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SOLID WASTE ADVISORY COUNCIL
THERESA LETTMAN, CHAIRPERSON
JAMES M. BOEKHOLT, JR., VICE CHAIRPERSON

**OCEAN COUNTY
DEPARTMENT OF SOLID WASTE MANAGEMENT**

129 Hooper Avenue
P.O. Box 2191
Toms River, New Jersey 08754-2191
Telephone (732) 506-5047
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December 29, 2006

DEC 29 2006

Mr. Guy Watson, Chief
Bureau of Recycling and Planning
N.J. Department of Environmental Protection
401 East State Street
P.O. Box 402
Trenton, NJ 08625-0402

Re: Plan Inclusion – Administrative Action

Dear Mr. Watson:

On April 20, 2005, the Ocean County Board of Chosen Freeholders adopted an Amendment to the Ocean County District Solid Waste Management Plan. Commissioner Campbell certified the Amendment on November 22, 2005. The certification required the County to clarify the recycling requirements for generators of recyclable materials at swimming beaches and adopt an ordinance for recycling generator enforcement. The County submitted an administrative action to clarify the swimming beach issue.

This administrative action will address the implementation of the generator recycling enforcement program, included in the April 20, 2005 Amendment, by the Ocean County Health Department.

Currently, the Ocean County Health Department (OCHD) performs recycling generator enforcement activities, and according to the CEHA Agreement with the State, they expect to complete 102 recycling questionnaires in 2006. A copy of their inspection form is attached.

In 2007, the OCHD has planned to conduct 100 recycling inspections. Should a violation exist where a generator is not in compliance, the action is referred to the municipality for enforcement under the municipality's ordinance. It is our understanding that the Department is in the process of developing regulations that will establish recyclables generator responsibilities pursuant to adopted district recycling plans. Adoption of this regulation will

Recycled Paper



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obviate the need for a separate ordinance for enforcement at the County level. This will also allow OCHD to enforce in the same manner as all other N.J.A.C. regulations. The OCHD will initiate generator recycling enforcement actions of their own immediately upon adoption of the new regulation by the State. The County would recommend that a suitable penalty matrix be developed for this regulation.

In addition, this administrative action will establish a time frame for scheduling facility plan inclusion requests for consideration by the Ocean County Board of Chosen Freeholders.

A. **Formal Plan Inclusion Request:**

An application is submitted to the County for a significant facility to be included into the Ocean County District Solid Waste Management Plan. Upon submittal, the application will be reviewed by the Department of Solid Waste Management (DSWM) within 30 days for completeness. Once an applicant has a complete application, the DSWM shall have sixty (60) days to prepare a report for submission to the Board of Chosen Freeholders (Board) to determine the consistency of the proposed facility with the policies of the adopted and certified Ocean County District Solid Waste Management Plan. The Ocean County Solid Waste Advisory Council shall be consulted during this period of time. The Board, within thirty (30) days of receipt of the report prepared by the DSWM, shall adopt a resolution authorizing the DSWM to prepare an Amendment to the District Solid Waste Management Plan for the proposed facility(s), or state its intent not to propose an Amendment for the proposed facility(s). If an Amendment is recommended, within sixty (60) days, the DSWM shall prepare an Amendment and commence the public comment period.

The Board shall conduct the public hearing within the comment period and accept written comments until the end of the comment period. Following the conclusion of the public comment period, the DSWM shall prepare a response document regarding comments made at the public hearing and issues raised from correspondence received during the public comment period within thirty (30) days and transmit same to the Board for their consideration.

The Board shall have 60 days to review the report and adopt a Resolution concerning the Amendment.

Mr. Guy Watson
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B. Expedited Plan Inclusion Request:

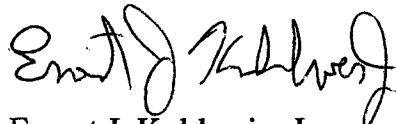
An application is submitted to have a proposed facility included into the Ocean County District Solid Waste Management Plan pursuant to the expedited plan inclusion procedures. Upon submittal, an application will be reviewed by the DSWM within 30 days for completeness. Once an applicant has a complete application, they will be notified to conduct their public notice requirements. If a public hearing is not required, the Ocean County Solid Waste Advisory Council will make a recommendation at their next meeting following the conclusion of the public comment period to the Board. If a public hearing is required, the County will only schedule one presentation and public hearing on plan inclusion per Solid Waste Advisory Council meeting. Should there be more than one application under review, special meetings will be scheduled to separately hear the proposals. The County will schedule the public hearing for the next regularly scheduled meeting after the conclusion of the public comment period.

The Solid Waste Advisory Council will then review the transcripts and hearing record. Since the Solid Waste Advisory Council meets every other month, they will take formal action at their next meeting to make a recommendation to the Board. Once the Solid Waste Advisory Council makes a recommendation, a report and resolution are prepared and sent to the Board for their action within thirty (30) days of the recommendation. The Board will take action on the recommendation at their next regularly scheduled meeting.

The County adopts the time frame described above as an administrative action.

Should you have any questions, please do not hesitate to contact John Haas at 732-506-5047.

Very truly yours,



Ernest J. Kuhlwein, Jr.
Director

EJK:em

Attachment

cc: John Haas, District Recycling Coordinator
Bob Ingenito, Environmental Health Coordinator
Ed Nielowocki, Division of Solid & Hazardous Waste

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
RECYCLING QUESTIONNAIRE

Establishment Name: _____
Location: _____
Contact Person/ Title: _____

Date: _____
Inspector: _____
Telephone #: _____

WASTE GENERATION:

Does the establishment take measures to **REDUCE** waste materials generated? Yes No
If Yes, what is done? _____

Does the establishment take measures to **REUSE** waste materials generated? Yes No
If Yes, what is done? _____

Does the establishment **RECYCLE** materials from their operations? Yes No

Are signs posted to make employees/others aware of the recycling requirements? Yes No

Does the establishment have: A recycling coordinator
 An outside party to handle recycling aspects. Name/ Address

Has the establishment realized any savings/ cost avoidance through recycling? Yes No
If no, what is the underlying reason? _____

TYPES OF MATERIALS RECYCLED BY THIS ESTABLISHMENT (Check applicable)

CLASS A RECYCLABLES:

Metal Aluminum Bi-metal Cans Other Paper High Grade Mixed Newsprint
Plastic #1 (clear) #2 (opaque) Cardboard Corrugated Chipboard
Glass (green/ brown/ clear/ other)

CLASS B RECYCLABLES:

Used Oil (Any Type) Antifreeze Latex Paints Oil Based Finishes
 Lamps/ Light Bulbs Batteries Pesticides Thermostats
 Consumer Electronics (computers, printers, VCRs, stereos, TVs, telecommunications, etc.)
 Mercury Containing Devices (thermometers, etc.)

OTHER RECYCLABLES:

List other materials the establishment recycles _____

RECYCLABLE MATERIAL CONTAINMENT:

- Is there a designated area for recycling roll-off containers? Yes No N/A
Containers clearly marked to ensure different recyclables are not mixed? Yes No N/A
Is there cross-contamination of garbage with recyclables? Yes No N/A
Are lids on all of the containers? Yes No N/A
Do the containers provide adequate capacity for recyclables? Yes No N/A
If there a storm water drain located downgrade from the storage area? Yes No N/A
If yes, is debris in the drain, or is a more appropriate storage location available? Yes No N/A

RECYCLABLE MATERIAL COLLECTION AND TRANSPORTATION:

Name/ address/ phone/ contact of transporter(s) who collects and transports recyclable material

- | | | |
|----------|----------|----------|
| 1. _____ | 2. _____ | 3. _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

Any problems with the transporter (missed pick-ups or incorrect billing)? Yes No N/A

Has the collection/ transportation service instructed the establishment to combine trash and recyclables so they may be separated after pick-up? Yes No N/A

RECYCLABLE MATERIAL DESTINATION:

Does the transporter provide the establishment with documentation that recyclables were disposed of properly? (Documentation may include scale tickets, transporter's invoice or Material Receipt Forms, etc.) Yes No N/A

Does the recycling facility pay the establishment/ transporter for the recyclable material? Yes No N/A

Does the establishment know if the facility has DEP approval to accept their recyclable material? (For example, a copy of the facility approval been shown or provided to the establishment). Yes No N/A

List the facilities that receive the establishment's recyclables:
(Name/ address/ phone/ contact)

- | | | |
|----------|----------|----------|
| 1. _____ | 2. _____ | 3. _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

Notes: _____

ci Staff 3/22/07
ci Owen 4/3/07



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Solid and Hazardous Waste Program

P.O. Box 414

Trenton, New Jersey 08625-0414

Tel. # 609-984-3438

Fax. # 609-777-0769

FEB 20

JON S. CORZINE
Governor

LISA P. JACKSON
Commissioner

Ernest J. Kuhlwein, Jr., Director
Dept. of Solid Waste Management
129 Hooper Avenue
P.O. Box 2191
Toms River, New Jersey 08754-2191

FEB 13 2007

Dear Mr. Kuhlwein:

On January 2, 2007 the Department of Environmental Protection's Solid and Hazardous Waste Program received a December 29, 2006 request for an administrative action for County Solid Waste Management Plan (County Plan) inclusion of proposed amendments to the County Plan. The administrative action addressed the implementation of the generator recycling enforcement program, and procedures for inclusion of certain facilities in the County Plan.

Pursuant to N.J.A.C. 7:26-6.11(b) 14, the Department considers the procedure for County Plan inclusion of proposed amendments to the County Plan to be an approvable administrative action. This portion of the January 2, 2007 administrative action is hereby approved, as modified below, pursuant to N.J.A.C. 7:26-6.11(f).

According to the provisions of the County Plan inclusion policy, a decision on the inclusion of a facility as a proposed amendment to the County Plan shall be made by the Board of Chosen Freeholders within ninety (90) days of the receipt by the county of an administratively complete submittal. If a favorable decision for County Plan inclusion is made, the Board of Chosen Freeholders shall adopt a resolution for the inclusion of the proposed amendment within one hundred and fifty (150) days after the decision to include the amendment is made. An "expedited County Plan inclusion policy" has also been proposed which "may reduce the time period for County action". In a subsequent County Plan amendment, as further detailed below, the county shall provide the Department with the requirements for the determination of an administratively complete submission. Additionally, the County shall indicate what qualifies as a "significant facility", versus a facility that can be included under the "expedited plan inclusion process".

Pursuant to N.J.A.C. 7:26-6.11(b) 6, the Department considers the implementation of the generator recycling enforcement program to be an approvable administrative action. This portion of the December 29, 2006 administrative action is hereby approved pursuant to N.J.A.C. 7:26-6.11(f). Please note, however, that this portion of the December 29, 2006 administrative action is further

discussed below as an element of the requirements of the recently updated "Statewide Solid Waste Management Plan" (State Plan).

Ocean County has submitted the December 29, 2006 administration action as a supplementary follow-up to the April 20, 2005 County Plan amendment (certified as approved by the Department on November 17, 2005), in response to the required submission as contained in the State Plan. On April 13, 2002, former Commissioner Bradley Campbell of the New Jersey Department of Environmental Protection issued Administrative Order No. 2002-10, which required, among other things, that the Department revise, update and readopt the State Plan. On January 3, 2006, the New Jersey Department of Environmental Protection formally adopted the updated State Plan.

The updated State Plan reaffirms the state's goal of recycling 50% of the municipal solid waste stream (MSW). The overall strategy for achieving this goal starts with a quantification, on a statewide basis, of the increased tonnage of recycled materials needed. This is further calculated on a per county basis, with an analysis of current MSW recycling tonnages by county, and the necessary increases required by each county. The statewide increase needed is also expressed in terms of increased recycling tonnage by material, such as newspaper, corrugated, food waste, etc. Additionally, the plan targets specific classes of generators (schools, multi-family housing complexes, small and medium sizes businesses) that need to be focused on in terms of expanded recycling opportunities for the materials identified.

The state, through the State Plan update, established the overall policy objectives and goals for solid waste management in New Jersey. The counties and the New Jersey Meadowlands Commission have the responsibility for developing their respective district solid waste management plans consistent with the state's goals and objectives. Therefore, as noted in the State Plan, each district is required to adopt and submit to the Department, an updated district solid waste plan. (As noted above, Ocean County has submitted the December 29, 2006 administration action and the April 20, 2005 County Plan amendment in response to the required submission as contained in the updated State Plan.) The district plan shall reiterate the district plan requirements contained in N.J.S.A. 13:1E-21. Specifically, the revised district plan updates shall include, but not be limited to the following components:

- 1) Designation of the department, unit or committee of the county government to supervise the implementation of the district plan;
- 2) An inventory of the quantity of solid waste generated within the district for the ten-year period commencing with the adoption of updated district solid waste management plan;
- 3) An inventory of all solid waste and recycling facilities (lot and block and street address) including approved waste types and amounts, hours of operation and approved truck routes;
- 4) An outline of the solid waste disposal strategy to be utilized by the district for a ten-year planning period;
- 5) A procedure for the processing for inclusion of solid waste and recycling facilities within the district solid waste management plans. The procedure shall state the applicant requirements for inclusion into the district plan and the specific county review submittals to the Department.

Note- the criteria for inclusion shall **not** include a requirement that local zoning or planning board approval(s) be obtained as a condition for inclusion within the subsequent construction or operation of any facility;

- 6) An identification of the additional tonnage of recycled materials in the MSW stream (by material commodity types) required to meet the mandated MSW recycling goal and a strategy for the attainment of the recycling goals as outlined above. The strategy shall include, as necessary:
 - a) the designation of the currently mandated recyclable materials and additional materials, if any, to be source separated in the residential, commercial and institutional sectors;
 - b) a listing of those entities providing recycling collection, processing and marketing services for each of the designated recyclable materials;
 - c) the communication program to be utilized to inform generators of their source separation and recycling responsibilities;
 - d) a comprehensive enforcement program that identifies the county and/or municipal entity (ies) responsible for enforcement of the recycling mandates, specifies the minimum number of recycling inspections that will be undertaken by these entities on an annual basis and details the penalties to be imposed for non-compliance with the municipal source-separation ordinance and county solid waste management plan. Additionally, the updated district plan shall include copies of each municipal source separation ordinance.

Specific elements required in the County Plan pursuant to the updated State Plan

Element: Designation of the department, unit or committee of the county government to supervise the implementation of the district plan.

The April 20, 2005 and the December 29, 2006 submissions do not contain the designation of the department, unit or committee of the county government to supervise the implementation of the district plan.

Element: An inventory of all solid waste and recycling facilities (lot and block and street address) including approved waste types and amounts, hours of operation and approved truck routes.

The April 20, 2005 County Plan amendment contains an inventory of solid waste and recycling facilities (lot and block and street address) including approved waste types and amounts. Hours of operation and approved truck routes have not been included.

Element: Outline of the solid waste disposal strategy to be utilized by the district for a ten-year planning period.

The April 20, 2005 County Plan Amendment contains the solid waste disposal strategy which states that all non-recycled solid waste generated within Ocean County, and which is not transported to a permitted out-of-state disposal facility, shall be directed to the Ocean County Landfill for disposal. However, it must be noted that the April 20, 2005 County Plan amendment also stated that if current

solid waste generation and disposal amounts continue at the Ocean County Landfill, this facility could run out of disposal capacity prior to 2015. Should these generation trends continue, the county will be required to identify additional disposal capacity.

Element: Procedure for the processing of applications for inclusion of solid waste and recycling facilities within the district solid waste management plan.

The December 29, 2006 administrative action contains the procedure for the processing of applications for inclusion of solid waste and recycling facilities within the district solid waste management plan. However, as noted above, in a subsequent County Plan amendment the county shall be required to provide the Department with the requirements for the determination of an administratively complete submission to initiate the application process and the criteria for determining a "significant facility" versus a facility that can be included under the "expedited plan inclusion process".

Element: Identify the additional tonnage of recycled materials in the MSW stream (by material commodity types) required to meet the mandated MSW recycling goal, and a strategy for the attainment of the recycling goals. The strategy shall include, as necessary:

- a) the designation of the currently mandated recyclable materials and additional materials, if any, to be source separated in the residential, commercial and institutional sectors;
- b) a listing of those entities providing recycling collection, processing and marketing services for each of the designated recyclable materials;
- c) the communication program to be utilized to inform generators of their source separation and recycling responsibilities;
- d) a comprehensive enforcement program that identifies the county and/or municipal entity (ies) responsible for enforcement of the recycling mandates, specifies the minimum number of recycling inspections that will be undertaken by these entities on an annual basis and detail the penalties to be imposed for non-compliance with the municipal source-separation ordinance and county solid waste management plan. Additionally, the updated district plan shall include copies of each municipal source separation ordinance.

The April 20, 2005 and the December 29, 2006 submissions do not identify the additional tonnage of recycled materials in the MSW stream (by material commodity type) required to meet the mandated MSW recycling goal. According to data supplied to the DEP, Ocean County generators must recycle an additional 149,000 tons (approximate) of materials originating in the MSW stream to meet the required recycling goal. The April 20, 2005 amendment contains specific recycling compliance requirements for various generators (multi-family, commercial, institutional), but appears to rely on a strategy of 100 recycling inspections by the Ocean County Health Department in 2007 to meet this additional recycling tonnage goal. Given the current estimated population for the county of 510,916, it is unclear how this strategy is going to achieve the statutory goal. A subsequent plan amendment submission will be required to correct this deficiency.

The April 20, 2005 and the December 29, 2006 submissions do not provide the designation of the currently mandated recyclable materials and additional materials, if any, to be source separated in the residential, commercial and institutional sectors. A subsequent plan amendment submission will be required to correct this deficiency.

The April 20, 2005 and the December 29, 2006 submissions do not provide a listing of those entities providing recycling collection, processing and marketing services for each of the designated recyclable materials, which is an essential element of the strategy to achieve the mandated recycling goals. A subsequent plan amendment submission will be required to correct this deficiency.

The April 20, 2005 and the December 29, 2006 submissions contain an enforcement program that identifies the Ocean County Health Department (OCHD) as the entity responsible for enforcement of the recycling mandates. The submissions state that the OCHD is planning to conduct 100 recycling inspections in 2007 and refer violations to the municipality for action under provisions of the municipality's recycling ordinance. The Department notes that should the municipal recycling ordinances currently be deficient in providing penalty provisions, the OCHD should handle the enforcement actions using the Department's generic penalty matrix. Additionally, in a subsequent submission, within six months of this approval, the county shall forward to the Department copies of each municipal source separation ordinance, updated as necessary to bring same into compliance with the approved County Plan.

Therefore, Ocean County must submit a County Plan amendment to address the deficiencies noted above within 90 days of the date of this approval. In the event said amendment requires the designation of additional materials for recycling, the County must follow the procedures found at N.J.A.C. 7:26-6.10 et seq. and shall have 180 days for submission. Otherwise, the County may submit the required amendment as an Administrative Action, pursuant to N.J.A.C. 7:26-6.11 et seq. Please note that the Department is requiring the County to meld the various submissions in response to the requirements contained in the State Plan update, as identified above, into one unified document for the purpose of general circulation.

If you have any questions relative to this action, please contact Najwa N. Ali at (609) 984-9773 or email at Najwa.Ali@dep.state.nj.us.

Sincerely,



Guy Watson, Chief
Bureau of Recycling and Planning