

ASSEMBLY, No. 1500

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1996

By Assemblyman GIBSON and Assemblywoman MURPHY

1 AN ACT concerning district solid waste management plans, amending
2 and supplementing P.L.1970, c.39, and amending P.L.1975, c.326.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. (New section) Any county or designated agency may
8 incorporate the terms and conditions of an interdistrict agreement for
9 the development or use of regional solid waste facilities, or for the
10 provision of solid waste services, within its district solid waste
11 management plan without regard to the provisions of sections 11, 14
12 and 15 of P.L.1975, c.326 (C.13:1E-20, 13:1E-23 and 13:1E-24).

13

14 2. Section 3 of P.L.1970, c.39 (C.13:1E-3) is amended to read as
15 follows:

16 3. [For purposes of this act, unless the context clearly requires a
17 different meaning] As used in this act:

18 a. "Solid waste" means garbage, refuse, and other discarded
19 materials resulting from industrial, commercial and agricultural
20 operations, and from domestic and community activities, and shall
21 include all other waste materials including liquids, except for solid
22 animal and vegetable wastes collected by swine producers licensed by
23 the State Department of Agriculture to collect, prepare and feed such
24 wastes to swine on their own farms.

25 b. "Solid waste collection" means the activity related to pick-up
26 and transportation of solid waste from its source or location to a
27 transfer station or other authorized solid waste facility.

28 c. "Disposal" means the storage, treatment, utilization, processing,
29 resource recovery of, or the discharge, deposit, injection, dumping,
30 spilling, leaking or placing of any solid or hazardous waste into or on
31 any land or water, so that the solid or hazardous waste or any
32 constituent thereof may enter the environment or be emitted into the
33 air or discharged into any waters, including groundwaters.

34 d. "Solid waste management" includes all activities related to the

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 collection [and] or disposal of solid waste by any person engaging in
2 any such process.

3 e. "Council" means the Advisory Council on Solid Waste
4 Management.

5 f. "Department" means the State Department of Environmental
6 Protection.

7 g. "Commissioner" means the Commissioner of Environmental
8 Protection in the State Department of Environmental Protection.

9 h. "Solid waste facilities" mean and include the plants, structures
10 and other real and personal property acquired, constructed or operated
11 or to be acquired, constructed or operated by any person pursuant to
12 the provisions of P.L.1970 c.39 (C.13:1E-1 et seq.), P.L.1970, c.40
13 (C.48:13A-1 et seq.) or any other act, including transfer stations,
14 incinerators, resource recovery facilities, sanitary landfill facilities or
15 other plants for the disposal of solid waste, and all vehicles, equipment
16 and other real and personal property and rights therein and
17 appurtenances necessary or useful and convenient for the collection or
18 disposal of solid waste in a sanitary manner.

19 i. "Public authority" means any solid waste management authority
20 created pursuant to the "solid waste management authorities law,"
21 P.L.1968, c.249 (C.40:66A-32 et seq.); municipal or county utilities
22 authority created pursuant to the "municipal and county utilities
23 authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.); incinerator
24 authority created pursuant to the "incinerator authorities law,"
25 P.L.1948, c.348 (C.40:66A-1 et seq.); county improvement authority
26 created pursuant to the "county improvement authorities law,"
27 P.L.1960, c.183 (C.40:37A-44 et seq.), or any other public body
28 corporate and politic created for solid waste management purposes in
29 any county or municipality, pursuant to the provisions of any law.

30 j. "Hackensack Meadowlands District" means the area within the
31 jurisdiction of the Hackensack Meadowlands Development
32 Commission created pursuant to the provisions of the "Hackensack
33 Meadowlands Reclamation and Development Act," P.L.1968, c.404
34 (C.13:17-1 et seq.).

35 k. "Hackensack Commission" means the Hackensack Meadowlands
36 Development Commission created pursuant to the provisions of the
37 "Hackensack Meadowlands Reclamation and Development Act,"
38 P.L.1968, c.404 (C.13:17-1 et seq.).

39 l. (Deleted by amendment, P.L.1990, c.113)

40 m. (Deleted by amendment, P.L.1990, c.113)

41 n. "Public sewage treatment plant" means any structure or
42 structures required to be approved by the department pursuant to
43 P.L.1977, c.224 (C.58:12A-1 et seq.) or P.L.1977, c.74 (C.58:10A-1
44 et seq.), by means of which domestic wastes are subjected to any
45 artificial process in order to remove or so alter constituents as to
46 render the waste less offensive or dangerous to the public health,

1 comfort or property of any of the inhabitants of this State, before the
2 discharge of the plant effluent into any of the waters of this State; this
3 definition includes plants for the treatment of industrial wastes, as well
4 as a combination of domestic and industrial wastes.

5 o. "Resource recovery" means the collection, separation, recycling
6 and recovery of metals, glass, paper and other materials for reuse; or
7 the incineration of solid waste for energy production and the recovery
8 of metals and other materials for reuse.

9 p. (Deleted by amendment, P.L.1990, c.113)

10 q. "Sanitary landfill facility" means a solid waste facility at which
11 solid waste is deposited on or in the land as fill for the purpose of
12 permanent disposal or storage for a period exceeding six months,
13 except that it shall not include any waste facility approved for disposal
14 of hazardous waste.

15 r. "Transfer station" means a solid waste facility at which solid
16 waste is transferred from a solid waste collection vehicle to a licensed
17 solid waste haulage vehicle, including a rail car, for transportation to
18 an offsite sanitary landfill facility, resource recovery facility, or other
19 destination for disposal, except that a "transfer station" shall not
20 include any solid waste facility at which solid waste is received for
21 onsite transfer, and processing or disposal utilizing facility-owned or
22 operated equipment and vehicles operated therefor.

23 s. "Designated agency" means the department, unit or committee
24 of the county government designated by the board of chosen
25 freeholders, in the case of counties, or the Hackensack Commission,
26 in the case of the Hackensack Meadowlands District, to supervise the
27 implementation of the district solid waste management plan pursuant
28 to section 12 of P.L.1975, c.326 (C.13:1E-21); or the public authority
29 which has jurisdiction over solid waste management within the district,
30 including statutory power to enter into contracts or agreements.

31 t. "Interdistrict agreement" means an agreement entered into
32 between the concerned boards of chosen freeholders, the Hackensack
33 Commission, a public authority, or any combination thereof, for the
34 development or use of solid waste facilities on a regional basis.

35 u. "Materials recovery" means the processing and separation of
36 solid waste utilizing manual or mechanical methods for the purposes
37 of recovering recyclable materials for disposition and recycling prior
38 to the disposal of the residual solid waste at an authorized solid waste
39 facility.

40 v. "Materials recovery facility" means a transfer station or other
41 authorized solid waste facility at which nonhazardous solid waste,
42 which material is not source separated by the generator thereof prior
43 to collection, is received for onsite processing and separation utilizing
44 manual or mechanical methods for the purposes of recovering
45 recyclable materials for disposition and recycling prior to the disposal
46 of the residual solid waste at an authorized solid waste facility.

1 w. "Recycling center" means any facility designed and operated
2 solely for receiving, storing, processing or transferring source
3 separated recyclable materials; except that "recycling center" shall not
4 include a scrap processing facility.

5 x. "Resource recovery facility" means a solid waste facility
6 constructed and operated for the incineration of solid waste for energy
7 production and the recovery of metals and other materials for reuse;
8 or a mechanized composting facility, or any other facility constructed
9 or operated for the collection, separation, recycling, and recovery of
10 metals, glass, paper, and other materials for reuse or for energy
11 production.

12 y. "Scrap processing facility" means a commercial industrial facility
13 designed and operated for receiving, storing, processing and
14 transferring source separated, nonputrescible ferrous and nonferrous
15 metal, which materials are purchased by the owner or operator thereof,
16 and which are altered or reduced in volume or physical characteristics
17 onsite by mechanical methods, including but not limited to baling,
18 cutting, torching, crushing, or shredding, for the purposes of resale for
19 remelting, refining, smelting or remanufacturing into raw materials or
20 products.

21 z. "Solid waste services" means services provided by the owner or
22 operator of a solid waste facility, including but not limited to, the
23 utilization of a resource recovery facility for the disposal of
24 out-of-district solid waste; the utilization of a sanitary landfill facility
25 for the disposal of residual ash or the solid waste delivered to a
26 resource recovery facility which cannot be processed at the resource
27 recovery facility; the utilization of a materials recovery facility for the
28 recycling or materials recovery of solid waste which cannot be
29 processed at a resource recovery facility; the utilization of a sanitary
30 landfill facility for the disposal of solid waste due to downtime or
31 technical failure at a resource recovery facility; or any combination
32 thereof, pursuant to an interdistrict agreement; "solid waste services"
33 also means services provided by the owner or operator of a recycling
34 center or materials recovery facility for the recycling or materials
35 recovery of out-of-district solid waste pursuant to an interdistrict
36 agreement.

37 aa. "Source separated recyclable materials" means recyclable
38 materials which are separated at the point of generation by the
39 generator thereof from solid waste for the purposes of recycling.

40 bb. "Source separation" or "source separated" means the process
41 by which recyclable materials are separated at the point of generation
42 by the generator thereof from solid waste for the purposes of
43 recycling.

44 (cf: P.L.1990, c.113, s.4)

45
46 3. Section 11 of P.L.1975, c.326 (C.13:1E-20) is amended to read

1 as follows:

2 11. a. (1) [Within 360 days after the effective date of this
3 amendatory and supplementary act, the] The respective boards of
4 chosen freeholders, in the case of counties, and the Hackensack
5 Commission, in the case of the Hackensack Meadowlands District,
6 shall develop and formulate, pursuant to the procedures herein
7 contained, a district solid waste management plan for each respective
8 solid waste management district[; provided, however, that the
9 commissioner may extend such period for a maximum of 45 additional
10 days upon the certification of the board of chosen freeholders or the
11 Hackensack Commission, as the case may be, of the causes of the
12 delay in developing and formulating a plan, and upon the
13 commissioner's determination that an extension will permit the
14 development and formulation of a solid waste management plan as
15 required herein. Within 90 days of the effective date of this act, each
16 district shall make the necessary personnel, financial and legal
17 arrangements to assure the development and formulation of the plan
18 within 360 days of the effective date of this act].

19 Every district solid waste management plan shall be developed and
20 formulated to be in force and effect for a period of not less than 10
21 years, upon the expiration of which a new plan shall be developed and
22 formulated pursuant to the procedures herein contained; provided,
23 however, that every such plan shall contain provisions for automatic
24 review thereof not less than once every two years following the
25 approval thereof by the department, which review shall be undertaken
26 by the board of chosen freeholders or the Hackensack Commission, as
27 the case may be; and provided further, however, that every such plan
28 may be reviewed at any time by the department. Upon such review, if
29 the board of chosen freeholders, the Hackensack Commission, or the
30 department, as the case may be, determines that any district solid
31 waste management plan, or any part thereof, is inadequate for the
32 purposes for which it was intended, such board of chosen freeholders
33 or the Hackensack Commission, as the case may be, shall develop and
34 formulate a new district solid waste management plan, or any part
35 thereof, and such new plan, or part thereof, shall be adopted thereby
36 pursuant to the procedures contained in section 14 of P.L.1975, c.326
37 (C.13:1E-23).

38 Nothing herein contained shall be construed as to prevent any board
39 of chosen freeholders or the Hackensack Commission from readopting
40 a district solid waste management plan upon the expiration of same in
41 a [solid waste management] district; provided, however, that any such
42 readoption shall be pursuant to the provisions of section 14 of
43 P.L.1975, c.326 (C.13:1E-23).

44 (2) Any two or more districts may formulate and adopt a [single]
45 regional solid waste management plan which shall meet all the
46 requirements of [this act] P.L.1970, c.39 (C.13:1E-1 et seq.) for the

1 combined area of the cooperating [solid waste management] districts.
2 b. (1) To assist each board of chosen freeholders in the
3 development and formulation of the district solid waste management
4 plans required herein, an advisory solid waste council shall be
5 constituted in every county and shall include municipal mayors or their
6 designees, persons engaged in the collection or disposal of solid waste
7 and environmentalists. The respective size, composition and
8 membership of each such council shall be designated by the respective
9 boards of chosen freeholders. In the Hackensack Meadowlands
10 District, the Hackensack Meadowlands Municipal Committee,
11 established pursuant to [article 4] sections 7 and 8 of P.L.1968, c.404
12 (C.13:17-7 and 13:17-8), is hereby designated an advisory solid waste
13 council for the purposes of this [amendatory and supplementary act]
14 subsection; provided, however, that nothing herein contained shall be
15 construed as in any way altering the powers, duties and responsibilities
16 of the Hackensack Meadowlands Municipal Committee except as
17 herein specifically provided.

18 The respective boards of chosen freeholders and the Hackensack
19 Commission shall consult with the relevant advisory solid waste
20 council at such stages in the development and formulation of the
21 district solid waste management plan as each such board of chosen
22 freeholders or the Hackensack Commission, as the case may be, shall
23 determine; provided, however, that a district solid waste management
24 plan shall be adopted as hereinafter provided only after consultation
25 with the relevant advisory solid waste council.

26 (2) In the development and formulation of a district solid waste
27 management plan for any [solid waste management] district, the board
28 of chosen freeholders or the Hackensack Commission, as the case may
29 be, shall:

30 (a) Consult with the county or municipal government agencies
31 concerned with, or responsible for, water pollution control, water
32 policy, water supply, or zoning or land use within the [solid waste
33 management] district;

34 (b) Review such plans for solid waste collection and disposal
35 proposed by, or in force in, any municipality or municipalities within
36 the [solid waste management district], to determine the suitability of
37 any such plan, or any part thereof, for inclusion within the district solid
38 waste management plan of the [solid waste management] district; and

39 (c) Consult with persons engaged in solid waste collection and
40 disposal in the [solid waste management] district.

41 (cf: P.L.1985, c.38, s.35)

42

43 4. Section 12 of P.L.1975, c.326 (C.13:1E-21) is amended to read
44 as follows:

45 12. a. Every district solid waste management plan shall be based
46 upon and shall be accompanied by a report containing:

1 (1) An inventory of the sources, composition, and quantity of solid
2 waste generated within the [solid waste management] district in the
3 year in which the report is prepared;

4 (2) Projections of the amounts and composition of solid waste to
5 be generated within the district in each of the 10 years following the
6 year in which the report is prepared[; provided, however, that in the
7 formulation of its solid waste management plan every board of chosen
8 freeholders may deduct from the actual amount of solid waste
9 generated within the solid waste management district in the year in
10 which the report is prepared, and projected for each of the 10 years
11 following said year, the total solid waste tonnage treated and disposed
12 on a daily basis in the Hackensack Meadowlands District by every
13 municipality within said solid waste management district as of July 1,
14 1968, which deduction shall be pursuant to the guarantee provided in
15 P.L.1968, c.404, section 9.1 (C.13:17-10)];

16 (3) An inventory and appraisal, including the identity, location, and
17 life expectancy, of all solid waste facilities within the [solid waste
18 management] district, including [such facilities operated by any
19 person, and] the identity of every person engaging in solid waste
20 collection or disposal within the district; and

21 (4) An analysis of existing solid waste collection systems and
22 transportation routes within the [solid waste management] district.

23 b. Every district solid waste management plan shall include:

24 (1) The designation of a department, unit or committee of the
25 county government, in the case of counties, or of the Hackensack
26 Commission, in the case of the Hackensack Meadowlands District, to
27 supervise the implementation of the district solid waste management
28 plan and to report thereon at such times as may be required by the
29 board of chosen freeholders or the Hackensack Commission, as the
30 case may be;

31 (2) A statement of the solid waste disposal strategy to be applied
32 in the [solid waste management] district, which strategy shall include
33 the maximum practicable use of resource recovery procedures; and a
34 plan for using terminated landfill disposal sites, if any, in the [solid
35 waste management] district;

36 (3) A site plan, which shall include all existing solid waste facilities
37 located within the [solid waste management] district, provided that
38 they are operated and maintained in accordance with all applicable
39 health and environmental standards, and sufficient additional available
40 suitable sites to provide solid waste facilities to treat and dispose of
41 the actual and projected amounts of solid waste contained in the report
42 accompanying the plan.

43 Upon a certification to the commissioner by the board of chosen
44 freeholders or the Hackensack Commission, as the case may be, of the
45 absence of sufficient existing or available suitable sites for such solid
46 waste facilities within the [solid waste management] district, the site

1 plan shall identify sufficient additional existing or available suitable
2 sites for [such] solid waste facilities located in another [solid waste
3 management] district; provided, however, that such certification shall
4 be accompanied by a copy of the [contract or] interdistrict agreement
5 entered into by the concerned boards of chosen freeholders or the
6 Hackensack Commission, as the case may be, authorizing the use by
7 a [solid waste management] district of solid waste facilities located in
8 another [solid waste management] district, and providing for the
9 acquisition of such lands and rights and interests therein [as may be
10 required] within the [solid waste management] district in which the
11 solid waste facilities are to be located as may be required pursuant to
12 the interdistrict agreement. Notwithstanding the above, however, a
13 board of chosen freeholders may enter into an interdistrict agreement
14 with any person engaged in solid waste disposal in [an adjacent solid
15 waste management] any district with the approval of [said adjacent]
16 that district, which shall be reflected in the district solid waste
17 management plans for [said adjacent] the districts[, to treat and
18 dispose of the amount of solid waste from their district that said
19 person treats and disposes of in that adjacent district on the effective
20 date of this act]. Upon the failure for any reason of the concerned
21 boards of chosen freeholders or the Hackensack Commission, as the
22 case may be, to [make such a contract or to reach such] enter into an
23 interdistrict agreement, the board of chosen freeholders or the
24 Hackensack Commission, as the case may be, seeking to locate said
25 solid waste facilities in another [solid waste management] district shall
26 certify such failure to the commissioner.

27 Upon the receipt of any such certification of failure, the
28 commissioner shall cause a study to be made by the department to
29 determine the suitable location of solid waste facilities for the use of
30 the [solid waste management] district for which such certification was
31 made. In [such] the study, the commissioner may request the
32 submission of any specifications or other information [he] the
33 commissioner deems necessary from any [solid waste management]
34 district, and the board of chosen freeholders or the Hackensack
35 Commission, as the case may be, shall submit all such material so
36 requested. In determining the suitable location of solid waste facilities,
37 the commissioner shall weigh the relative feasibility of alternative
38 locations in terms of such factors as environmental impact,
39 transportation patterns and their comparative costs, compatibility with
40 the current land use policies in the immediate area of the alternative
41 locations, as well as with the Statewide solid waste management plan
42 and such other master plans and planning policies as may exist at the
43 municipal, county, regional or State levels, and such other criteria as
44 the commissioner deems relevant.

45 Upon the completion of said study the commissioner shall:

46 (a) Require the certifying board of chosen freeholders or the

1 Hackensack Commission, as the case may be, to locate the required
2 solid waste facilities within its own [solid waste management] district
3 and as part of the district solid waste management plan therefor; or

4 (b) Require any other board of chosen freeholders or the
5 Hackensack Commission, as the case may be, to provide solid waste
6 facilities, or parts thereof, within its [solid waste management] district
7 and as part of the district solid waste management plan therefor, for
8 the use of the certifying [solid waste management] district; provided,
9 however, that the full cost of any such solid waste facilities, or of any
10 part thereof to the extent of use thereof, shall be borne by the [solid
11 waste management] district making use of same.

12 In the adoption of any district solid waste management plan
13 pursuant to the provisions of section 14 of [this amendatory and
14 supplementary act] P.L.1975, c.326 (C.13:1E-23), no board of chosen
15 freeholders nor the Hackensack Commission, as the case may be, shall
16 alter any part required by a determination made by the commissioner
17 as herein provided concerning the location of any solid waste facilities.

18 [Notwithstanding the provisions of section 11 of this amendatory
19 and supplementary act, the time taken by the commissioner from the
20 receipt of any certification of failure pursuant to this section to the
21 completion of the study required herein concerning such certification
22 of failure, shall be in addition to, and shall not count towards, the 360
23 days permitted in said section 11 for the development and formulation
24 of a solid waste management plan.]

25 (4) A [survey] designation of proposed collection [districts] and
26 transportation routes, with projected transportation costs from
27 collection [districts] routes to existing or available suitable sites for
28 solid waste facilities;

29 (5) The procedures for coordinating all activities related to the
30 collection and disposal of solid waste by every person engaging in
31 [such process] these activities within the [solid waste management]
32 district, which procedures shall include the interdistrict agreements
33 entered into as provided herein between the board of chosen
34 freeholders or the Hackensack Commission, as the case may be, and
35 every such person; and the procedures for furnishing the solid waste
36 facilities contained in the district solid waste management plan; and

37 (6) The method or methods of financing solid waste [management]
38 facilities in the [solid waste management] district pursuant to the
39 district solid waste management plan.

40 c. Any existing joint meeting formed for the construction or
41 operation of solid waste facilities pursuant to the "[consolidated
42 municipal services act" (Consolidated Municipal Services Act,
43 P.L.1952, c.72;)(C.40:48B-1 et seq.)]or any existing authority
44 composed of two or more municipalities formed pursuant to the "solid
45 waste management authorities law,"[(P.L.1968,
46 c.249;)(C.40:66A-32 et seq.)]may request the commissioner to

1 review its solid waste management plan. The commissioner may direct
2 the concerned [solid waste management] district to incorporate all or
3 part of said plan into the district solid waste management plan of that
4 district.

5 (cf: P.L.1975, c.326, s.12)

6

7 5. Section 13 of P.L.1975, c.326 (C.13:1E-22) is amended to read
8 as follows:

9 13. In order to preserve and maintain the State's pledges and
10 covenants with the holders of any bonds issued by any public
11 authority, no district solid waste management plan shall include
12 provisions for establishing any solid waste facility in competition with
13 such facilities operated, or for which bonds have been issued, by any
14 such public authority; provided, however, that every board of chosen
15 freeholders and the Hackensack Commission is hereby authorized and
16 empowered in the development [and], formulation or amendment of
17 a district solid waste management plan, to enter into any [contract or]
18 interdistrict agreement with any public authority within any [solid
19 waste management] district providing for or relating to [solid waste
20 collection and] solid waste disposal. Any [such contract or]
21 interdistrict agreement may provide for the furnishing of solid waste
22 facilities either by or to the [solid waste management] district, or the
23 joint construction or operation of solid waste facilities. Every [such
24 contract or] interdistrict agreement shall conform to all the
25 requirements of law for contracts or agreements made by any public
26 authority, and may include such provisions for rates and charges, and
27 for the furnishing of solid waste facilities, as the board of chosen
28 freeholders or the Hackensack Commission, as the case may be, deems
29 necessary in the development [and], formulation or amendment of a
30 district solid waste management plan to coordinate all activities
31 relating to [solid waste collection and] solid waste disposal within the
32 [solid waste management] district, and for the furnishing of adequate
33 and suitable solid waste facilities therein. Every board of chosen
34 freeholders and the Hackensack Commission, as the case may be, is
35 hereby further authorized and empowered to purchase the bonds of
36 any public authority, and to purchase any solid waste facilities of any
37 public authority upon [a contract or] an interdistrict agreement
38 therewith for any such solid waste facility purchase.

39 (cf: P.L.1975, c.326, s.13)

40

41 6. Section 14 of P.L.1975, c.326 (C.13:1E-23) is amended to read
42 as follows:

43 14. a. [Pursuant to the procedures herein contained, the] The
44 respective boards of chosen freeholders, in the case of counties, and
45 the Hackensack Commission, in the case of the Hackensack
46 Meadowlands District, shall have the power, after consultation with

1 the relevant advisory solid waste council, to adopt a district solid
2 waste management plan for the relevant [solid waste management]
3 district; provided, however, that [if in any solid waste management
4 district the procedures contained in this section are not commenced
5 within 361 days after the effective date of this amendatory and
6 supplementary act, unless the commissioner shall have extended the
7 time for the development and formulation of a solid waste management
8 plan pursuant to section 11 of this amendatory and supplementary act,
9 and] unless a certification of failure shall have been received by the
10 commissioner pursuant to [12 b.(3) of this amendatory and
11 supplementary act] subsection b. of section 12 of P.L.1975, c.326
12 (C.13:1E-21), the department shall have the power to develop,
13 formulate and, pursuant to the procedures herein contained, adopt and
14 [promulgate] maintain on file in the department a district solid waste
15 management plan for any [such solid waste management] district.

16 b. Upon the development and formulation of a district solid waste
17 management plan, and after consultation with the relevant advisory
18 solid waste council, the relevant board of chosen freeholders, in the
19 case of counties, or the Hackensack Commission, in the case of the
20 Hackensack Meadowlands District, shall prepare a map showing the
21 boundaries of the [solid waste management] district and the location
22 of all existing and proposed solid waste facilities. In the event such
23 district solid waste management plan proposes to locate solid waste
24 facilities in another [solid waste management] district, a map of such
25 other district, showing the location of the proposed facilities, shall be
26 prepared. Said map shall be appended to a copy of the district's solid
27 waste management plan, to which shall also be appended a copy of the
28 report accompanying said plan. Said map, plan and report shall be sent
29 by mail to the mayor of each municipality within the county, in the
30 case of counties, and in the case of the Hackensack Meadowlands
31 District, said map, plan and report shall be maintained at the main
32 office of the Hackensack Commission.

33 c. The board of chosen freeholders, or the Hackensack
34 Commission, as the case may be, shall thereupon cause a hearing to be
35 held at an appointed time and place for the purpose of hearing persons
36 interested in, or who would be affected by, the adoption of the district
37 solid waste management plan for the relevant [solid waste
38 management] district, and who are in favor of or are opposed to such
39 adoption.

40 d. A notice of such hearing shall be given setting forth the purpose
41 thereof and stating that a map, plan and report have been prepared and
42 can be inspected at the offices of every municipality within the county,
43 or at the main office of the Hackensack Commission, as the case may
44 be. A copy of such notice shall be published in a newspaper of general
45 circulation in the [solid waste management] district once each week
46 for 2 consecutive weeks, and the last publication shall be not less than

1 10 days prior to the date set for the hearing. A copy of the notice
2 shall be mailed at least 10 days prior to the date set for the hearing to
3 the last owner, if any, of each parcel of property within or without the
4 district on which it is proposed to locate any solid waste facilities
5 pursuant to the district's solid waste management plan. Such mailing
6 shall be according to the assessment records of the municipality where
7 such parcel is located and shall be sent to the last known postal
8 address of such owners. A notice shall also be sent to any and all
9 persons at his, or their, last known address, if any, whose names are
10 noted on said assessment records as claimants of an interest in any
11 such parcel. The assessor of such municipality shall make a notation
12 upon the said records when requested so to do by any person claiming
13 to have an interest in any parcel of property in such municipality.
14 Failure to mail any such notice shall not invalidate the adoption of any
15 district solid waste management plan.

16 e. At the hearing, which may be adjourned from time to time, the
17 board of chosen freeholders, or the Hackensack Commission, as the
18 case may be, shall hear all persons interested in the district solid waste
19 management plan and shall consider any, and all, written objections
20 that may be filed and any evidence which may be introduced in support
21 of the objections, or any opposition to the adoption of the district solid
22 waste management plan for the [solid waste management] district.
23 After the hearing the board of chosen freeholders, or the Hackensack
24 Commission, as the case may be, shall, by resolution, adopt or reject,
25 in whole or in part, the district solid waste management plan for the
26 [solid waste management] district. The adoption of all or a part of a
27 district solid waste management plan, if supported by substantial
28 evidence, shall be binding and conclusive upon all persons affected by
29 the adoption. If all or any part of the district solid waste management
30 plan is adopted, the board of chosen freeholders, or the Hackensack
31 Commission, as the case may be, within 10 days after such adoption,
32 shall cause to be served a copy of the resolution of adoption upon each
33 person who filed a written objection at or prior to the hearing;
34 provided, the address of the objector was stated in, or upon, the
35 written objection.

36 Such service may be made (1) by delivering a copy of the resolution
37 personally to the objector, (2) by mailing such copy addressed to the
38 objector according to his said stated address, or (3) leaving such copy
39 at said stated address for the objector with a person of suitable age
40 and discretion.

41 f. Any person who shall have filed such a written objection with the
42 board of chosen freeholders, or the Hackensack Commission, as the
43 case may be, may have the adoption of a district solid waste
44 management plan reviewed by the Superior Court of New Jersey by
45 procedure in lieu of prerogative writs. An action for such review shall
46 be commenced within 30 days after the adoption by the board of

1 chosen freeholders, or by the Hackensack Commission, as the case
2 may be. In any such action, the said court may make any incidental
3 order that shall be deemed by the court to be appropriate and proper.

4 g. Upon the adoption of a district solid waste management plan in
5 its entirety, the board of chosen freeholders or the Hackensack
6 Commission, as the case may be, shall forthwith submit such plan, and
7 a copy of the transcript of every public hearing held thereon, and a
8 complete record of the dates and results of all consultation with
9 governmental agencies and the relevant advisory solid waste council,
10 to the commissioner. Upon the adoption of a part or parts of a district
11 solid waste management plan, the board of chosen freeholders or the
12 Hackensack Commission, as the case may be, shall certify the fact of
13 such partial adoption to the commissioner, and such board of chosen
14 freeholders or the Hackensack Commission, as the case may be, shall[,
15 notwithstanding any previous extension granted pursuant to any of the
16 provisions of this amendatory and supplementary act,]have [an
17 additional] 45 days from the date of such certification to adopt a
18 district solid waste management plan in its entirety, which adoption
19 shall be pursuant to all the procedures contained herein for the
20 adoption of district solid waste management plans.

21 h. Every board of chosen freeholders and the Hackensack
22 Commission shall adopt a district solid waste management plan in its
23 entirety and submit same to the commissioner, with a copy of the
24 transcript of every public hearing held thereon, and a complete record
25 of the dates and results of all consultation with governmental agencies
26 and the relevant advisory solid waste council[, within 450 days after
27 the effective date of this amendatory and supplementary act; provided,
28 however, that if the commissioner shall have granted an extension of
29 time for the development and formulation of such plan pursuant to
30 section 11 of this amendatory and supplementary act, or an extension
31 of time for the adoption of any such plan in its entirety pursuant to this
32 section, or both, the time for adoption and submission to the
33 commissioner as required herein shall be increased to a maximum of
34 495 days in the case of either such extension, or 540 days in the case
35 of both such extensions; and, provided further, however, that if the
36 commissioner shall have received a certification of failure pursuant to
37 section 12 b. of this amendatory and supplementary act, the time for
38 adoption and submission to the commissioner, notwithstanding any
39 other increase authorized in this amendatory and supplementary act,
40 shall be increased by the number of days taken by the commissioner
41 from the date of such receipt to the completion of his study concerning
42 such certification of failure].

43 i. Upon the failure of any board of chosen freeholders or the
44 Hackensack Commission, as the case may be, to adopt a district solid
45 waste management plan in its entirety and to submit same to the
46 commissioner, with a copy of the transcript of every public hearing

1 held thereon, and a complete record of the dates and results of all
2 consultation with governmental agencies and the relevant advisory
3 solid waste council, [within the time prescribed in subsection h. of this
4 section,]the department shall have the power to develop and formulate
5 a solid waste management plan in its entirety for any such [solid waste
6 management] district, either including therein or excluding therefrom
7 any part or parts of such plan as may have been adopted by the board
8 of chosen freeholders or the Hackensack Commission, as the case may
9 be. Following the holding of a public hearing pursuant to the
10 procedures contained herein, the department shall have the power to
11 adopt and promulgate such district solid waste management plan in its
12 entirety for any such [solid waste management] district. Any district
13 solid waste management plan so adopted and promulgated by the
14 department for any [solid waste management] district shall be subject
15 to the same review by the Superior Court as district solid waste
16 management plans otherwise adopted pursuant to this section.

17 (cf: P.L.1975, c.326, s.14)

18

19 7. Section 15 of P.L.1975, c.326 (C.13:1E-24) is amended to read
20 as follows:

21 15. a. Upon receipt by the commissioner of a district solid waste
22 management plan adopted in its entirety, and a copy of the transcript
23 of every public hearing held thereon, as required pursuant to section
24 14 of [this amendatory and supplementary act] P.L.1975, c.326
25 (C.13:1E-23), [he] the commissioner shall:

26 (1) Study and review the district solid waste management plan
27 according to the objectives, criteria and standards developed in the
28 Statewide solid waste management plan developed and formulated by
29 the department pursuant to the provisions of section 6 of [the act to
30 which this act is amendatory and supplementary] P.L.1970, c.39
31 (C.13:1E-6);

32 (2) Submit a copy of said plan for review and recommendations to
33 the Advisory Council on Solid Waste Management in the department,
34 and to the agencies, bureaus and divisions within the department
35 concerned with, or responsible for, environmental quality, including,
36 but not limited to, the Bureau of Solid Waste Management, Bureau of
37 Air Pollution Control, Bureau of Geology, and the Bureau of Water
38 Pollution Control, or their successors; and

39 (3) Submit a copy of said plan to the [Board of Public Utility
40 Commissioners] agencies, bureaus and divisions within the department
41 concerned with, or responsible for, economic regulation, for review
42 and recommendations on the economic aspect of the plan.

43 b. After completing [his] the study and review of the district solid
44 waste management plan, and upon receipt of the recommendations
45 thereon provided for in subsection a. (2) of this section, if any, but in
46 no event later than 150 days after [his] the receipt of said plan, the

1 commissioner shall determine whether to approve, modify, or reject
2 any such district solid waste management plan, and shall certify such
3 determination to the board of chosen freeholders or to the Hackensack
4 Commission, as the case may be, which submitted such plan.

5 c. If the commissioner determines to approve any district solid
6 waste management plan, or if the commissioner has made no
7 determination within 150 days after [his] the receipt of any such plan,
8 the board of chosen freeholders or the Hackensack Commission, as the
9 case may be, shall proceed, pursuant to the requirements of [this
10 amendatory and supplementary act] P.L.1970, c.39 (C.13:1E-1 et
11 seq.), to implement such district solid waste management plan in the
12 relevant [solid waste management] district.

13 d. If the commissioner determines to modify or reject any district
14 solid waste management plan, or any part thereof, the certification
15 required [of him] herein shall be accompanied by a detailed statement
16 prepared by the commissioner indicating the reasons for any
17 modification or rejection, and outlining the action to be taken thereon.
18 In outlining such action the commissioner shall direct the board of
19 chosen freeholders or the Hackensack Commission, as the case may
20 be, to make any modification in, or replace any rejected part of, a
21 district solid waste management plan, either with or without holding
22 another public hearing in the [solid waste management] district. Such
23 direction shall be based upon the commissioner's determination[, in
24 his] and discretion, that such modification, or the part rejected, is or
25 is not minor, and that such modification or replacement may or may
26 not be made without substantially modifying or altering other aspects
27 of the district solid waste management plan; provided, however, that
28 a public hearing shall be required upon a rejection by the commissioner
29 of any district solid waste management plan in its entirety.

30 e. (1) If the commissioner directs the holding of another public
31 hearing in the [solid waste management] district, such hearing shall be
32 held within 45 days after such direction and shall be conducted
33 pursuant to the procedures contained in section 14 of [this amendatory
34 and supplementary act] P.L.1975, c.326 (C.13:1E-23) for the conduct
35 of public hearings held prior to the adoption of district solid waste
36 management plans. Following any such public hearing on any
37 modification to, or replacement of, any district solid waste
38 management plan, or any part thereof, the board of chosen freeholders
39 or the Hackensack Commission, as the case may be, holding same shall
40 formally adopt a modification to, or replacement of, the district solid
41 waste management plan, or any part thereof, and shall submit same to
42 the commissioner within the time limit set by the commissioner in the
43 public hearing order.

44 (2) If the commissioner directs that the modification or
45 replacement may be made without the holding of another public
46 hearing, the board of chosen freeholders or the Hackensack

1 Commission, as the case may be, shall have 45 days after such
2 direction within which to adopt any such modification or replacement,
3 and to submit same to the commissioner.

4 f. The commissioner shall have 30 days from the date of receipt of
5 any submission under subsection e. herein to approve such
6 modification or replacement or to reject same, and he shall certify such
7 approval or rejection to the board of chosen freeholders or the
8 Hackensack Commission, as the case may be, which submitted same.
9 If the commissioner approves such modification or replacement, or if
10 the commissioner has made no such certification within 30 days after
11 his receipt thereof, the board of chosen freeholders or the Hackensack
12 Commission, as the case may be, shall proceed, pursuant to the
13 requirements of [this amendatory and supplementary act] P.L.1970,
14 c.39 (C.13:1E-1 et seq.), to implement the district solid waste
15 management plan in the relevant [solid waste management] district.
16 Upon a rejection of any modification or replacement submitted [to
17 him] pursuant to this section, or upon the failure of a board of chosen
18 freeholders or the Hackensack Commission, as the case may be, to
19 submit any modification or replacement as required herein, the
20 commissioner shall have the power to adopt and promulgate any
21 modification or replacement [he] the commissioner deems necessary
22 with respect to the district solid waste management plan, and upon the
23 certification of the commissioner, the board of chosen freeholders or
24 the Hackensack Commission, as the case may be, shall proceed,
25 pursuant to the requirements of [this amendatory and supplementary
26 act] P.L.1970, c.39 (C.13:1E-1 et seq.), to implement the district solid
27 waste management plan in the relevant [solid waste management]
28 district with the modifications or replacements adopted by the
29 commissioner.

30 g. The commissioner shall maintain on file in the department a copy
31 of [the Statewide] every district solid waste management plan
32 developed [proved] or approved pursuant to this [amendatory and
33 supplementary act] section, and a copy of the Statewide solid waste
34 management plan developed and formulated by the department
35 pursuant to section 6 of P.L.1970, c.39 (C.13:1E-6). [Such] These
36 plans are hereby declared to be public records and shall be subject to
37 all the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.) concerning
38 such public records.

39 (cf: P.L.1975, c.326, s.15)

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41 8. This act shall take effect immediately.

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STATEMENT

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46 This bill authorizes counties to enter into interdistrict agreements

1 for the development or use of solid waste facilities on a regional basis
2 without having to go through the detailed and time-consuming district
3 solid waste management plan amendment process required under the
4 "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.).

5 Specifically, the bill provides that any county or designated agency
6 may incorporate the terms and conditions of an interdistrict agreement
7 entered into between the concerned boards of chosen freeholders, the
8 Hackensack Commission, a public authority, or any combination
9 thereof, for the development or use of solid waste facilities on a
10 regional basis within its district solid waste management plan without
11 regard to the public hearing and duplicative agency review and
12 approval provisions of sections 11, 14 and 15 of P.L.1975, c.326
13 (C.13:1E-20, 13:1E-23 and 13:1E-24).

14

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17

18 Exempts interdistrict agreements for the development or use of
19 regional solid waste facilities from the district solid waste management
20 plan amendment process required under the "Solid Waste Management
21 Act."