

PRESS RELEASE: DATE: JULY 18, 2011 FOR IMMEDIATE RELEASE

**NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION APPROVES FLOW CONTROL FOR
CUMBERLAND COUNTY SOLID WASTE**

The Cumberland County Improvement Authority has received an Order of the Commissioner of the New Jersey Department of Environmental Protection, that the April 26, 2011 Amendment to the Cumberland County District Solid Waste Management Plan providing for a solid waste flow control system is approved. The Commissioner's Order, approving solid waste flow control within Cumberland County has been certified, effective July 07, 2011 (copy attached).

The Cumberland County Improvement Authority requested the Plan Amendment after Atlantic, Gloucester, and Cape May Counties enacted similar flow control Plan Amendments. The Cumberland County Solid Waste Advisory Council (SWAC) endorsed the Flow Control Plan Amendment recommending passage by the Cumberland County Freeholders. The County Freeholders unanimously adopted the Plan Amendment on April 26, 2011.

Improvement Authority Chairman, Albert Kelly stated that "The Authority believes that this flow control approval will increase the solid waste tonnage going to the County's Landfill and provide needed revenue. Flow Control is part of our broader business strategy which includes cost cutting and operating efficiencies along with revenue enhancements to insure that the Improvement Authority is able to operate with a strong financial foundation."

The Cumberland County Improvement Authority's Solid Waste Complex, located at 169 Jesse Bridge Road in Deerfield Township is the in-state designated disposal facility for all solid waste types 10, 13, 13C, 23, 25, 27, and 27A generated within Cumberland County.

NEW JERSEY STATE STATUTES REGULATING SOLID WASTE state that "Any facility operator or transporter who fails to comply with the provisions (of an approved Solid Waste Management Plan and the State Solid Waste Management Plan) shall be deemed to be in violation of N.J.S.A. 13:1E-1 et seq., in violation of N.J.A.C.7:26-1 et seq., and in violation of their registration to operate a solid waste facility or collection system issued there under by the Department and shall be subject to the provisions and penalties of N.J.S.A. 13:1E-9 and 12 and all other applicable laws."

The Cumberland County Improvement Authority is requesting that all landfill operators and solid waste transporters cooperate with our efforts to enforce flow control for the above mentioned solid waste types that are generated in Cumberland County to insure that it is disposed of at our Solid Waste Facility, consistent with the DEP Order, the State Solid Waste Management Act, and their own permits.

The CCIA is the agency that will enforce the intra-state waste flow control provisions of the County Plan and will be taking all necessary steps to enforce the provisions of the approved Solid Waste Management Plan Amendment.

Attachment: Certification of the April 26, 2011 Amendment to the Cumberland County Solid Waste Plan Amendment Notice

**State of New Jersey****DEPARTMENT OF ENVIRONMENTAL PROTECTION**

MAIL CODE 401-07F
P.O. Box 402
Trenton, NJ 08625-0402
TEL: # (609) 292-2835
FAX # (609) 292-7695

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

**CERTIFICATION
OF THE APRIL 26, 2011
AMENDMENT TO THE CUMBERLAND COUNTY
DISTRICT SOLID WASTE MANAGEMENT PLAN**

BY ORDER OF THE COMMISSIONER:

A. Introduction

The New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) established a comprehensive system for the management of solid waste in New Jersey. The Act designated all twenty-one (21) of the state's counties, and the Hackensack Meadowlands District, as Solid Waste Management Districts, and mandated that the Boards of Chosen Freeholders and the Hackensack Meadowlands Development Commission (now known as the New Jersey Meadowlands Commission) develop comprehensive plans for waste management in their respective districts. On May 10, 1980, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Cumberland County District Solid Waste Management Plan (County Plan).

The Act further provides that a district may review its County Plan at any time and, if found inadequate, a new County Plan must be adopted. The Cumberland County Board of Chosen Freeholders (County Freeholders) completed such a review and on April 26, 2011 adopted an amendment to its approved County Plan.

The April 26, 2011 amendment proposes County Plan inclusion of the Cumberland County solid Waste Complex (CCSWC), located at 169 Jesse Bridge Road in Deerfield Township, as the designated disposal facility for solid waste types 10, 13, 13C, 23, 25, 27, and 27A generated within Cumberland County and the designation of the Cumberland County Improvement Authority (CCIA) as a County enforcement agent, as per a shared services agreement, in the realm of solid waste management.

The amendment was considered administratively complete for review by the Department on May 18, 2011 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this amendment, and has determined that the amendment adopted by the County Freeholders on April 26, 2011 is approved, as provided in N.J.S.A. 13:1E-24.

B. Findings and Conclusions with Respect to the Cumberland County District Solid Waste Management Plan Amendment

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the April 26, 2011 amendment to the County Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that the amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the elements relative to the April 26, 2011 amendment which are included below.

Elements of the April 26, 2011 Amendment

Element: Solid Waste Flow Control

The April 26, 2011 amendment proposes County Plan inclusion of the CCSWC, located at 169 Jesse Bridge Road in Deerfield Township, as the designated disposal facility for all solid waste types 10, 13, 13C, 23, 25, 27, and 27A generated within Cumberland County.

The use of permitted material recovery facilities located within the State of New Jersey to remove materials from Cumberland County generated solid wastes for the purpose of recycling or reuse is not a violation of the provisions of the County Plan, provided that the residue (non-recycled recovered materials) resulting from Cumberland County generated solid waste delivered to such material recovery facility is disposed of in accordance with the provision of the Cumberland County Solid Waste Management Plan.

The direct shipment of solid waste from the generating source to an out-of-state disposal facility is permitted under the provisions set forth in the County Plan amendment. However, this exception to the waste flow precludes any solid waste being shipped to a transfer station and then being shipped out-of-state.

The proposed Solid Waste Management Plan Amendment is appropriate under the recent U.S. Supreme Court decision in United Haulers Association v. Oneida Herkimer Solid Waste Management Authority, 550 U.S. 330 (2007). In Oneida Herkimer, a group of haulers challenged county flow control ordinances under the Commerce Clause of the U.S. Constitution; the challenged ordinances directed waste to a facility run by a public authority. As in Oneida Herkimer, the direction of waste to a facility run by a public authority places only an incidental burden on interstate commerce that is outweighed by its public purpose and is thus permissible under the Commerce Clause. The ordinances upheld in Oneida Herkimer are similar in their effect to the proposed amendment to the County Plan.

Element: Solid Waste Enforcement

The April 26, 2011 amendment to the County Plan also proposes the County Plan inclusion the designation of the CCIA) as a County enforcement agent, as per a shared services agreement, in the realm of solid waste management.

The CCIA and its staff, through an existing Inter-Local Services Agreement with the Cumberland County Health Department approved by NJDEP will be the designated Solid Waste Enforcement subcontractors for Cumberland County and conduct County Environmental Health Act Responsibilities (New Jersey Statutes Annotated Title 26, Health and Vital Statistics Chapter 3A2, Local Health Services II, County Environmental Health Act, and N.J.A.C. 7:1H, County Environmental Health Standards of Administrative Procedure and Performance.)

C. Certification of the Cumberland County District Solid Waste Management Plan Amendment

In accordance with N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-21, which establishes specific requirements regarding the contents of the county solid waste management plans, I have reviewed the April 26, 2011 amendment to the approved County Plan and certify to the County Freeholders that the April 26, 2011 amendment is approved as further specified below.

The April 26, 2011 amendment proposing County Plan inclusion of the Cumberland County Solid Waste Complex, located at 169 Jesse Bridge Road in Deerfield Township, as the designated disposal facility for solid waste types 10, 13, 13C, 23, 25, 27, and 27A generated within Cumberland County and the designation of the CCCIA as a County enforcement agent, as per a shared services agreement, in the realm of solid waste management is approved.

D. Other Provisions Affecting the Plan Amendment

1. Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with this amendment to the County Plan and which was executed prior to the approval of this amendment and subsequent to the effective date of the Solid Waste Management Act (July 29, 1977), and which shall further be for a term in excess of one year, shall immediately be renegotiated in order to bring same into conformance with the terms and provisions herein set forth. Any solid waste collection operation or disposal facility registered by the Department and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the County Plan if such renegotiation is not completed within ninety (90) days of the effective date of this amendment provided, however, that any such registrant may, upon application to the Department, and for good cause shown, obtain an extension of time to complete such renegotiation.

2. Compliance

All solid waste facility operators and transporters registered with the Department and operating within the County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the County Plan. Any facility operator or transporter who fails to comply with the provisions contained herein shall be deemed to be in violation of N.J.S.A. 13:1E-1 et seq., in violation of N.J.A.C. 7:26-1 et seq., and in violation of their registration to operate a solid waste facility or a collection system issued thereunder by the Department and shall be subject to the provisions and penalties of N.J.S.A. 13:1E-9 and 12 and all other applicable laws.

3. Certification to Proceed with Implementation of Amendment

This document shall serve as the certification of the Commissioner of the Department to the County Freeholders and pursuant to N.J.S.A. 13:1E-24c. and f., the County Freeholders shall proceed with the implementation of the approved components of the amendment certified herein.

4. Definitions

For the purpose of this amendment and unless the context clearly requires a different meaning, the definitions of terms shall be the same as those found at N.J.S.A. 13:1E-3 and -99.12, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

5. Effective Date of Amendment

The approved components of the amendment to the County Plan contained herein shall take effect immediately.

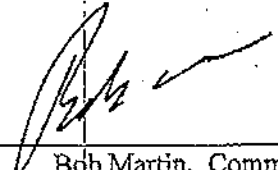
6. Reservation of Authority

Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, and also includes the compilation of individual district plans and amendments as they are approved.

E. Certification of Approval of the Amendment by the Commissioner of the Department of Environmental Protection

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve the amendment, as outlined in Section C. of this certification, to the Cumberland County District Solid Waste Management Plan, which was adopted by the Cumberland County Board of Chosen Freeholders on April 26, 2011.

7/7/11
Date



Bob Martin, Commissioner
Department of Environmental Protection

July 14, 2011

«PREFIX» «FIRST_NAME» «LAST_NAME», «TITLE»
«COMPANY_NAME»
«ADDRESS»
«CITY», «STATE» «ZIP»

Re: Waste Flow Control Approved in Cumberland County

Dear «Prefix» «Last_Name»:

The Cumberland County Improvement Authority has received an Order of the Commissioner of the New Jersey Department of Environmental Protection that the April 26, 2011 Amendment to the Cumberland County District Solid Waste Management Plan, which provides for a solid waste flow control system, is approved. The Commissioner's Order, approving solid waste flow control within Cumberland County has been certified, effective July 07, 2011 (copy attached).

The Cumberland County Improvement Authority's Solid Waste Complex located at 169 Jesse Bridge Road in Deerfield Township is the in-state designated disposal facility for all solid waste types 10, 13, 13C, 23, 25, 27, and 27A generated within Cumberland County.

New Jersey Statutes cited herein require all transporters of solid waste to comply with the Commissioner's Order certifying the flow control Plan Amendment or be subject to penalties. "Any facility operator or transporter who fails to comply with the provisions contained herein shall be deemed to be in violation of N.J.S.A. 13:1E-1 et seq., in violation of N.J.A.C.7:26-1 et seq., and in violation of their registration to operate a solid waste facility or collection system issued there under by the Department and shall be subject to the provisions and penalties of N.J.S.A. 13:1E-9 and 12 and all other applicable laws."

We ask that you cooperate with our efforts to enforce flow control for the above mentioned solid waste types that are generated in Cumberland County to insure that it is disposed of at our Solid Waste Facility, consistent with the DEP Order, the State Solid Waste Management Act, and your own permits.

The CCIA is the agency that will enforce the intra-state waste flow control provisions of the County Plan and will be taking all necessary steps to enforce the provisions of the approved Solid Waste Management Plan Amendment.

We appreciate your interest and efforts in supporting a comprehensive solid waste management system for Cumberland County and New Jersey and look forward to working with you to ensure that the state regulations are applied uniformly.

Please feel free to contact me if you have any questions.

Very truly yours,

Donald H. Rainear,
Management Consultant, Acting as Executive Director

DHR:drb

Enclosure: Certification of the April 26, 2011 Amendment to the Cumberland County Solid Waste Plan Amendment Notice

**The following is an exact copy of the
documents that were hand-delivered
to the NJDEP on 05/17/11
in support of our**

Proposed SWMP Amendment #21

(To Establish Solid Waste Flow Control)

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May 17, 2011

Mr. Guy Watson, Chief
State of New Jersey
Department of Environmental Protection
Division of Solid and Hazardous Waste
Bureau of Recycling and Planning
P.O. Box 414
Trenton, New Jersey 08625-0414

Re: Cumberland County Solid Waste Management Plan / Plan Amendment No. 21
To Establish Solid Waste Flow Control

Dear Mr. Watson:

Enclosed for review by your office and certification by the Commissioner is a proposed amendment to the Cumberland County Solid Waste Management Plan concerning establishment of solid waste flow control. In support of this amendment you will find:

- Twenty-seven (27) certified copies of Cumberland County Ordinance #2011-3 which was adopted by the Board of Chosen Freeholders on April 26, 2011, to adopt the above referenced Solid Waste Management Plan Amendment; and
- Twenty-seven (27) copies of the proposed amendment to the Cumberland County Solid Waste Management Plan concerning Solid Waste Flow Control; and
- A copy of the Cumberland County Solid Waste Advisory Council Resolution #2011-01, which was adopted on February 28, 2011; and
- A copy of the transcript of the public hearing held on this Plan Amendment on April 26, 2011; and
- A certification of mailing, service, and publication of notice by Beth Kostok, Office Manager for the Cumberland County Board of Chosen Freeholders; and
- Affidavit of Ken Mecouch, Clerk to the Board of Chosen Freeholders confirming that no written comments regarding these amendments were received.

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Mr. Guy Watson
May 17, 2011
Page 2 of 2

- While not required by the regulations, also enclosed is one (1) certified copy of the Cumberland County Improvement Authority's Resolution #2010-116 recommending that the Board of Chosen Freeholders take whatever actions are necessary to implement waste flow control in Cumberland County.

If you have any questions or additional requirements to proceed with the Department's review and Commissioner's certification, please call my office or contact me via email at drain44@aol.com or drainear@ccia-net.com. This amendment is critical and time sensitive. Expedited action by the Department is therefore requested.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Don H. Rainear".

Donald H. Rainear
Management Consultant
Acting as Executive Director

DHR:drb

Enclosures

c: Ken Mecouch, Clerk to the Board of Chosen Freeholders

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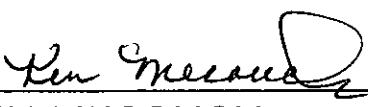
*Cumberland County
Board of Chosen Freeholders*

*Administration Building
790 East Commerce Street
Bridgeton, New Jersey 08302-2286*

I, KEN MECOUCH, Clerk to the Board of Chosen Freeholders of the County of Cumberland, do hereby certify that the annexed is a true copy of an ordinance, passed at a regular meeting of the Board of Chosen Freeholders, held on the twenty-sixth day of April, 2011.



In Witness Whereof, I have here-unto set
my hand and the seal of the County
of Cumberland this tenth day
of May, 2011.



KEN MECOUCH
CLERK TO THE BOARD

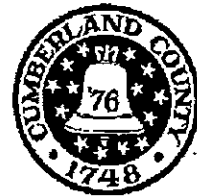
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Cumberland County
Board of Chosen Freeholders
790 East Commerce Street
Bridgeton, NJ 08302



ADOPTED
ORDINANCE 2011-3
Meeting: April 26, 2011 6:30 PM

ORDINANCE OF THE COUNTY OF CUMBERLAND, NEW JERSEY
AMENDING THE CUMBERLAND COUNTY SOLID WASTE
MANAGEMENT PLAN TO AUTHORIZE SOLID WASTE FLOW
CONTROL

WHEREAS, the New Jersey Solid Waste Management Act (N.J.S.A. 13:1E et seq.) established a comprehensive system for the management of Solid Waste in New Jersey, designating all twenty-one (21) of the State's counties and the Hackensack Meadowlands District as Solid Waste Management Districts and mandated that the Boards of Chosen Freeholders and the Hackensack Meadowlands Development Commission (now the New Jersey Meadowlands Commission) to develop comprehensive plans for waste management in their respective districts; and

WHEREAS, in accordance with the said State Act, the County of Cumberland has been required to adopt and implement a Solid Waste Management Plan for Cumberland County; and

WHEREAS, Cumberland County's initial plan was adopted on December 13, 1979, and was approved with modifications by the Commissioner of the Department of Environmental Protection on May 13, 1980; and

WHEREAS, Commencing in 1980, the Cumberland County Board of Chosen Freeholders designated the Cumberland County Improvement Authority ("CCIA") as the implementing agency to develop and administer solid waste and recycling facilities and programs, all in accordance with the Cumberland County Solid Waste Management Plan; and

WHEREAS, in accordance with the said State Act, the regulations promulgated by the New Jersey Department of Environmental Protection, State policies and the County's approved Solid Waste Management Plans, the County and the CCIA have undertaken various solid waste and recycling initiatives and have constructed and operated solid waste facilities, including a landfill and a recycling center; and

WHEREAS, at the time when the CCIA's solid waste and recycling facilities were planned and constructed, the State's Solid Waste Management regulations and policies included waste flow controls, which directed wastes generated within each county's solid waste district to an authorized transfer station or disposal facility; and

WHEREAS, Cumberland County previously implemented waste flow control in Cumberland County, by directing that "All Waste Types 10, 13, 23, 25 and 27 except source separated recyclable wastes, generated within all municipalities located within Cumberland

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County shall be directed to the Cumberland County Solid Waste Complex, located in Deerfield Township, Cumberland County, New Jersey; and

WHEREAS, subsequent to construction of the CCIA's said facilities and systems, the US Supreme Court invalidated a New York community's solid waste flow control ordinance, in a decision *C & A Carbone, Inc. v. Town of Clarkstown*, 511 U.S. 383 (1994), because the ordinance forced haulers to deliver waste to a particular private processing facility; and

WHEREAS, a subsequent decision by the United States Third Circuit Court Appeals in *Atlantic Coast Demolition and Recycling, Inc. v. Atlantic County Board of Chosen Freeholders, et al.*, effectively repealed the New Jersey's waste flow regulations; and

WHEREAS, in *United Haulers Association, Inc. v. Oneida-Herkimer Solid Waste Management Authority*, 127 S. Ct. 1786 (2007), the U.S. Supreme Court determined that waste flow control laws which require haulers to bring waste to facilities owned and operated by state-created public benefit corporations may be distinguished from the privately owned facility that was the subject of the *C & A Carbone* case; and

WHEREAS, the Supreme Court in *Oneida-Herkimer* found that the disposal of trash has been a traditional government activity and laws that favor government in such areas but treat private businesses whether in-state or out-of-state the same, do not discriminate against interstate commerce for purposes of the Commerce Clause, and

WHEREAS, the *Oneida-Herkimer* decision has allowed other New Jersey counties to utilize waste flow control for financial stability and the counties of Atlantic, Cape May, Essex, Gloucester, Hudson, Mercer, Monmouth, Morris, Ocean, Sussex and Union have all reinstituted various forms of solid waste flow control; and

WHEREAS, the CCIA has proposed an amendment to the Cumberland County Solid Waste Management Plan instituting solid waste flow control for types of various solid wastes generated within Cumberland County, whereby waste materials will be directed for disposal at the CCIA's Solid Waste Complex in Deerfield Township, and

WHEREAS, pursuant to N.J.S.A. 13:1E-23, the Cumberland County Solid Waste Advisory Council has been consulted regarding the proposed amendment and during a public meeting held on February 28, 2011, said Council did pass Solid Waste Advisory Council Resolution #2011-01 which recommends the inclusion and adoption of a waste flow control amendment to the Cumberland County Solid Waste Management Plan; and

WHEREAS, the County of Cumberland is required by N.J.S.A. 13:1E-23 to hold a public hearing prior to adoption of modifications to the Cumberland County Solid Waste Management Plan, and

WHEREAS, the Board of Chosen Freeholders of the County of Cumberland desires to

consider this proposed amendment at first reading at its regularly scheduled meeting on March 22, 2011 and if this proposed amendment is adopted at the first reading, to consider it for final passage after the public hearing at the regularly scheduled meeting on April 26, 2011.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF CUMBERLAND as follows:

I. INCORPORATION OF RECITALS. The recitals set forth above are incorporated by reference.

II. ADOPTION OF SOLID WASTE FLOW CONTROL. The Cumberland County Solid Waste Management Plan is supplemented and amended by inclusion of the Solid Waste Flow Control Plan Amendment, as set forth herein after.

A. DEFINITIONS. The terms, words, and phrases used in this Ordinance and Plan Amendment shall have the definitions and meanings set forth below. In the event that a term, word, or phrase used in this Ordinance and Plan Amendment is not defined, then the definitions and meanings set forth in the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., the New Jersey Statewide Mandatory Source Separation and Recycling Act, N.J.S.A. 13:1E-99 et seq., and the rules promulgated there under, in N.J.A.C. 7:26-1 et seq., and N.J.A.C. 7:26A-1.1 et seq., as the same may be from time to time amended, shall apply. In the event of a conflict between the definitions in this Ordinance and Plan Amendment, the definitions and meanings in said State Acts and regulations shall be controlling.

1. Demolition Waste. Non-putrescible solid waste from the construction, remodeling, repair, or demolition of structures including buildings and paved roads. Demolition waste includes waste building materials, packaging, and rubble such as concrete, brick bituminous concrete, wood, masonry, glass, trees, structural metals, insulations, roofing material, and plastic building parts. Demolition waste does not include uncontaminated earth or rock, hazardous materials, asbestos, industrial waste, or appliances.
2. Effective Date. The date upon which the Commissioner of the New Jersey Department of Environmental Protection ("NJDEP") certifies this Plan Amendment.
3. Enforcing Authority. The designated agency authorized by the Cumberland County Board of Chosen Freeholders to carry out duties specified in this ordinance.

4. **Generators of Solid Waste.** Includes any and all residential, commercial, industrial, and institutional premises that generate solid waste located within the geographical boundaries of Cumberland County.
5. **Illegal Dumping.** The disposal, dumping, depositing, or other storage of solid waste materials at any area or facility or other real property not authorized and permitted under State or Federal law for the acceptance, storage, processing, or disposal of such solid wastes, or is otherwise in violation of applicable State or Federal laws or rules, including but not limited to the New Jersey Solid Waste Federal laws or rules, including but not limited to the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., or the Federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) 42 U.S.C. 9601 et seq., the Federal Resource Conservation and Recovery Act (RCRA) 42 U.S.C. 6901 et seq., the rules promulgated there under.
6. **Municipal Solid Waste (MSW) Stream.** All solid waste generated at residential, commercial, and institutional establishments within the boundaries of Cumberland County.
7. **Occupant.** Any person, including guests, in actual physical possession or occupancy of real property and/or a unit of real property space on a regular basis. For purposes of assigning specific duties or responsibilities, the term, unless the text indicates otherwise, shall mean the owner, tenant, lessee, head of the family or household, or the adult person assuming basic responsibility for the continued renting and/or occupancy of the real property.
8. **Owner.** The person or entity that is identified as the holder of legal title of record to any real property.
9. **Recycling.** The collection, separation, recovery, and marketing of Source Separated Recyclable Materials generated within the boundaries of Cumberland County, which would otherwise be disposed of or processed as solid waste, in accordance with the New Jersey Statewide Mandatory Source Separation and Recycling Act, N.J.S.A. 13:1E-99 et seq., and the rules promulgated there under.
10. **Registered Hauler.** A person who is in possession of all permits, licenses, and registrations which may be required by the NJDEP for the collection, transportation, storage, or disposal of solid waste or source separated recyclable materials within Cumberland County.
11. **Sanitary Landfill.** A solid waste facility that is authorized and permitted

under state and federal law, including but not limited to the provisions of the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., the Federal Resource Conservation and Recovery Act (RCRA) 42 U.S.C. 6901 et seq., the rules promulgated there under.

12. Solid Waste. Any waste, including but not limited to animal and food processing, asbestos, ash residue, bulky, construction and demolition, industrial, municipal, yard or hazardous wastes, including solid, liquid, semisolid, or contained gaseous materials.
13. Solid Waste Disposal Facility. Any facility or other real property, that is used for the acceptance, storage, processing, handling, or disposal of solid waste, provided that such facility or other property is authorized and permitted under state or federal law, including but not limited to the provisions of the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., the Federal Resource Conservation and Recovery Act (RCRA) 42 U.S.C. 6901 et seq., and the rules promulgated there under for such uses and activities.
14. Solid Waste Transfer Facility. Any facility that is authorized and permitted under state or federal law, and applicable rules and local ordinances to accept and transfer solid waste generated within Cumberland County, including waste types 10, 13, 13C, 23, 25, 27, and 27A.
15. Solid Waste Transporter. Any individual or company engaged in or arranging for collection and/or transportation of solid waste generated within Cumberland County.
16. Source Separation. The process by which materials designated as recyclable materials in the Cumberland County Solid Waste Management Plan shall be separated from solid waste by residential, commercial, and institutional generators, at the point of generation.
17. Tipping Fee. The rate charged for disposal of solid waste or processing of recyclable materials.
18. Yard Waste. All garden residues, leaves, shrubbery, tree trimmings, branches (less than four feet in length and less than eight inches in diameter), and grass clippings. Yard wastes shall be treated as a source separated recyclable material.

B. SOLID WASTE FLOW CONTROL REQUIREMENTS

1. Solid Waste Flow Within Cumberland County; Designation of Facilities: All NJDEP waste types 10, 13, 13C, 23, 25, 27, and 27A generated within all municipalities by any residential, public, commercial, industrial, or institutional establishment located within Cumberland County shall be directed and transported to the Cumberland County Improvement Authority (Cumberland County Solid Waste Complex, NJDEP Registration #15198) located at 169 Jesse Bridge Road, Deerfield Township, New Jersey 08352, upon property identified on the Municipal Tax Map as Block 76, Lot 14 for processing and/or disposal.

No person shall, regardless of intent, engage, cause, or otherwise arrange for collection, transportation, or disposal of any solid wastes (NJDEP waste types 10, 13, 13C, 23, 25, 27 and 27A) generated within any municipality at any residential, public, commercial, industrial, or institutional establishment located within Cumberland County to any other solid waste disposal facility that is located within the State of New Jersey, except as authorized or directed by this Ordinance and Plan Amendment.

2. Exceptions: The waste flow requirements set forth above shall not apply to:
 - (a) Collection, shipment, processing, storage, and marketing of source separated recyclable materials, as authorized by the New Jersey Statewide Mandatory Source Separation and Recycling Act, N.J.S.A. 13:1E-99 et seq., and the rules promulgated there under, provided that such materials are directed to a facility that is permitted and authorized under all applicable state and federal laws, regulations, and local ordinances to engage in such recycling activities, and further provided that solid waste residue generated by such activities within New Jersey shall remain subject to the solid waste flow disposal requirements set forth above in Section II.B.1.
 - (b) Collection, shipment, processing, storage, and marketing of materials to any facility located within New Jersey, for materials resource recovery activities, provided that such facility is permitted and authorized under all applicable state and federal laws, regulations, and local ordinances to engage in material resource recovery activities, and further provided that any solid waste residue generated by material resource recovery activities shall be disposed of as set forth above in Section II.B.1.
 - (c) Collection, transfer, and shipment of recyclable materials or solid waste to any facility located out side of New Jersey.

3. Administration: The provisions of this Plan Amendment shall be administered by the Cumberland County Improvement Authority.

C. FINES AND PENALTIES

Any person violating any provision of this Ordinance shall be subject to the fines, penalties and other sanctions set forth in the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. and any other applicable statutes. Each and every day in which a violation of any of the provisions of this Ordinance exists shall constitute a separate offense.

The fines, penalties, and sanctions set forth herein shall be in addition to any other liability or penalty imposed by law, or remedy that may be available at law or in equity arising from or connected with a violation of this Ordinance or the Cumberland County Solid Waste Management Plan.

III. ADOPTION OF PLAN AMENDMENT

- A. A public hearing for the purposes of hearing persons interested in or affected by this proposed Ordinance amending the Solid Waste Management Plan shall be held on Tuesday, April 26, 2011 at 6:30p.m. at the Cumberland County Courthouse, Broad and Fayette Streets, Bridgeton, New Jersey 08302.
- B. The Clerk to the Board of Chosen Freeholders shall send, by certified mail or hand delivery, notice of this hearing and copies of this proposed Ordinance, report(s), and SWAC resolution, if any, to the Mayor of each municipality in Cumberland County at least ten (10) days prior to the date set for hearing, in accordance with N.J.S.A. 13:1E-23(b).
- C. The Clerk to the Board of Chosen Freeholders shall publish notice of this hearing in a newspaper of general circulation in Cumberland County two (2) times, once each week for two (2) consecutive weeks, with the last publication being not less than ten (10) days prior to the date set for the hearing per N.J.S.A. 13:1E-23(d). The notice shall advise that the proposed Ordinance and supporting documents listed in paragraph III.B. above are available for public inspection at the office of every municipality within the County, the Office of the Clerk to the Board of Chosen Freeholders of the County of Cumberland, and at the Cumberland County Improvement Authority. The notice shall further advise that any interested person may file written comments about the proposed Ordinance with the Clerk of the Board of Chosen Freeholders of the County of Cumberland at the public hearing.
- D. Pursuant to N.J.S.A. 13:1E-23(e), within ten (10) days after adoption of the Ordinance, the Clerk of the Board of Chosen Freeholders of the County of

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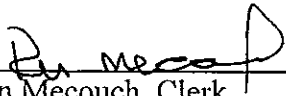
Cumberland shall serve a copy of the Ordinance, as adopted, upon each person who filed a written objection with the Board of Chosen Freeholders of the County of Cumberland. Service shall be made by certified mail at the address provided by the objector.

- E. Upon adoption of the Ordinance, the Clerk of the Board of Chosen Freeholders of the County of Cumberland shall forward to the County Counsel, twenty-seven (27) certified copies of this Ordinance and Plan Amendment for submission to the Commissioner of the Department of Environmental Protection as required by N.J.S.A. 13:1E-23(g) and N.J.S.A. 13:1E-24.
- F. A copy of this Ordinance and related documents is on file in the Office of the Clerk of the Board of Chosen Freeholders of the County of Cumberland for the use and examination of the public and shall remain on file until final action has been taken on this Ordinance and as long as the Ordinance amending the Cumberland County Solid Waste Management Plan shall remain in effect, and shall be made available to the public upon request and for a reasonable fee.

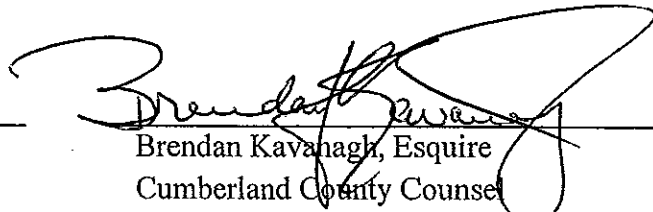
IV. REPEAL OF CONFLICTING ORDINANCES. All Ordinances and parts thereof and all Solid Waste Management Plan provisions which are inconsistent with the provisions of this Ordinance are hereby repealed and shall be deemed ineffective, to the extent of any such inconsistency.

V. SAVINGS CLAUSE. If any section, subsection, or clause of this ordinance shall be declared invalid for any reason, such invalidity shall not affect the remaining portions of this ordinance which shall remain in full force and effect.

VI. EFFECTIVE DATE. This Ordinance shall take effect upon certain certifications by the Commissioner of the Department of Environmental Protection as prescribed by N.J.S.A. 13:1E-24.



Ken Mecouch, Clerk
Board of Chosen Freeholders



Brendan Kavanagh, Esquire
Cumberland County Counsel

5-9-11

Date

5-10-11

Date



William F. Whelan, Director
Board of Chosen Freeholders

5/9/11
Date

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Board of Chosen Freeholders of the County of Cumberland held on Tuesday, March 22, 2011 and said Ordinance will be further considered for passage and adoption at the public meeting of the Board of Chosen Freeholders to be held at the Cumberland County Courthouse, Broad and Fayette Streets, Bridgeton, New Jersey 08302, on Tuesday, April 26, 2011 at 6:30 p.m.

RESULT:	ADOPTED [6 TO 0]
MOVER:	Thomas Sheppard, Freeholder
SECONDER:	Carl Kirstein, Freeholder
AYES:	Fiocchi, Jannarone, Kirstein, Sheppard, Dunkins, Whelan
ABSENT:	Louis Magazzu

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**CUMBERLAND COUNTY
SOLID WASTE MANAGEMENT PLAN AMENDMENT #21
SOLID WASTE FLOW CONTROL**

- I. This section shall supplement the Cumberland County Solid Waste Management Plan (hereinafter referred to as the "Plan" including the 2007 Plan Update and all other related Plan Amendments.

The following Introduction / Background section of Plan Amendment #21 supplements the 2007 Solid Waste Management Plan Update.

Introduction / Background

The County of Cumberland proposes to amend the Cumberland County Solid Waste Management Plan (CCSWMP or County Plan) pursuant to the requirements of the New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et. seq.). The New Jersey Solid Waste Management Act (the Act) designates each county in the state and the Hackensack Meadowlands District as Solid Waste Management Districts, and provides each county and the Hackensack Meadowlands Development Commission with the authority to develop and implement comprehensive Solid Waste Management Plans which meet the needs of every municipality within each county and within the Hackensack Meadowlands District. The Act requires that all district plans be based on and accompanied by a report detailing the existing waste disposal situation in the district, and a plan which includes the strategy to be followed by the district in meeting the solid waste management needs of the district for a 10 year planning period. The Act further provides that a district may review its plan at anytime and, if found inadequate, adopt a new plan.

The Cumberland County Solid Waste Management Plan was adopted by the Cumberland County Board of Chosen Freeholders on December 13, 1979, and approved with modifications by the Commissioner of the New Jersey Department of Environmental Protection (NJDEP) on March 04, 1981. Since 1981, twenty amendments to the SWMP have been adopted by the Board of Chosen Freeholders. The 2007 Solid Waste Management Plan Update (Plan Amendment No. 19) was approved by the Cumberland County Board of Chosen Freeholders on October 25, 2007.

The purpose of the twenty-first amendment to the Cumberland County Solid Waste Management Plan is to reinstitute solid waste flow control within Cumberland County.

In 1970, the New Jersey Legislature enacted the Solid Waste Management Act (SWMA) and the Solid Waste Utility Control Act (SWUCA), creating a comprehensive regulatory framework for the disposal of solid waste in New Jersey. In accordance with those statutes, each county was considered a Solid Waste Management District, responsible

for developing and implementing a long-term Solid Waste Management Plan, subject to approval by the New Jersey Department of Environmental Protection (NJDEP).

In response to the (SWMA) and (SWUCA), the Cumberland County Solid Waste Management Plan was developed by Cumberland County and subsequently approved by the New Jersey Department of Environmental Protection on March 04, 1981.

The Cumberland County Solid Waste Management Plan designated the Cumberland County Improvement Authority (CCIA) as the solid waste agency for Cumberland County. The Plan calls for the operation of the CCIA Solid Waste Complex and the implementation of a Regional Recycling Collection Program.

On March 03, 1990, the New Jersey Department of Environmental Protection (NJDEP) and the Board of Public Utilities (BPU) issued an Emergency Redirection Order of Solid Waste Flow that directed all non-recyclable solid waste generated in Cumberland County to the Cumberland County Improvement Authority's Solid Waste Complex. The NJDEP granted the Authority an exclusive franchise within Cumberland County in accordance with the Solid Waste System Revenue Bonds in order to finance the future development of each of the solid waste facilities (the System) listed in the above paragraph. The Rate Covenant required the Authority to collect service charges (tipping fees) in order to fund system operations. In compliance with the Flow Control Covenant, the Authority obtained the legal power to enforce the delivery of non-recyclable solid waste generated in Cumberland County to its System. The Authority has properly managed all solid waste and recyclable materials delivered to the System through the implementation of prudent practices and appropriate technologies.

In response to the BPU and NJDEP directives, the CCIA entered into agreements with various Cumberland County municipalities and private sector entities to pay for the disposal of Cumberland County waste. This system was in place until November 10, 1997, when the United States Supreme Court refused to review the circuit opinion which found the New Jersey system of waste flow control unconstitutionally discriminated against out-of-state waste disposal facilities. This ruling rendered CCIA agreements ineffective for controlling waste flow and revenue and the CCIA was faced with the opportunity and challenge to enter the competitive solid waste disposal market to capture waste flow as market share. In response, the Authority took the position of a market participant, where the pricing structure of the solid waste facilities was competitive with regional alternatives.

On April 30, 2007, the United States Supreme Court ruled that a local ordinance (Waste Flow Control) that requires the delivery of all solid waste to a publicly owned facility does not violate the Commerce Clause, in a case captioned United Haulers Association v. Oneida Herkimer Solid Waste Management Authority, 550 U.S. 330 (2007). In Oneida Herkimer, a group of haulers challenged ordinance-directed waste to a facility run by a public authority. In Oneida Herkimer, the Supreme Court determined that a waste flow ordinance that directs waste to a facility run by a public authority places only an incidental burden on interstate commerce, which is outweighed by the public

purposes of providing publicly owned environmentally safe and sound solid waste disposal facilities. Under such circumstances, waste flow is permissible under the Commerce Clause. The court's decision in Oneida Herkimer has allowed other New Jersey counties to utilize waste flow control to establish financial stability and operate environmentally sound solid waste disposal systems.

As a result of the Oneida Herkimer decision, the Atlantic County Utilities Authority hereinafter the "ACUA", implemented a Flow Control Strategy which became effective on or about September 01, 2010. The result of Atlantic County's implementation of "flow control" was the loss of approximately 43,000 tons of solid waste that had been going to the Cumberland County Solid Waste Complex. This has caused the Cumberland County Improvement Authority's Solid Waste Complex to lose approximately \$2.25 million dollars of annual revenue (23% of total revenue). In addition, an Atlantic County Transfer Station operated by Cifaloglio, Inc. has entered into a contract with the Salem County Improvement Authority's Solid Waste Facility to take Cumberland County solid waste to the Salem County Landfill at a reduced contract rate significantly below Cumberland County's gate rate. This predatory pricing has cost the Cumberland County Solid Waste Complex to lose approximately \$500,000 - \$800,000 in revenue. Accordingly, the CCIA had to reduce expenditures, raise rates, and defease \$22.0 million dollars in bonds in order to meet our current bond coverage ratio and to operate our landfill facility in a more cost effective manner.

Consequently, the Cumberland County Improvement Authority's Board of Commissioners was provided a PowerPoint presentation as to the CCIA's financial condition as of late January 2010. This presentation outlined several necessary steps for the Authority to take to remain financially sound, including the reinstitution of solid waste flow control. Thereafter, the Board of Commissioners adopted a resolution endorsing an Amendment to the Cumberland County Solid Waste Management Plan to move from an open market business strategy to a flow control business strategy. A meeting of the Solid Waste Advisory Council was held and given a presentation that recommended that the Cumberland County Freeholders adopt an Amendment to the Solid Waste Management Plan enacting flow control for all solid waste generated in Cumberland County. On February 28, 2011, the Cumberland County Solid Waste Advisory Council adopted a resolution recommending that the Cumberland County Solid Waste Management Plan be amended to include the Solid Waste Flow Control. On April 26, 2011, the Cumberland County Freeholders unanimously adopted a Flow Control Ordinance and Plan Amendment to the Cumberland County Solid Waste Management Plan (Amendment #21).

II. This section shall supplement the 2007 Plan Update by including the following definitions.

Definitions

The terms, words, and phrases used in this Plan Amendment shall have the definitions and meanings set forth below. In the event that a term, word, or phrase used in this Plan Amendment is not defined, then the definitions and meanings set forth in the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., the New Jersey Statewide Mandatory Source Separation and Recycling Act, N.J.S.A. 13E-99 et seq., and the rules promulgated there under, in N.J.A.C. 7:26-1 et seq., and N.J.A.C. 7:26A-1.1 et seq., as the same may be from time to time amended, shall apply. In the event of a conflict between the definitions in this Plan Amendment, the definitions and meanings in said state acts and regulations shall be controlling.

1. **Demolition Waste:** Non-putrescible solid waste from the construction, remodeling, repair, or demolition of structures including buildings and paved roads. Demolition waste includes waste building materials, packaging, and rubble such as concrete, brick bituminous concrete, wood, masonry, glass, trees, structural metals, insulation, roofing material, and plastic building parts. Demolition waste does not include uncontaminated earth or rock, hazardous materials, asbestos, industrial waste, or appliances.
2. **Direct Shipment:** Direct Shipment is defined in the context of this Plan Amendment #21 as a shipment of solid waste directly from the generating source to an out-of-state disposal facility. This definition precludes any solid waste being shipped to a transfer station facility then being shipped out-of-state.
3. **Effective Date:** The date upon which the NJDEP Commissioner certifies this Plan Amendment.
4. **Enforcing Authority:** The designated agency authorized by the Cumberland County Board of Chosen Freeholders to carry out duties specified in this ordinance.
5. **Generators of Solid Waste:** Includes, but is not limited to, any and all residential, commercial, industrial, and institutional premises that generate solid waste located within the geographical boundaries of Cumberland County.
6. **Illegal Dumping:** The disposal, dumping, depositing, or other storage of solid waste materials at any area or facility or other real property not authorized and permitted under state or federal law for the acceptance, storage, processing, or disposal of such solid waste, or is otherwise in violation of applicable state or federal laws or rules, including but not limited to the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., or the Federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 42 U.S.C.

9601 et seq., the Federal Resource Conservation and Recovery Act (RCRA) 42 U.S.C. 6901 et seq., and the rules promulgated there under.

7. **Material Recovery Facility:** A transfer station facility or other authorized solid waste facility at which non-hazardous solid waste, which material is not source separated by the generator thereof prior to collection, is received for onsite processing and separation utilizing manual or mechanical methods for the purpose of recovering recyclable materials for disposition and recycling prior to the disposal of the residual solid waste at the authorized solid waste facility as set forth herein.
8. **Municipal Solid Waste (MSW) Stream:** All solid waste generated at residential, commercial, and institutional establishments within the boundaries of Cumberland County.
9. **Occupant:** Any person, including guests, in actual physical possession or occupancy of real property and / or a unit of real property space on a regular basis.
10. **Owner:** The person or entity that is identified as the holder of legal title of record to any real property. The owner shall also include a person or entity who has conveyed title to the property, which conveyance was due to bankruptcy, foreclosure, tax delinquency, abandonment, or similar means to a unit of the state or local government. For purposes of assigning specific duties or responsibilities under this ordinance and plan amendment, the term owner, unless the text indicates otherwise, shall mean the owner, tenant, lessee, head of the family or household, or the adult person assuming basic responsibility for the use, renting, and / or occupancy of the real property.
11. **Recycling:** The collection, separation, recovery, and marketing of source separated recyclable materials generated within the boundaries of Cumberland County which would otherwise be disposed of or processed as solid waste in accordance with the New Jersey Statewide Mandatory Source Separation and Recycling Act, N.J.S.A. 13:1E-99 et seq. and the rules promulgated there under.
12. **Registered Hauler:** A person who is in possession of all permits, licenses, and registrations which may be required by the New Jersey Department of Environmental Protection (NJDEP) for the collection, transportation, storage, or disposal of solid waste or source separated recyclable material within Cumberland County.
13. **Sanitary Landfill:** A solid waste facility that is authorized and permitted under state or federal law, including but not limited to the provisions of the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., the Federal Resource Conservation and Recovery Act (RCRA) 42 U.S.C. 6901 et seq., and the rules promulgated there under.

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14. Solid Waste: Any waste, including but not limited to animal and food processing, asbestos, ash residue, bulky, construction and demolition, industrial, municipal, and yard waste.
15. Solid Waste Disposal Facility: Any facility or other real property that is used for the acceptance, storage, processing, handling, or disposal of solid waste, provided that such facility or other property is authorized and permitted under state or federal law, including but not limited to the provisions of the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., the Federal Resource Conservation and Recovery Act (RCRA) 42 U.S.C. 6901 et seq., and the rules promulgated there under for such uses and activities.
16. Solid Waste Transfer Facility: Any facility that is authorized and permitted under state or federal law and applicable rules and local ordinances to accept and transfer solid waste generated within Cumberland County, including waste types 10, 13, 13C, 23, 25, 27, and 27A.
17. Solid Waste Transporter: Any individual or company engaged in, or arranging for, collection and / or transportation of solid waste generated within Cumberland County.
18. Source Separation: The process by which materials designated as recyclable materials in the Cumberland County Solid Waste Management Plan shall be separated from solid waste by residential, commercial, and institutional generators at the point of generation.
19. Tipping Fee: The rate charged for disposal of solid waste or processing of recyclable materials.
20. Yard Waste: All garden residues, leaves, shrubbery, tree trimmings, branches (less than four feet in length and less than eight inches in diameter), and grass clippings. Yard waste shall be treated as source separated material.

III. Section D of the 2007 Plan Update, captioned "D. Solid Waste Flow Strategy", on page 13 of the Plan Update, is hereby deleted and replaced with the following:

D. Solid Waste Disposal Strategy to be utilized by the County for solid waste flow control.

In accordance with the updated Statewide Solid Waste Management Plan, the Cumberland County Solid Waste Management Plan Amendment reaffirms the use of the solid waste management hierarchy utilized for all waste generated in Cumberland County. The primary elements of this hierarchy include:

- Source reduction, including activities that decrease the quantity and / or toxicity of waste entering the solid waste stream and actions that promote continued product use / reuse.
- Recycling includes any materials which would otherwise become solid waste are collected, separated, and returned to the economic mainstream in the form of raw materials or products.
- Other specific recovery or reclamation projects that use or reuse a material that would otherwise become solid waste including projects such a beneficial use, landfill gas recovery, and household hazardous waste collection.

The County of Cumberland, through a combination of public and private entities, seeks to provide a sufficient volume of disposal capacity and source reduction and recycling opportunities to meet the long-term needs of the county. These solid waste management practices will be done in a manner that is environmentally secure, technically sound, economically responsible and relatively convenient for its users.

The CCIA's solid waste facilities currently include a landfill and a Class "A" Recycling Center. The landfill is anticipated to reach capacity in the year 2040.

Solid Waste Flow within Cumberland County; Designation of Facilities:

All NJDEP waste types 10, 13, 13C, 23, 25, 27, and 27A generated within all municipalities by any residential, public, commercial, industrial, or institutional establishment located within Cumberland County shall be directed and transported to the Cumberland County Solid Waste Complex (NJDEP Facility No. 0603B) located at 169 Jesse Bridge Road, Deerfield Township, New Jersey 08352, upon property identified on the Municipal Tax Map as Block 76, Lots 14, 15, 16, 18, 19, 31 and portions of lots 2, 3, and 4 for processing and / or disposal.

No person shall, regardless of intent, engage, cause, or otherwise arrange for collection, transportation, or disposal of any solid wastes (NJDEP waste types 10, 13, 13C, 23, 25, 27 and 27A) generated within any municipality at any residential, public, commercial, industrial, or institutional establishment located within Cumberland County to any other solid waste disposal facility including any transfer station / facility that is located within the State of New Jersey, except as authorized or directed by this Ordinance and Plan Amendment #21. Specifically, this Ordinance and Plan Amendment (#21) prohibits any indirect shipment of the solid waste types (NJDEP 10, 13, 13C, 23, 25, 27, and 27A) through any transfer station facility to any solid waste disposal facility within the State of New Jersey or outside the State of New Jersey except as otherwise provided for in this Plan Amendment (#21).

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The waste flow requirements set forth above shall not apply to:

- a. Collection, shipment, processing, storage, and marketing of source separated recyclable materials, as authorized by the New Jersey Statewide Mandatory Source Separation and Recycling Act, N.J.S.A. 13:1E-99 et seq., and the rules promulgated there under, provided that such materials are directed to a facility that is permitted and authorized under all applicable state and federal laws, regulations, and local ordinances to engage in such recycling activities, and further provided that solid waste residue generated by such activities within New Jersey shall remain subject to the solid waste flow disposal requirements set forth above.
- b. Collection, shipment, processing, storage, and marketing of materials to any facility located within New Jersey for material resource recovery activities, provided that such facility is permitted and authorized under all applicable state and federal laws, regulations, and local ordinances to engage in material resource recovery activities, and further provided that any solid waste residue generated by material resource recovery activities shall be disposed of at the Cumberland County Landfill as set forth above.
- c. "Direct shipment", as defined above, of recyclable materials or solid waste to any facility located outside of New Jersey.

Administration of the Plan Amendment: The provisions of this Plan Amendment shall be administered by the Cumberland County Improvement Authority and the Cumberland County Solid Waste Coordinator.

IV. Section F of the 2007 Plan Update is supplemented with the following enforcement procedures concerning solid waste flow control:

CCIA Enforcement of Solid Waste Regulations and the County Solid Waste Management Plan: The Cumberland County Improvement Authority and its staff, through an existing Inter-Local Services Agreement with the Cumberland County Health Department approved by NJDEP are the designated Solid Waste Enforcement subcontractors for Cumberland County and conduct County Environmental Health Act Responsibilities (New Jersey Statutes Annotated Title 26, Health and Vital Statistics Chapter 3A2, Local Health Services II, County Environmental Health Act, and N.J.A.C. 7:1H, County Environmental Health Standards of Administrative Procedure and Performance). These responsibilities include, but are not limited to conducting inspections, investigations, filing complaints in courts of competent jurisdiction, issuing enforcement documents such as Summonses, Notices of Violations, Notice of Violation Offer of Settlement Penalty Documents, conducting surveillance, interviews, taking statements, etc.

The CCIA's enforcement personnel shall perform the above listed CEHA responsibilities to ensure the compliance with NJDEP's Solid Waste Regulations found at NJSA 13:1 et. seq., N.J.A.C. 7:26-1 et. seq., and NJAC 7:26A-1 et seq.

Violations of these solid waste regulations are prosecuted through the Courts of Competent Jurisdiction, the NJDEP, or the County Health Department's Enforcement Program.

The Authority will also actively enforce the provisions of the County Plan which requires that all non-recyclable solid waste generated in Cumberland County be disposed of at CCIA's Solid Waste Facility or transported directly out-of-state for disposal. The use of any other NJDEP permitted solid waste facility located in the State of New Jersey for disposal of Cumberland County generated solid waste is specifically prohibited. The use of permitted solid waste transfer stations, located within the State of New Jersey, to facilitate the transportation of solid waste generated within Cumberland County to permitted out-of-state disposal facilities is a violation of the provisions of the County Plan and strictly prohibited. Similarly, the use of permitted material recovery facilities located within the State of New Jersey to remove materials from Cumberland County generated solid wastes for the purposes of recycling or reuse is not a violation of the provisions of the County Plan, provided that the residue (i.e., the non-recyclable / recovered materials) resulting from Cumberland County generated solid waste delivered to such material recovery facility is disposed of in accordance with the provisions of the Cumberland County Solid Waste Management Plan.

To ensure compliance with these requirements, the CCIA's enforcement staff inspects active construction and demolition sites within the county and performs surveillance of solid waste haulers to monitor the waste disposal locations utilized. All haulers transporting solid waste generated within Cumberland County are responsible for compliance with the solid waste disposal procedures set forth in the County Plan. Accordingly, in the event of any dispute regarding non-compliance, it shall be the responsibility of each generator / hauler to maintain satisfactory documentation to demonstrate compliance with solid waste disposal requirements of the County Plan. Violators of these waste disposal requirements are prosecuted through the Courts of Competent Jurisdiction, the NJDEP, or the County Health Department's Enforcement Program.

The Authority's enforcement staff may assist Municipal Recycling Coordinators and the County Health Department periodically to inspect businesses to ensure that designated recyclables are recovered by the generator prior to final disposal in accordance with the County Plan. Such inspections may typically consist of conducting random recycling audits at commercial and institutional generators located in Cumberland County. To supplement the Authority's inspection of businesses, the CCIA will encourage private solid waste haulers to notify their customers of the requirements to source separate and recycle designated materials. The Authority will also request the assistance of haulers in distributing "informational cards" developed by the CCIA to advise waste generators of the mandatory recycling requirements. Haulers that encounter non-compliant waste

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generators should seek additional enforcement assistance from the municipality's recycling coordinator or designated code enforcement official. Municipal Recycling Coordinators or other designated recycling enforcement personnel may also utilize the services of the County Health Department to resolve non-compliant issues involving commercial establishments that repeatedly fail to cooperate.

In addition to the enforcement measures described above, the CCIA's staff also assists municipalities and the County Health Department with monitoring the enforcement of other solid waste and recycling activities including, but not limited to:

- Monitoring solid waste transporters for proper NJDEP registration;
- Investigating solid waste complaints received from citizens and the NJDEP for activities such as illegal dumping of solid waste and unregistered transporters;
- Investigating, with the assistance of Municipal Recycling Coordinators, complaints received for failure of residential, commercial, or institutional waste generators to source separate and recycle designated materials.

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RESOLUTION #2011-01

CUMBERLAND COUNTY SOLID WASTE ADVISORY COUNCIL

**THE CUMBERLAND COUNTY IMPROVEMENT AUTHORITY
SEEKING REESTABLISHMENT OF WASTE FLOW CONTROL IN
CUMBERLAND COUNTY**

WHEREAS, the New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq) established a comprehensive system for the management of Solid Waste in New Jersey and the Cumberland County Solid Waste Management Plan designated the Cumberland County Improvement Authority ("CCIA") as the solid waste implementation agency for Cumberland County; and

WHEREAS, pursuant to the Act, Cumberland County has the responsibility for developing a financially sound Solid Waste Management Plan which is consistent with the state's goals and objectives; and

WHEREAS, under previous versions of the Cumberland County Solid Waste Management Plan, a provision was included that directed all non-recyclable solid waste generated in Cumberland County to the solid waste management facilities operated by the CCIA ("Waste Flow Control"); and

WHEREAS, the establishment of such Waste Flow Controls guaranteed the revenue necessary to finance these publicly owned solid waste management facilities; and

WHEREAS, the Supreme Court case *C & A Carbone, Inc. v. Town of Clarkstown*, 511 U.S. 383 (1994), invalidated New Jersey's historic system of Waste Flow Control which forced Cumberland County to reevaluate its solid waste management plans and how it would finance its operations; and

WHEREAS, in 2007 the Supreme Court in *United Haulers Association, Inc. v. Oneida-Herkimer Solid Waste Management Authority*, 127 S.Ct. 1786 (2007), ruled that Waste Flow Control does not discriminate against interstate commerce, so long as only public-owned facilities benefited from such regulations; and

WHEREAS, by reason of the *United Haulers* decision, the previously overturned Waste Flow Control in Cumberland County could be reinstated; and

WHEREAS, the reinstitution of Waste Flow Control will provide the financial resources necessary to continue to implement the solid waste management services for the residents of Cumberland County; and

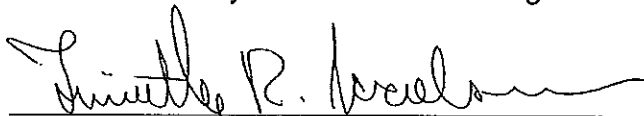
WHEREAS, the Cumberland County Solid Waste Advisory Council has heard the presentations made by the CCIA on February 28, 2011 and have reviewed pertinent documents.

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Solid Waste Advisory Council endorses and hereby recommends that the Cumberland County Board of Chosen Freeholders approve Waste Flow Control which will direct all non-recycled waste types 10, 13, 13C, 23, 25, and 27 generated within Cumberland County, which is not transported out-of-state for disposal, to the Cumberland County Improvement Authority's Solid Waste Processing Facility located in Deerfield Township, Cumberland County, New Jersey.

BE IT FURTHER RESOLVED, that the CCIA be the enforcement agency to investigate and prosecute waste flow violations.

BE IT FURTHER RESOLVED, that copy of this resolution along with supporting information be forwarded to the Cumberland County Board of Chosen Freeholders.

I hereby certify that the above is a true copy of a Resolution #2011-01 adopted by a vote of sixteen (16) in favor and one (1) opposed by the Cumberland County Solid Waste Advisory Council at a meeting held on February 28, 2011



Dr. Tim Jacobsen, Chairman
Solid Waste Advisory Council

3/7/11

Date

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COPY

CUMBERLAND COUNTY
BOARD OF CHOSEN FREEHOLDERS
PUBLIC HEARING

- - -

APPROVAL OF ORDINANCE-2011-3
ORDINANCE OF THE COUNTY OF CUMBERLAND
NEW JERSEY AMENDING THE CUMBERLAND COUNTY
SOLID WASTE MANAGEMENT PLAN TO AUTHORIZE
SOLID WASTE FLOW CONTROL

APRIL 26, 2011

Transcript of the above captioned proceedings was taken at the Cumberland County Court House, Third Floor, Broad and Fayette Streets, Bridgeton, New Jersey, before Mary Q. Irelan, Certified Court Reporter, Registered Professional Reporter and Notary Public of the State of New Jersey, on the above date, commencing at 8:25 p.m., there being present:

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MARY Q. IRELAN, CCR
Certified Court Reporters
1429 East Wheat Road
Vineland, New Jersey 08360
(856) 205-0967

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2 APPEARANCES:

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4 CUMBERLAND COUNTY BOARD OF
CHOSEN FREEHOLDERS

5 WILLIAM F. WHELAN, Director
6 JAMES A. DUNKINS, Deputy Director
7 SAMUEL L. FIOCCHI
8 JANE JANNARONE
9 CARL W. KIRSTEIN
10 THOMAS L. SHEPPARD

11 STEPHANIE A. OLIVO, ESQUIRE
County Counsel
12 GARY F. SIMMERMAN, Treasurer
13 KEN MECOUCH, County Administrator
14 Clerk, Board of Chosen Freeholders

15 Also Present:

16 CUMBERLAND COUNTY IMPROVEMENT
17 AUTHORITY
18 DONALD RAINEAR
19 Executive Director
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I N D E X

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Open Public Hearing	5
Motion To Close Public Hearing	5
Motion To Adopt Ordinance 2011-3	5
Freeholder Board Vote	6
Comments Re: Mr. Raineear	6
Conclusion of Hearing	7

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EXHIBITS

NO.	DESCRIPTION	PAGE
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2 DIRECTOR WHELAN: The next item of
3 business is Ordinance 2011-3.

4 CLERK MECOUCH: Director, I report
5 compliance with N.J.S.A. 42A:2-17, so that the
6 ordinance may be read by title only.

7 DIRECTOR WHELAN: I would like to
8 entertain a motion that the ordinance be read
9 on final reading by title only.

10 FREEHOLDER SHEPPARD: So moved.

11 FREEHOLDER KIRSTEIN: Second.

12 DIRECTOR WHELAN: It's been moved by
13 Freeholder Sheppard seconded by Freeholder
14 Kirstein. Any discussion? Any questions? All
15 in favor?

16 FREEHOLDER BOARD: Aye.

17 DIRECTOR WHELAN: Opposed? The motion
18 carries. Please read the ordinance by title
19 only.

20 CLERK MECOUCH: Ordinance-2011-3 Amending
21 the Cumberland County Solid Waste Management
22 Plan to Authorize Solid Waste Flow Control.

23 DIRECTOR WHELAN: I would like to
24 entertain a motion to open the public hearing
25 on the ordinance.

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1 FREEHOLDER KIRSTEIN: So moved.

2 FREEHOLDER SHEPPARD: Second.

3 DIRECTOR WHELAN: It's been moved by
4 Freeholder Kirstein seconded by Freeholder
5 Sheppard. Any questions or comments? All in
6 favor.

7 FREEHOLDER BOARD: Aye.

8 DIRECTOR WHELAN: Opposed? It carries.

9 We are now in the public hearing on
10 Ordinance 2011-3 regarding waste flow control.
11 Any member of the public that would like to
12 come forward?

13 Okay. Seeing nobody, I will entertain a
14 motion to close the public hearing on this
15 ordinance.

16 FREEHOLDER SHEPPARD: So moved.

17 FREEHOLDER JANNARONE: Second.

18 DIRECTOR WHELAN: It's been moved by
19 Freeholder Sheppard seconded by Freeholder
20 Jannarone. All in favor?

21 FREEHOLDER BOARD: Aye.

22 DIRECTOR WHELAN: Opposed? And that
23 carries.

24 Is there a motion that we adopt Ordinance
25 2011-3?

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1 FREEHOLDER SHEPPARD: So moved.

2 FREEHOLDER KIRSTEIN: Second.

3 DIRECTOR WHELAN: Moved by Freeholder

4 Sheppard seconded by Freeholder Kirstein. This
5 does require a super majority.. Mr. Clerk.

6 CLERK MECOUCH: Freeholder Fiocchi.

7 FREEHOLDER FIOCCHI: Yes.

8 CLERK MECOUCH: Freeholder Jannarone.

9 FREEHOLDER JANNARONE: Yes.

10 CLERK MECOUCH: Freeholder Kirstein.

11 FREEHOLDER KIRSTEIN: Yes.

12 CLERK MECOUCH: Freeholder Sheppard.

13 FREEHOLDER SHEPPARD: Yes.

14 CLERK MECOUCH: Deputy Dunkins.

15 DEPUTY DUNKINS: Yes.

16 CLERK MECOUCH: And Director Whelan.

17 DIRECTOR WHELAN: Yes. And I know that
18 Mr. Raineer is here from the Improvement -- he
19 was. He is here? Do you have any comments?

20 MR. RAINEAR: I would like to thank the
21 Board. This was a very important decision for
22 the financial health of the Cumberland County
23 Improvement Authority and, more important, the
24 landfill, and will move us in the direction
25 that we can maintain our rates, and we probably

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1 will have some need to enhance our revenues,
2 but it will be a lot less as a result of your
3 vote tonight.

4 DIRECTOR WHELAN: Thank you.

5 (Hearing concluded at 8:27 p.m..)

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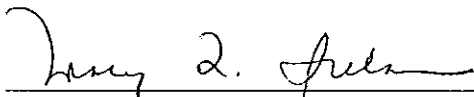
1 C-E-R-T-I-F-I-C-A-T-I-O-N

2 STATE OF NEW JERSEY :

3 COUNTY OF CUMBERLAND :

4 I, MARY Q. IRELAN, Certified Court
5 Reporter, Registered Professional Reporter and
6 Notary Public, do hereby certify that I reported the
7 above captioned matter; that the foregoing is a true
8 and correct transcript of the stenographic notes
9 taken by me in the above captioned matter.

10 I further certify that I am not an
11 attorney or counsel of any of the parties, nor a
12 relative or employee of any attorney or counsel
13 connected with this action, nor financially
14 interested in the action.

15
16 
17 MARY Q. IRELAN, CCR, RPR
18 License CCR #X1001515
19 License RPR #008090

20 MAY 2, 2011
21 DATE

22 (This Certification does not apply to any
23 reproduction of this transcript, unless under the
24 direct supervision of the certifying reporter.)
25

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CERTIFICATION OF MAILING SERVICE
AND PUBLICATION IN COMPLIANCE
WITH N.J.S.A 13:1E-23

RE: AN ORDINANCE AMENDING THE CUMBERLAND COUNTY SOLID WASTE
MANAGEMENT PLAN CONCERNING SOLID WASTE FLOW CONTROL.

BETH KOSTOK, hereby certifies:

1. I, the undersigned, was employed by the County of Cumberland, Cumberland County Administrators Office as the Office Manager when the ordinance was processed.

2. On March 30, 2011, I mailed, by certified mail, return receipt requested, packets containing the following: letter dated March 30, 2011 with the notice of public hearing, copy of proposed County Ordinance No. 2011-3 and Resolution 2011-01 adopted by the Cumberland County Solid Waste Advisory Council to all municipal mayors in Cumberland County evidenced by the annexed photocopies of the green cards acknowledging that they did receive the packages.

3. On March 30, 2011, I mailed by regular mail, postage prepaid, a packet containing the following: letter dated March 30, 2011 with the notice of public hearing, copy of proposed County Ordinance No. 2011-3 and Resolution 2011-01 adopted by the Cumberland County Solid Waste Advisory Council to the Cumberland County Solid Waste Management Coordinator.

4. On April 1, 2011 and April 8, 2011, the notice of public hearing was published in the legal ad section of The News of Cumberland County (inadvertently only published on April 1, 2011) and the Daily Journal (published both dates) as evidenced by the attached Legal Advertisements.

I CERTIFY that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: 5/10/11

Beth Kostok
Beth Kostok

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MAYOR JAMES P. CRILLEY
Upper Deerfield Township
1325 Highway 77
Seabrook, NJ 08302

2. Article Number

(Transfer from service label)

7010 1870 0000 1010 1241

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Margaret L. Plummer

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MAYOR JAMES P. CRILLEY
Upper Deerfield Township
PO Box 5098
Seabrook, NJ 08302

2. Article Number

(Transfer from service label)

7010 1870 0000 1010 1227

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Andrew Penny

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☒ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mayor James T. Shannon
Millville City Hall
PO Box 609
Millville, NJ 08332

2. Article Number

(Transfer from service label)

7010 1870 0000 1010 1180

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☒ Addressee

B. Received by (Printed Name)

J. Ciare

C. Date of Delivery

3/31/11

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes
☒ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mayor Robert Romano
Vineland City Hall
640 E. Wood Street - PO Box 1508
Vineland, NJ 08360

2. Article Number

(Transfer from service label)

7010 1870 0000 1010 1234

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☒ Agent
☐ Addressee

B. Received by (Printed Name)

D. Kobrin

C. Date of Delivery

3-31-11

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes
☒ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p style="text-align: center; padding: 10px;"> Mayor Fletcher Jamison Commercial Township Hall 1768 Main Street Port Norris, NJ 08349 </p>	<p>A. Signature <i>X Hannah Hush</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label) <u>7010 1870 0000 1010 1111</u></p>	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p style="text-align: center; padding: 10px;"> Mayor John Stanzione Deerfield Twp. Municipal Building 736 Morton Ave., Box 350 Rosenhayn, NJ 08352 </p>	<p>A. Signature <i>X B Closser</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p><i>B Closser</i> 3/31/11</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label) <u>7010 1870 0000 1010 1128</u></p>	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mayor Kathy Ireland
Maurice River Twp. Municipal Bldg.
PO Box 218
Leesburg, NJ 08327

2. Article Number

(Transfer from service label)

7010 1870 0000 1010 1197

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- ☐
- Agent
-
- ☐
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

- ☒
- Certified Mail
- ☐
- Express Mail
-
- ☐
- Registered
- ☐
- Return Receipt for Merchandise
-
- ☐
- Insured Mail
- ☐
- C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mayor Melvin R. Dickinson, Jr.
Stow Creek Township
1256 Roadstown Road
Bridgeton, NJ 08302

2. Article Number

(Transfer from service label)

7010 1870 0000 1010 1210

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- ☐
- Agent
-
- ☐
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

- ☒
- Certified Mail
- ☐
- Express Mail
-
- ☐
- Registered
- ☐
- Return Receipt for Merchandise
-
- ☐
- Insured Mail
- ☐
- C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mayor Albert Kelly
Bridgeton City Hall Annex
181 East Commerce Street
Bridgeton, NJ 08302

2. Article Number
(Transfer from service label)

7010 1870 0000 1010 1104

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Michael Sweeney☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

3-31-11

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mayor Harold Davis
Shiloh Borough
Box 349
Shiloh, NJ 08353

2. Article Number
(Transfer from service label)

7010 1870 0000 1010 1203

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Sharon Campbell☐ Agent☐ Addressee

B. Received by (Printed Name)

Sharon Campbell

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mayor Bruce Hankins
Hopewell Twp. Municipal Building
590 Shiloh Pike
Bridgeton, NJ 08302

2. Article Number
(Transfer from service label)

7010 1870 0000 1010 1166

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *M*☐ Agent
☐ Addressee

B. Received by (Printed Name)

Mamcone

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes**SENDER: COMPLETE THIS SECTION**

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mayor Joseph Miletta, Jr.
Lawrence Twp. Municipal Building
357 Main Street - PO Box 697
Cedarville, NJ 08311

2. Article Number
(Transfer from service label)

7010 1870 0000 1010 1173

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *J Miletta*☐ Agent
☐ Addressee

B. Received by (Printed Name)

J Miletta

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mayor Dennis Cook
Downe Twp. Municipal Comple
288 Main Street
Newport, NJ 08345

2. Article Number
(Transfer from service label)

7010 1870 0000 1010 1135

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X [Signature]

- ☐
- Agent
-
- ☐
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

3/31/11

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒
- Certified Mail
- ☐
- Express Mail
-
- ☐
- Registered
- ☐
- Return Receipt for Merchandise
-
- ☐
- Insured Mail
- ☐
- C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mayor Ted Kiefer
Greenwich Township
320 Statham Neck Road
Greenwich, NJ 08323

2. Article Number
(Transfer from service label)

7010 1870 0000 1010 1159

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X [Signature]

- ☐
- Agent
-
- ☐
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

Elizabeth [Signature]

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒
- Certified Mail
- ☐
- Express Mail
-
- ☐
- Registered
- ☐
- Return Receipt for Merchandise
-
- ☐
- Insured Mail
- ☐
- C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mayor Michael Sharp
Fairfield Twp. Municipal Building
PO Bxo 240
Fairton, NJ 08320

2. Article Number
(Transfer from service label)

7010 1870 0000 1010 1142

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Nathan Dunn*

- ☐
- Agent
-
- ☐
- Addressee

B. Received by (Printed Name)

Nathan Dunn

C. Date of Delivery

4-5-11

Is delivery address different from item 1? ☐ YesIf Yes, enter delivery address below: ☐ No

3. Service

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Domestic Return Receipt

102595-02-M-1540

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PROOF OF PUBLICATION

COUNTY OF CUMBERLAND

STATE OF NEW JERSEY SS

Frank Gargano, of full age, being duly sworn on his oath saith, that he is the Publisher of The News of Cumberland County, a Newspaper printed and published in Bridgeton in the County of Cumberland in the State of New Jersey; that the City of Bridgeton is the County Seat of said County and that the notice, of which the annexed is a printed copy, was published in said newspaper, and that the date/dates on which publication was/were so made as aforesaid are:

April 1, 2011

Subscribed and sworn to before me, this

1st day of *April*

A.D. 2011

Pamela Williams

Notary Public

My Commission Expires July 8, 2014

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING REGARDING AN AMENDMENT TO THE CUMBERLAND COUNTY SOLID WASTE MANAGEMENT PLAN CONCERNING SOLID WASTE FLOW CONTROL

TAKE NOTICE, that in accordance with the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., the County of Cumberland proposes to adopt an Ordinance amending the Cumberland County Solid Waste Management Plan to authorize solid waste flow control. The Plan includes (but is not limited to) requirements for all NJDEP Waste Types 10, 13, 13C, 23, 25, 27 and 27A generated by any residential, public, commercial, industrial or institutional establishment located within Cumberland County to be directed and transported to the Cumberland County Improvement Authority (Cumberland County Solid Waste Complex, NJDEP Registration #15198) located at 169 Jesse Bridge Road, Deerfield Township, New Jersey 08352, upon property identified on the Municipal Tax Map as Block 76, Lot 14 for processing and/or disposal, subject to exceptions described more fully in the said Plan concerning recyclable materials, resource recovery facilities and solid waste that are disposed of at out of state disposal processing facilities.

A PUBLIC HEARING will be held for the purpose of receiving public comments regarding the proposed Ordinance and Solid Waste Plan Amendment at the Cumberland County Court House, Broad and Fayette Streets, Bridgeton, New Jersey 08302 on April 26, 2011 at 6:30 p.m. A copy of this public notice, the proposed Ordinance and Solid Waste Advisory Council Resolution #2011-01 may be inspected Monday through Friday from 9:00 a.m. to 4:00 p.m. at the following locations:

1. The office of the Clerk of the Board of Chosen Freeholders of Cumberland County, Administration Building, 790 East Commerce Street, Bridgeton, New Jersey;
2. The municipal offices of every municipality within Cumberland County; and
3. The office of the Cumberland County Improvement Authority, District Solid Waste Coordinator, 2 N. High Street, Millville, New Jersey.

Interested persons may submit written comments on the proposed amendment to Ken McCouch, Clerk of the Board of Chosen Freeholders, Administration Building, 790 East Commerce Street, Bridgeton, New Jersey 08302. All written comments must be submitted prior to the time and date of said hearing. All comments in response to this notice shall be considered by the Board of Chosen Freeholders at the hearing. Adoption of the proposed Plan Amendment shall be by Ordinance enacted by the Board of Chosen Freeholders. The New Jersey Department of Environmental Protection thereafter may approve or modify the Plan Amendment and adopt same, without further notice.

Cost: \$78.75
(2603126) 04/01/2011 11

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Affidavit of Publication

Publisher's Fee \$85.80 Affidavit \$0.00

State of New Jersey } SS.

Cumberland County

Personally appeared Ama Raji

Of the The Daily Journal, a newspaper printed in Freehold, New Jersey and published in Vineland, in said County and State, and of general circulation in said county, who being duly sworn, deposeth and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper 2 times, once in each issue as follows:

4/01/11, 4/08/11

A.D. 2011

Sworn and subscribed before me, this
8 day of April, 2011

Kathleen A. Gibson
Notary Public of New Jersey

NOTICE OF PUBLIC HEARING REGARDING AN AMENDMENT TO THE CUMBERLAND COUNTY SOLID WASTE MANAGEMENT PLAN CONCERNING SOLID WASTE FLOW

TAKE NOTICE, that in accordance with the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., the County of Cumberland proposes to adopt an Ordinance amending the Cumberland County Solid Waste Management Plan to authorize solid waste flow control. The Plan includes (but is not limited to) requirements for all NJDEP Waste Types 10, 13, 13C, 23, 25, 27 and 27A generated by any residential, public, commercial, industrial or institutional establishment located within Cumberland County to be directed and transported to the Cumberland County Improvement Authority (Cumberland County Solid Waste Complex, NJDEP Registration #15158) located at 169 Jesse Bridge Road, Deerfield Township, New Jersey 08352, upon property identified on the Municipal Tax Map as Block 76, Lot 14 for processing and/or disposal subject to exceptions described more fully in the said Plan concerning recyclable materials, resource recovery facilities and solid waste that are disposed of at out of state disposal/processing facilities.

A PUBLIC HEARING will be held for the purpose of receiving public comments regarding the proposed Ordinance and Solid Waste Plan Amendment at the Cumberland County Court House, Broad and Fayette Streets, Bridgeton, New Jersey 08302 on April 26, 2011 at 6:30 p.m. A copy of this public notice, the proposed Ordinance and Solid Waste Advisory Council Resolution #2011-01 may be inspected Monday through Friday from 9:00 a.m. to 4:00 p.m. at the following locations:

1. The office of the Clerk of the Board of Chosen Freeholders of Cumberland County, Administration Building, 790 East Commerce Street, Bridgeton, New Jersey;
2. The municipal offices of every municipality within Cumberland County; and
3. The office of the Cumberland County Improvement Authority, District Solid Waste Coordinator, 2 N. High Street, Millville, New Jersey.

Interested persons may submit written comments on the proposed amendment to Ken Mecouch, Clerk of the Board of Chosen Freeholders, Administration Building, 790 East Commerce Street, Bridgeton, New Jersey 08302. All written comments must be submitted prior to the time and date of said hearing. All comments in response to this notice shall be considered by the Board of Chosen Freeholders at the hearing. Adoption of the proposed Plan Amendment shall be by Ordinance enacted by the Board of Chosen Freeholders. The New Jersey Department of Environmental Protection thereafter may approve or modify the Plan Amendment and same, without further notice.

Kathleen A. Gibson
Notary Public State of New Jersey
My Commission Expires Dec. 18, 2014

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IN THE MATTER OF ORDINANCE :
No. 2011-3 – ORDINANCE OF THE :
COUNTY OF CUMBERLAND, NEW : CERTIFICATION OF MAILING
JERSEY AMENDING THE CUMBERLAND : WRITTEN OBJECTIONS
COUNTY SOLID WASTE MANAGEMENT :
PLAN TO AUTHORIZE SOLID WASTE :
FLOW CONTROL :

I, KEN MECOUCH, hereby certify:

1. I am the Clerk to the Board of Chosen Freeholders of Cumberland County and am providing this certification pursuant to the requirements of N.J.S.A. 13:1E-23(e).

2. No written objections were received regarding this Solid Waste Management Plan Amendment/Resolution.

I CERTIFY that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


Ken Mecouch, Clerk to the Board

DATED: 5/10/11

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Cumberland County Improvement Authority

	Yes	No	Abstain	Absent
KELLY	X			
MILLER				X
VELEZ	X			
VEIGHT	X			
NEDOHON				X

Resolution Number: 2010-116
Dated: December 28, 2010
Offered By: Mr. Veight
Seconded By: Mr. Velez

RESOLUTION OF THE CUMBERLAND COUNTY IMPROVEMENT AUTHORITY RECOMMENDING AND URGING THE CUMBERLAND COUNTY BOARD OF CHOSEN FREEHOLDERS TO TAKE WHATEVER ACTIONS NECESSARY TO IMPLEMENT WASTE FLOW CONTROL IN CUMBERLAND COUNTY

WHEREAS, the Cumberland County Improvement Authority (the "CCIA") is a public body created in 1980 pursuant to the County Improvement Authorities Law, N.J.S.A. 40:37A-44, *et seq.*; and

WHEREAS, the CCIA owns and operates a solid waste disposal facility (the "Solid Waste Complex") located in Cumberland County at 169 Jesse Bridge Road, Deerfield Township, New Jersey 08332; and

WHEREAS, Cumberland County previously implemented waste flow control in Cumberland County, by directing that "All Waste Types 10, 13, 23, 25 and 27 except source separated recyclable wastes, generated within all municipalities located within Cumberland County shall be directed to the Cumberland County Solid Waste Complex, located in Deerfield Township, Cumberland County, New Jersey; and

WHEREAS, the US Supreme Court invalidated a similar waste flow control policy in a decision *C & A Carbone, Inc. v. Town of Clarkstown*, 511 U.S. 383 (1994), because the ordinance forced haulers to deliver waste to a particular private processing facility; and

WHEREAS, a subsequent decision by the United States Third Circuit Court of Appeals in *Cumberland Coast Demolition and Recycling, Inc. v. Cumberland County Board of Chosen Freeholders, et al.*, effectively repealed New Jersey's waste flow regulations; and

WHEREAS, in *United Haulers Association, Inc. v. Oneida-Herkimer Solid Waste Management Authority*, 127 S.Ct. 1786 (2007), the U.S. Supreme Court determined that waste flow control laws which require haulers to bring waste to facilities owned and operated by a state-created public benefits corporation may be distinguished from the privately owned facility that was the subject of the *C & A Carbone* case; and

WHEREAS, the Supreme Court in *Oneida-Herkimer* found that the disposal of trash has been a traditional government activity and laws that favor government in such areas but treat private businesses whether in-state or out-of-state the same, do not discriminate against interstate commerce for purposes of the Commerce Clause, and

WHEREAS, the *Oneida-Herkimer* decision has allowed other New Jersey counties to utilize waste flow control for financial stability and the counties of Atlantic, Cape May, Essex, Gloucester, Hudson, Mercer, Monmouth, Morris, Ocean, Sussex and Union have all reinstituted various forms of solid waste flow control; and

WHEREAS, in light of the *Oneida-Herkimer* decision and institution of waste flow control by surrounding counties, the Board of Directors of the CCIA has determined that institution of waste flow control in Cumberland County would be financially beneficial to the CCIA and allow the CCIA to continue providing the same level of services previously provided.

NOW, THEREFORE, BE IT RESOLVED BY THE CUMBERLAND COUNTY IMPROVEMENT AUTHORITY as follows:

1. The CCIA hereby recommends and urges the Cumberland County Board of Chosen Freeholders to take whatever action(s) necessary to implement waste flow control in Cumberland County; and
2. Failure of the Cumberland County Board of Chosen Freeholders to take such actions and implement said waste flow control could have a detrimental impact on the financial wherewithal of the CCIA.

Passed and adopted at a meeting of the Cumberland County Improvement Authority held at its offices located at 2 N. High Street, Millville, New Jersey on Tuesday, December 28, 2010, at 2:00 p.m. prevailing time.



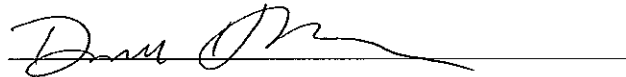
CUMBERLAND COUNTY IMPROVEMENT AUTHORITY

2 N. High Street, Millville, New Jersey 08332

I, Donald H. Rainear, Management Consultant Acting as Executive Director to the Cumberland County Improvement Authority, do hereby certify that the annexed is a true copy of Resolution #2010-116, passed and adopted at a Regular Meeting of the Cumberland County Improvement Authority, held on the 28th day of December, 2010.



In Witness Whereof, I have hereunto set my hand and the seal of the Cumberland County Improvement Authority, this 17th day of May, 2011.



Donald H. Rainear
Management Consultant
Acting as Executive Director

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