

[First Reprint]
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 incorporate
8 the terms and conditions of an interdistrict agreement for the
9 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 ¹and, as applicable, section 12 of P.L.1975, c.326 (C.13:1E-21)¹.

14

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

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

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

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

29 c. "Disposal" means the storage, treatment, utilization, processing,
30 resource recovery of, or the discharge, deposit, injection, dumping,
31 spilling, leaking or placing of any solid or hazardous waste into or on

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AAW committee amendments adopted June 20, 1996.

1 any land or water, so that the solid or hazardous waste or any
2 constituent thereof may enter the environment or be emitted into the
3 air or discharged into any waters, including groundwaters.

4 d. "Solid waste management" includes all activities related to the
5 collection [and] or disposal of solid waste by any person engaging in
6 any such process.

7 e. "Council" means the Advisory Council on Solid Waste
8 Management.

9 f. "Department" means the State Department of Environmental
10 Protection.

11 g. "Commissioner" means the Commissioner of Environmental
12 Protection in the State Department of Environmental Protection.

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

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

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

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

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

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

45 n. "Public sewage treatment plant" means any structure or
46 structures required to be approved by the department pursuant to

1 P.L.1977, c.224 (C.58:12A-1 et seq.) or P.L.1977, c.74 (C.58:10A-1
2 et seq.), by means of which domestic wastes are subjected to any
3 artificial process in order to remove or so alter constituents as to
4 render the waste less offensive or dangerous to the public health,
5 comfort or property of any of the inhabitants of this State, before the
6 discharge of the plant effluent into any of the waters of this State; this
7 definition includes plants for the treatment of industrial wastes, as well
8 as a combination of domestic and industrial wastes.

9 o. "Resource recovery" means the collection, separation, recycling
10 and recovery of metals, glass, paper and other materials for reuse; or
11 the incineration of solid waste for energy production and the recovery
12 of metals and other materials for reuse.

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

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

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

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

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

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

44 v. "Materials recovery facility" means a transfer station or other
45 authorized solid waste facility at which nonhazardous solid waste,
46 which material is not source separated by the generator thereof prior

1 to collection, is received for onsite processing and separation utilizing
2 manual or mechanical methods for the purposes of recovering
3 recyclable materials for disposition and recycling prior to the disposal
4 of the residual solid waste at an authorized solid waste facility.

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

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

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

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

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

44 bb. "Source separation" or "source separated" means the process
45 by which recyclable materials are separated at the point of generation
46 by the generator thereof from solid waste for the purposes of

1 recycling.

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

3

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

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

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

42 Nothing herein contained shall be construed as to prevent any board
43 of chosen freeholders or the Hackensack Commission from readopting
44 a district solid waste management plan upon the expiration of same in
45 a [solid waste management] district; provided, however, that any such
46 readoption shall be pursuant to the provisions of section 14 of

1 P.L.1975, c.326 (C.13:1E-23).

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

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

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

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

34 (a) Consult with the county or municipal government agencies
35 concerned with, or responsible for, water pollution control, water
36 policy, water supply, or zoning or land use within the [solid waste
37 management] district;

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

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

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

46

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

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

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

8 (2) Projections of the amounts and composition of solid waste to
9 be generated within the district in each of the 10 years following the
10 year in which the report is prepared[; provided, however, that in the
11 formulation of its solid waste management plan every board of chosen
12 freeholders may deduct from the actual amount of solid waste
13 generated within the solid waste management district in the year in
14 which the report is prepared, and projected for each of the 10 years
15 following said year, the total solid waste tonnage treated and disposed
16 on a daily basis in the Hackensack Meadowlands District by every
17 municipality within said solid waste management district as of July 1,
18 1968, which deduction shall be pursuant to the guarantee provided in
19 P.L.1968, c.404, section 9.1 (C.13:17-10)];

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

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

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

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

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

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

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

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

1 municipal, county, regional or State levels, and such other criteria as
2 the commissioner deems relevant.

3 Upon the completion of said study the commissioner shall:

4 (a) Require the certifying board of chosen freeholders or the
5 Hackensack Commission, as the case may be, to locate the required
6 solid waste facilities within its own [solid waste management] district
7 and as part of the district solid waste management plan therefor; or

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

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

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

29 (4) A [survey] designation of proposed collection [districts] and
30 transportation routes, with projected transportation costs from
31 collection [districts] routes to existing or available suitable sites for
32 solid waste facilities;

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

41 (6) The method or methods of financing solid waste [management]
42 facilities in the [solid waste management] district pursuant to the
43 district solid waste management plan.

44 c. Any existing joint meeting formed for the construction or
45 operation of solid waste facilities pursuant to the "[consolidated
46 municipal services act" (Consolidated Municipal Services Act.)

1 P.L.1952, c.72[;](C.40:48B-1 et seq.))]or any existing authority
2 composed of two or more municipalities formed pursuant to the "solid
3 waste management authorities law," [(P.L.1968, c.249[;]
4 (C.40:66A-32 et seq.))] may request the commissioner to review its
5 solid waste management plan. The commissioner may direct the
6 concerned [solid waste management] district to incorporate all or part
7 of said plan into the district solid waste management plan of that
8 district.
9 (cf: P.L.1975, c.326, s.12)

10

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

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

1 therewith for any such solid waste facility purchase.
2 (cf: P.L.1975, c.326, s.13)

3
4 6. Section 14 of P.L.1975, c.326 (C.13:1E-23) is amended to read
5 as follows:

6 14. a. [Pursuant to the procedures herein contained, the] The
7 respective boards of chosen freeholders, in the case of counties, and
8 the Hackensack Commission, in the case of the Hackensack
9 Meadowlands District, shall have the power, after consultation with
10 the relevant advisory solid waste council, to adopt a district solid
11 waste management plan for the relevant [solid waste management]
12 district; provided, however, that [if in any solid waste management
13 district the procedures contained in this section are not commenced
14 within 361 days after the effective date of this amendatory and
15 supplementary act, unless the commissioner shall have extended the
16 time for the development and formulation of a solid waste management
17 plan pursuant to section 11 of this amendatory and supplementary act,
18 and] unless a certification of failure shall have been received by the
19 commissioner pursuant to [12 b.(3) of this amendatory and
20 supplementary act] subsection b. of section 12 of P.L.1975, c.326
21 (C.13:1E-21), the department shall have the power to develop,
22 formulate and, pursuant to the procedures herein contained, adopt and
23 [promulgate] maintain on file in the department a district solid waste
24 management plan for any [such solid waste management] district.

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

42 c. The board of chosen freeholders, or the Hackensack
43 Commission, as the case may be, shall thereupon cause a hearing to be
44 held at an appointed time and place for the purpose of hearing persons
45 interested in, or who would be affected by, the adoption of the district
46 solid waste management plan for the relevant [solid waste

1 management] district, and who are in favor of or are opposed to such
2 adoption.

3 d. A notice of such hearing shall be given setting forth the purpose
4 thereof and stating that a map, plan and report have been prepared and
5 can be inspected at the offices of every municipality within the county,
6 or at the main office of the Hackensack Commission, as the case may
7 be. A copy of such notice shall be published in a newspaper of general
8 circulation in the [solid waste management] district once each week
9 for 2 consecutive weeks, and the last publication shall be not less than
10 10 days prior to the date set for the hearing. A copy of the notice
11 shall be mailed at least 10 days prior to the date set for the hearing to
12 the last owner, if any, of each parcel of property within or without the
13 district on which it is proposed to locate any solid waste facilities
14 pursuant to the district's solid waste management plan. Such mailing
15 shall be according to the assessment records of the municipality where
16 such parcel is located and shall be sent to the last known postal
17 address of such owners. A notice shall also be sent to any and all
18 persons at his, or their, last known address, if any, whose names are
19 noted on said assessment records as claimants of an interest in any
20 such parcel. The assessor of such municipality shall make a notation
21 upon the said records when requested so to do by any person claiming
22 to have an interest in any parcel of property in such municipality.
23 Failure to mail any such notice shall not invalidate the adoption of any
24 district solid waste management plan.

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

45 Such service may be made (1) by delivering a copy of the resolution
46 personally to the objector, (2) by mailing such copy addressed to the

1 objector according to his said stated address, or (3) leaving such copy
2 at said stated address for the objector with a person of suitable age
3 and discretion.

4 f. Any person who shall have filed such a written objection with the
5 board of chosen freeholders, or the Hackensack Commission, as the
6 case may be, may have the adoption of a district solid waste
7 management plan reviewed by the Superior Court of New Jersey by
8 procedure in lieu of prerogative writs. An action for such review shall
9 be commenced within 30 days after the adoption by the board of
10 chosen freeholders, or by the Hackensack Commission, as the case
11 may be. In any such action, the said court may make any incidental
12 order that shall be deemed by the court to be appropriate and proper.

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

30 h. Every board of chosen freeholders and the Hackensack
31 Commission shall adopt a district solid waste management plan in its
32 entirety and submit same to the commissioner, with a copy of the
33 transcript of every public hearing held thereon, and a complete record
34 of the dates and results of all consultation with governmental agencies
35 and the relevant advisory solid waste council[, within 450 days after
36 the effective date of this amendatory and supplementary act; provided,
37 however, that if the commissioner shall have granted an extension of
38 time for the development and formulation of such plan pursuant to
39 section 11 of this amendatory and supplementary act, or an extension
40 of time for the adoption of any such plan in its entirety pursuant to this
41 section, or both, the time for adoption and submission to the
42 commissioner as required herein shall be increased to a maximum of
43 495 days in the case of either such extension, or 540 days in the case
44 of both such extensions; and, provided further, however, that if the
45 commissioner shall have received a certification of failure pursuant to
46 section 12 b. of this amendatory and supplementary act, the time for

1 adoption and submission to the commissioner, notwithstanding any
2 other increase authorized in this amendatory and supplementary act,
3 shall be increased by the number of days taken by the commissioner
4 from the date of such receipt to the completion of his study concerning
5 such certification of failure].

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

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

27

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

30 15. a. Upon receipt by the commissioner of a district solid waste
31 management plan adopted in its entirety, and a copy of the transcript
32 of every public hearing held thereon, as required pursuant to section
33 14 of [this amendatory and supplementary act] P.L.1975, c.326
34 (C.13:1E-23), [he] the commissioner shall:

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

41 (2) Submit a copy of said plan for review and recommendations to
42 the Advisory Council on Solid Waste Management in the department,
43 and to the agencies, bureaus and divisions within the department
44 concerned with, or responsible for, environmental quality, including,
45 but not limited to, the Bureau of Solid Waste Management, Bureau of
46 Air Pollution Control, Bureau of Geology, and the Bureau of Water

1 Pollution Control, or their successors; and

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

6 b. After completing [his] the study and review of the district solid
7 waste management plan, and upon receipt of the recommendations
8 thereon provided for in subsection a. (2) of this section, if any, but in
9 no event later than 150 days after [his] the receipt of said plan, the
10 commissioner shall determine whether to approve, modify, or reject
11 any such district solid waste management plan, and shall certify such
12 determination to the board of chosen freeholders or to the Hackensack
13 Commission, as the case may be, which submitted such plan.

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

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

39 e. (1) If the commissioner directs the holding of another public
40 hearing in the [solid waste management] district, such hearing shall be
41 held within 45 days after such direction and shall be conducted
42 pursuant to the procedures contained in section 14 of [this amendatory
43 and supplementary act] P.L.1975, c.326 (C.13:1E-23) for the conduct
44 of public hearings held prior to the adoption of district solid waste
45 management plans. Following any such public hearing on any
46 modification to, or replacement of, any district solid waste

1 management plan, or any part thereof, the board of chosen freeholders
2 or the Hackensack Commission, as the case may be, holding same shall
3 formally adopt a modification to, or replacement of, the district solid
4 waste management plan, or any part thereof, and shall submit same to
5 the commissioner within the time limit set by the commissioner in the
6 public hearing order.

7 (2) If the commissioner directs that the modification or
8 replacement may be made without the holding of another public
9 hearing, the board of chosen freeholders or the Hackensack
10 Commission, as the case may be, shall have 45 days after such
11 direction within which to adopt any such modification or replacement,
12 and to submit same to the commissioner.

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

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

1 such public records.

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

3

4 8. This act shall take effect immediately.

5

6

7

8

9 Exempts interdistrict agreements for the development or use of
10 regional solid waste facilities from the district solid waste management
11 plan amendment process required under the "Solid Waste Management
12 Act."