

**THE BOARD OF CHOSEN FREEHOLDERS
OF THE COUNTY OF WARREN
WAYNE DUMONT JR. ADMINISTRATION BUILDING
BELVIDERE, NEW JERSEY 07823**

RESOLUTION 385-08

On a motion by **Mr. Gardner**, seconded by **Mr. Chamberlain**, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held June 25, 2008.

**RESOLUTION TO AMEND THE WARREN COUNTY
SOLID WASTE MANAGEMENT PLAN THROUGH ADMINISTRATIVE ACTION
TO ADDRESS THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL
PROTECTION CERTIFICATION LETTER DATED FEBRUARY 4, 2008**

WHEREAS, certification of Warren County's Solid Waste Management Plan (SWMP) was granted by the Commissioner of the New Jersey Department of Environmental Protection in a letter dated February 4, 2008; and

WHEREAS, the certification letter specifies two items that the County needs to address in a plan amendment within 180 days of the date of the certification; and

WHEREAS, the first item is to include "a specific timeline after the Solid Waste Advisory Council's issuance of a recommendation regarding an application for inclusion in the County Plan" for the Board of Freeholders to act on; and

WHEREAS, the second item is to provide "greater detail regarding the recycling enforcement strategy to be employed by the County"; and

WHEREAS, the Warren County Solid Waste Advisory Council reviewed amendments to the SWMP as proposed by the Solid Waste Coordinator dated May 23, 2008 at the June 5, 2008 SWAC meeting; and

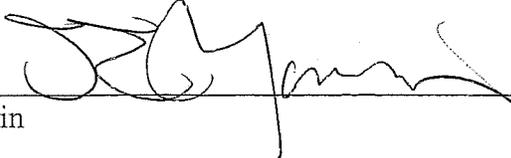
WHEREAS, at the June 5, 2008 meeting the SWAC recommended that the Board of Chosen Freeholders adopt proposed amendments dated May 23, 2008 as amended by the SWAC on June 5, 2008.

NOW, THEREFORE BE IT RESOLVED, that the Board of Chosen Freeholders hereby approves of the amendments as recommended by SWAC dated May 23, 2008 and revised June 5, 2008 to the Warren County Solid Management Plan dated August 7, 2007 and adopted on September 12, 2007 through an administrative action to address the requirements of the NJDEP Certification letter dated February 4, 2008.

BE IT FURTHER RESOLVED that certified copies of this resolution be sent to the New Jersey Department of Environmental Protection, all Warren County municipalities, the Pollution Control Financing Authority, Covanta Warren Energy Resources, S. Rotondi and Sons, Natures Choice, Tilcon Quarry, Second Chance Recycling, major waste haulers serving Warren County, and the Warren County Health Department.

ROLL CALL: Mr. Chamberlain yes, Mr. Gardner yes, Mr. DiMaio yes

I hereby certify the above to be a true copy of a resolution adopted by the Board of Chosen Freeholders of the County of Warren on the date above mentioned.



Steve Marvin Clerk

[E15]

May 23, 2008
Revised June 5, 2008

PROPOSED CHANGES TO WARREN COUNTY SOLID WASTE MANAGEMENT PLAN TO ADDRESS THE NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION CERTIFICATION LETTER DATED 2/04/08.

To meet the requirements of the certification letter, at its June 5, 2008 meeting the Solid Waste Advisory Council should recommend the following changes, or a variation, to the Board of Chosen Freeholders. The Board of Chosen Freeholders needs to respond within 180 days of the certification letter.

Under each item, deletions are shown as ~~strikeouts~~ and additions as underlines.

1. The first item is to include “a specific timeline after the SWAC’s issuance of a recommendation regarding an application for inclusion in the County Plan”

Proposed Amendment:

In the *Procedural and Evaluation Guidelines to Modify Existing and Include New Solid and Recycling Facilities in the Warren County Solid Waste Management Plan* add the following language:

On page 8, Section II B. paragraph h. Amend the third sentence to read “The date and time of the public hearing will be ~~determined~~ scheduled and action taken by the Freeholder Board within six months of receiving a favorable SWAC recommendation. Scheduling of the public hearing will with take place in coordination with the Solid Waste Coordinator and the Board of Chosen Freeholders.

On page 10, Section II C. paragraph g. Amend the first sentence to read “Within three months of receiving a favorable SWAC recommendation a Freeholder resolution will be drafted to ~~approve~~ take action on the administrative action relative to the county solid waste management plan at a Freeholder meeting.”

On page 14 C. Warren County Board of Chosen Freeholders

Amend first sentence to read:

“Upon receipt of a favorable recommendation, the Freeholders will schedule a public hearing and take action within the time periods specified in Section II B or Section II C as appropriate to consider the proposed facility and Plan amendment. “

2. The second item is to provide “greater detail regarding the recycling enforcement strategy to be employed by the County”. Specifically, the Commissioner wants the County to:

- “Clearly define the role of the Warren County Health Department in recycling enforcement”
- “Clearly specify that the WCHD is presently conducting seventy five annual recycling inspections because they collect the Department-approved Solid Waste Enforcement Fee”
- “Specify whether the WCHD will continue to conduct the inspections if they stop collecting the fee”
- “Identify which types of solid waste facilities and recycling centers are to be inspected by the WCHD and with what frequency these types of facilities will be inspected”
- “Identify any type of recycling compliance assistance programs or training to be provided to solid waste generators”
- “Identify what means of penalty assessment the WCHD will employ for violations of the Solid Waste Management Act, including provisions regarding recycling”

Proposed Amendment:

To address the above concerns, add as additional paragraph in Section 7: Recycling under County Enforcement page 76 the following:

County Enforcement

The County Health Department’s role in recycling enforcement will be limited to the recycling activities assigned to the department on a yearly basis by the DEP and will include the enforcement of recycling centers and recycling generators as specified in the yearly solid waste fee activity work plan.

In 2006, the County Health Department provided for 75 recycling inspections and inspections of recycling centers. In 2008 the County Health Department anticipates conducting 100 inspections. They are random inspections of governmental, school, the larger multi-family developments, and commercial facilities. The number of future inspections will be determined by the CEHA annual contract with the State. County enforcement would supplement municipal efforts by focusing on the larger establishments and employers, larger multifamily developments, and recycling centers located within the county.

The work program for enforcement is governed in part by the amount collected through the solid enforcement fee that the Board of Chosen Freeholders imposes on a ton of waste delivered to the landfill. As deliveries to the landfill decline, the fee per ton to maintain existing levels of enforcement would have to increase. If the County Health Department does not receive solid

waste fees the department's role in recycling and solid waste activities will be significantly reduced from the current work plan.

All Warren County solid waste enforcement including transportation and recycling enforcement activities will be exercised under the powers delegated to the County Health Department in the County Environmental Health Act (N.J.S.A. 26:3A2-21 et seq.) to enforce provisions of the Solid Waste Management Act, (N.J.S.A 13:1E-1 et seq.) and rules at N.J.A.C 7:26-1 et seq., N.J.A.C. 7:26A-1 et seq.

Penalty assessments for violations will be issued in the form of a Violation/Penalty Assessment in accordance with the Grace Period Law, N.J.S.A. 13:1D-125 et seq., under the Solid Waste Rules N.J.A.C. 7:26 and Recycling Rules 7:26A. These powers are delegated to the County Health Department through the County Environmental Health Act. In the event the party does not comply, the County Health Department will sign a complaint in municipal court for compliance with these regulations and penalties.

As noted in the Public Education and Communication section, one on one meeting with larger generators of office paper, seminars with large employers concerning the importance of recycling, and workshops with haulers and recycling center operators are envisioned. The purpose of the meetings and workshops are to stress the importance of recycling and stress compliance with the solid waste plan.