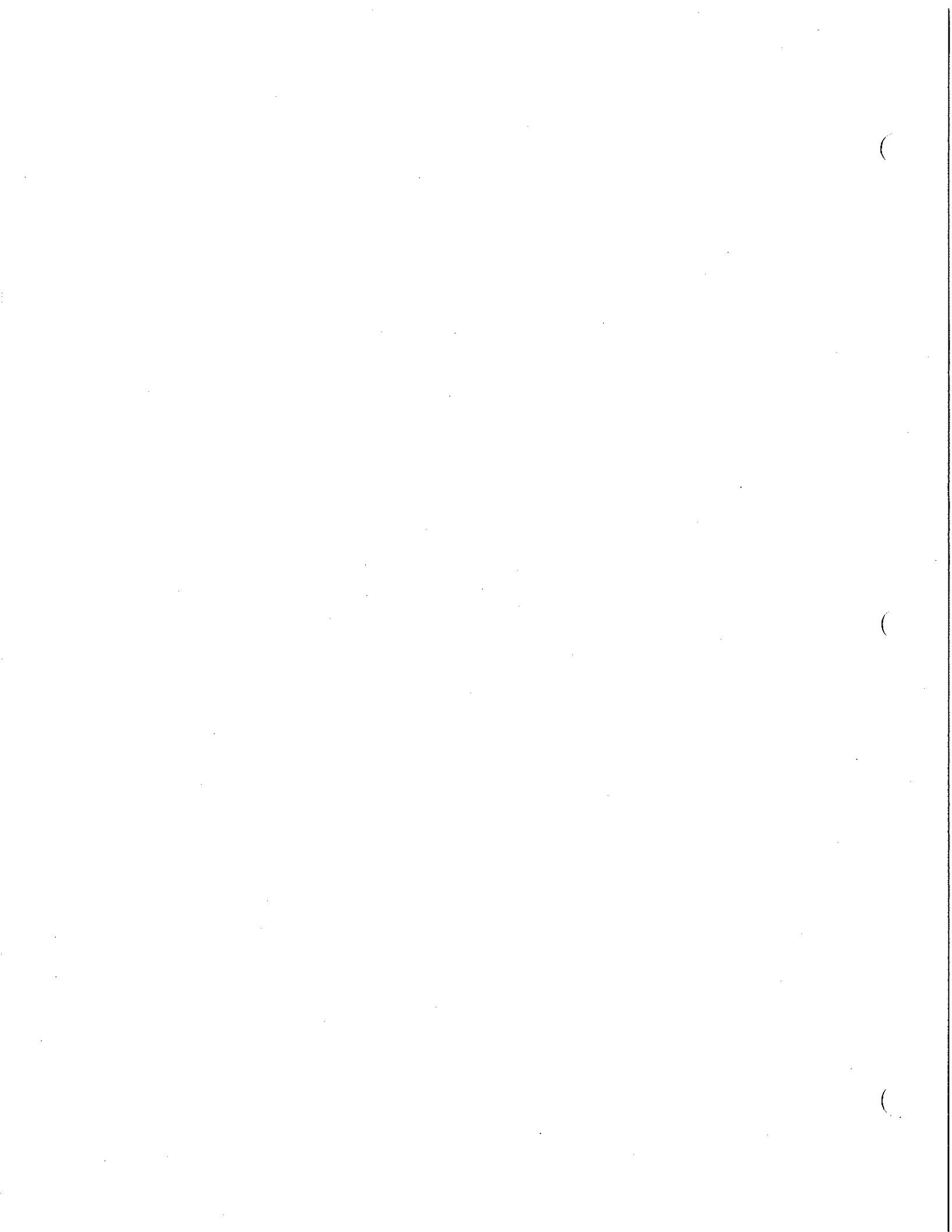
B. Contracts with Private Collectors/Haulers

1. Authorization

Contracts with private collectors/haulers shall be executed in compliance with the County Solid Waste Disposal Financing Law, N.J.S.A. 40:66A-31.1 et seq.

2. Services to be Provided

Those collectors/haulers that contract with the Improvement Authority shall agree to deliver all contracted waste to the Cumberland County Solid Waste Complex. The Improvement



Authority shall provide environmentally sound disposal capacity for the following nonhazardous waste types:

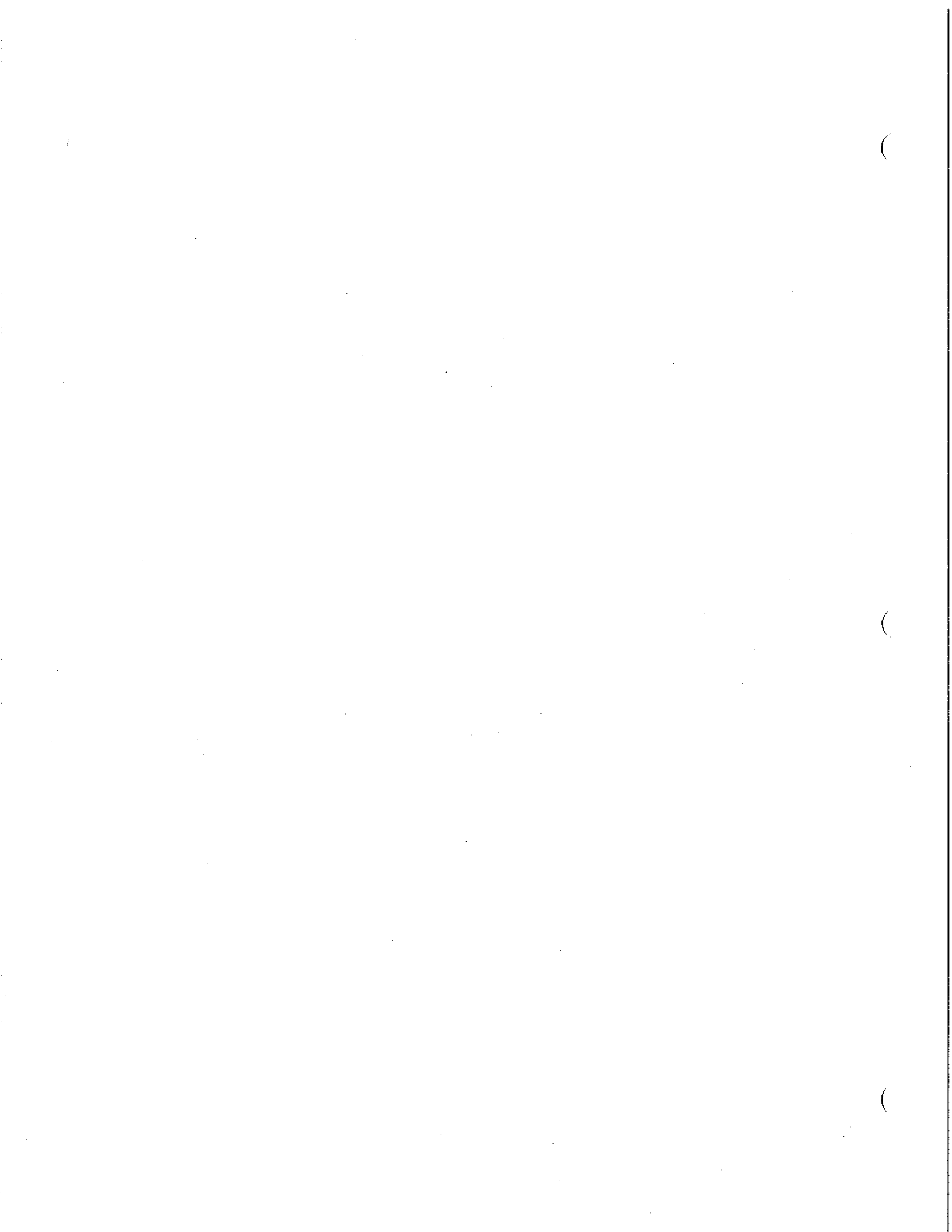
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3. Term of Contract

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C Contracts with Waste Generators

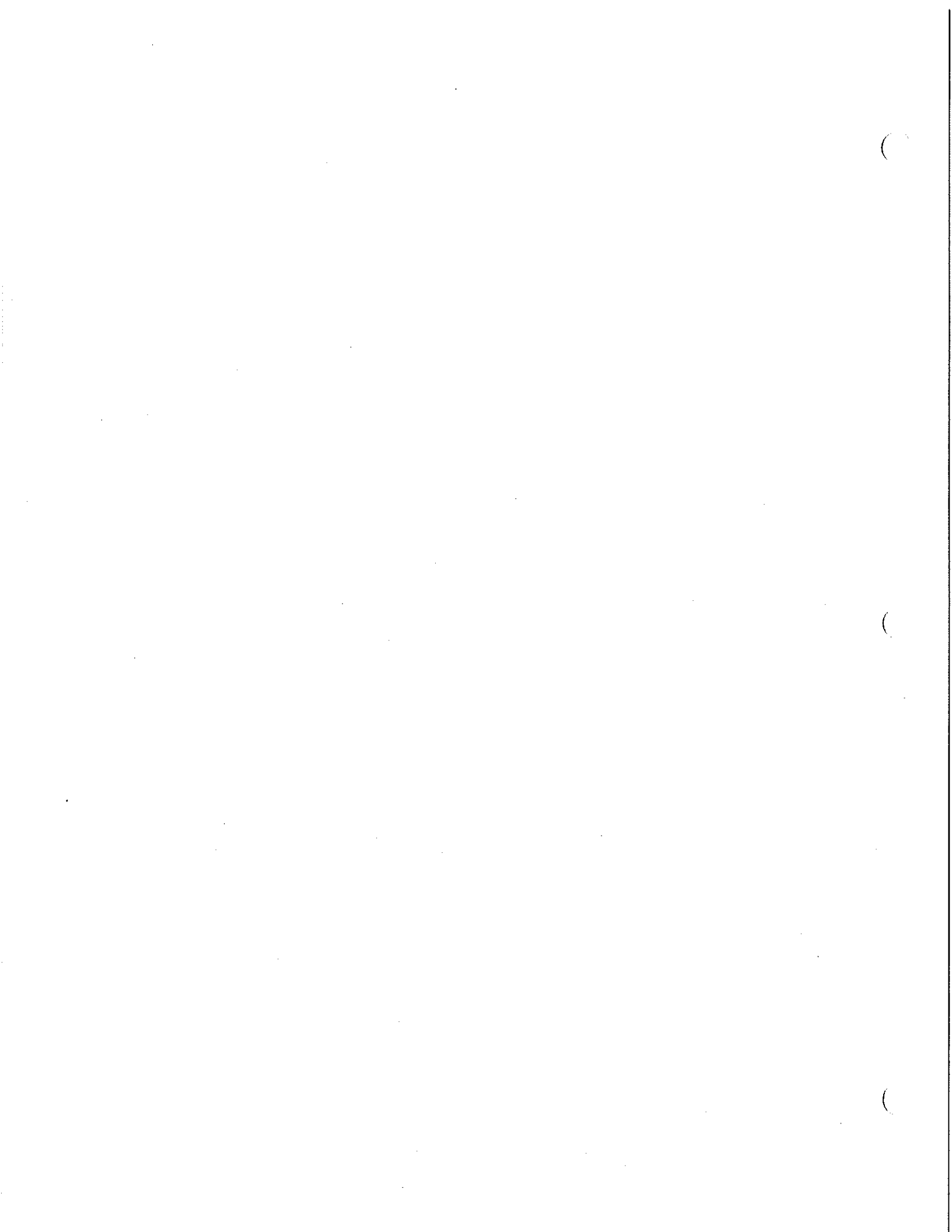
1. Authorization

Contracts with governmental subdivisions, private, or institutional generators of waste shall be executed in compliance with the County Solid Waste Disposal Financing Law, N.J.S.A. 40:66A-31.1 et seq. and/or the Interlocal Services Act, N.J.S.A. 40:8A-1 et seq.

2. Services to be Provided

Those generators that contract with the Improvement Authority shall agree to deliver or cause to be delivered all contracted waste to the Cumberland County Solid Waste Complex. The Improvement Authority shall provide environmentally sound disposal capacity for the following nonhazardous waste types:

<u>Type (ID No.)</u>	<u>Description</u>
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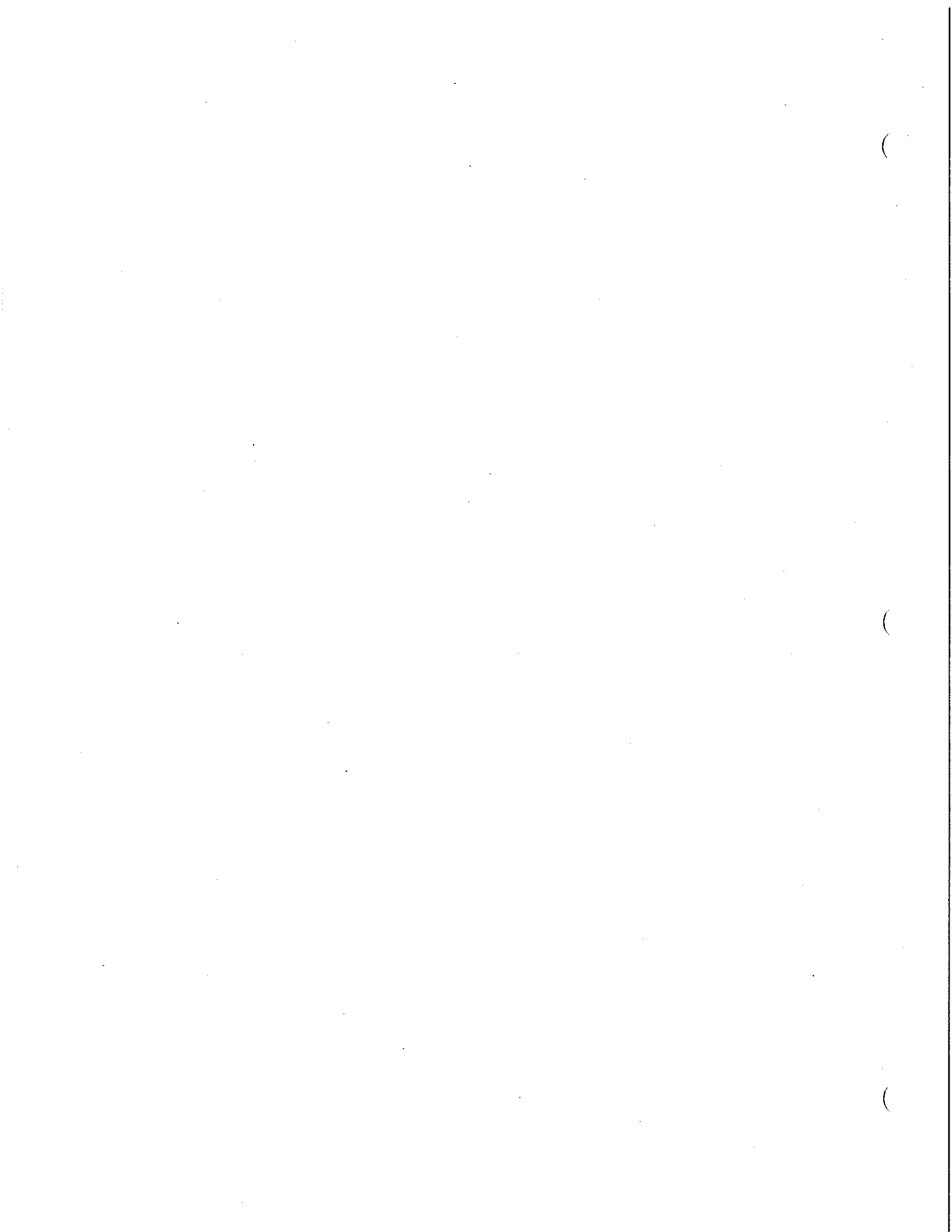
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3.4 Non-Contracted Waste

The Improvement Authority recognizes that it may be difficult to contract with every private or public entity that may wish to deliver waste to the landfill. The Improvement Authority will treat this class of customer delivering waste as a spot market/per event customer.

A.. Services to be Provided

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It is the intention of the Improvement Authority to negotiate a fee for the spot market/per event customer, on a case by case basis, which is more than the highest contracted fee in place at the time. However, there may exist circumstances where it is necessary for the Improvement Authority to exercise flexibility in the consideration of this objective, particularly if desired tonnages to be derived from contract customers is not being met.

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3.5 Conclusion

The Cumberland County Solid Waste Management Plan has been developed and revised over time with the mindful direction of protection of the environment and the public it serves. The operations of the facility and the philosophy of the Cumberland County Board of Chosen Freeholders and the Board of the Cumberland County Improvement Authority that operates said facility has always been one of fiscal conservatism. This management philosophy has allowed the Improvement Authority to annually maintain one of the lowest tipping fees in the State during the years of Waste Flow Control, when solid waste disposal fees became excessive.

This philosophy becomes apparent in the ability of the Improvement Authority to operate efficiently, in a post waste flow control environment, without the needs of financial assistance or the assessments of special taxes or conditions.

Amendment #14 of the Cumberland County Solid Waste Management Plan is an extension of the above referenced philosophy. Expanding the Improvement Authority's roll in a voluntary free market in solid waste will serve to protect and preserve the disposal capacity, beneficial programs and positive effects on the County's municipalities that have throughout history, been the priority of the Cumberland County Board of Chosen Freeholders and the Board of the Cumberland County Improvement Authority.

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CUMBERLAND COUNTY IMPROVEMENT AUTHORITY

NOTICE OF PUBLIC HEARING

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Copies of Amendment #14 to the SWMP are available for review at the clerk's office in all municipalities within Cumberland County and at the following locations:

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County Court House, 60 West Broad Street
Bridgeton, NJ 08302

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

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Steven R. Wymbs
Executive Director

