

13:1E-1 ET SEQ.

LEGISLATIVE HISTORY CHECKLIST

NJSA 13:1E-1 et seq.

Laws of 1975 Chapter 326

Bill No. S 624

Sponsor(s) Feldman

Date Introduced January 28, 1974

Committee: Assembly Agriculture & Environmental

Senate Energy, Ag. & Env.; Rev., Fin & Approp.

Amended during passage Yes Amendments during passage denoted by asterisks.

Date of passage: Assembly Jan. 5, 1976

Senate Jan. 8, 1976

Date of approval February 23, 1976

Following statements are attached if available:

Sponsor statement ~~Yes~~ No

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note ~~Yes~~ No

Veto message ~~Yes~~ No

Message on signing Yes ~~No~~

Following were printed:

Reports ~~Yes~~ No

Hearings Yes ~~No~~

974.90 New Jersey. Legislature. Senate.
M966 Committee on Energy, Agriculture & Environment.
1974 Public hearing on S624 (Solid waste management),
held March 11, 1974. Trenton, 1974)

10/4/76

CHAPTER 326 LAWS OF N. J. 1975
APPROVED 2-23-76

[FOURTH OFFICIAL COPY REPRINT]

SENATE, No. 624

STATE OF NEW JERSEY

INTRODUCED JANUARY 28, 1974

By Senators FELDMAN, MERLINO, BATEMAN, MUSTO,
McGAHN and DWYER

Referred to Committee on Energy, Agriculture and Environment

AN ACT to amend the title of "An act concerning solid waste management; creating an Advisory Council on Solid Waste Management in the State Department of Environmental Protection, and relating to the department's functions, power and duties," approved May 6, 1970 (P. L. 1970, c. 39, C. 13:1E-1 et seq.), so that the same shall read "An act concerning solid waste management **and resource recovery**; designating solid waste management districts within the State and regulating solid waste collection and disposal therein; creating an Advisory Council on Solid Waste Management in the State Department of Environmental Protection, and relating to the department's functions, power and duties"; to amend and supplement the body of said act; ***[and]*** **to amend the "Local Public Contracts Law, approved June 9, 1971 (P. L. 1971, c. 198) and the "Solid Waste Utility Control Act of 1970," approved May 6, 1970 (P. L. 1970, c. 40);* ****to supplement the "Hackensack Meadows Reclamation and Development Act" approved January 13, 1969 (P. L. 1968, c. 404);***** repealing **sections 1 and 2 of* P. L. 1971, c. 461, ***[approved February 29, 1972]*** **and *****[making]***** ****authorizing*** an appropriation therefor*.***

1 BE IT ENACTED by the Senate and General Assembly of the State
2 of New Jersey:

1 1. The title of P. L. 1970, c. 39 is amended to read as follows:
2 An act concerning solid waste management **and resource re-*
3 *covery**; designating solid waste managemnt districts within the
4 State and regulating solid waste collection and disposal therein;

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

5 creating an Advisory Council on Solid Waste Management in the
6 State Department of Environmental Protection, and relating to
7 the department's functions, power and duties.

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

3 1. This act shall be known, and may be cited, as the "Solid Waste
4 Management Act [(1970)]."

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

3 2. a. The Legislature finds [and declares] that the collection,
4 disposal and utilization of solid waste is a matter of grave concern
5 to all citizens and is an activity thoroughly affected with the public
6 interest; that the health, safety and welfare of the people of this
7 State require efficient and reasonable solid waste collection and
8 disposal service or efficient utilization of such waste; [and that the
9 current solid waste crisis should be resolved not only by the enforce-
10 ment of more stringent and realistic regulations upon the solid
11 waste industry, but also through the development and formulation
12 of Statewide, regional, county, and intercounty plans for solid
13 waste management and guidelines to implement the plans] *that the
14 management of solid waste in New Jersey consists largely of piece-
15 meal, uncoordinated activities developed to meet the immediate
16 needs of local governments with little, if any, regard for regional
17 planning and coordination; that local units of government acting
18 on their own, despite the most dedicated and sincere efforts, lack
19 the financial resources, scope of alternatives and expertise to plan,
20 develop and implement efficient and effective solutions to their
21 solid waste problems; and that, for the most part, the solid waste
22 planning and management process is adversely affected by the
23 absence of area-wide structures, the limitations of local initiative,
24 the general inadequacy of State technical assistance, the paucity
25 of State grants for solid waste experimentation, the failure of the
26 State to establish guidelines for the preparation of county and
27 intercounty plans, and the failure to implement county and inter-
28 county solid waste collection, disposal and utilization operations.*

29 b. The Legislature, therefore, declares that it is the policy of
30 this State to

31 (1) *Establish a statutory framework within which all solid waste
32 collection, disposal and utilization activity in this State may be
33 coordinated;*

34 (2) *Designate each county in this State and the Hackensack
35 Meadowlands District as a Solid Waste Management District, and*

36 provide each county and the Hackensack Meadowlands Develop-
 37 ment Commission with the power, singly or jointly with one or more
 38 other districts, to develop and implement a comprehensive solid
 39 waste management plan which meets the needs of every municipality
 40 within each such county and within the Hackensack Meadowlands
 41 District;

42 (3) Provide citizens and municipalities with opportunities to
 43 contribute to the development and implementation of solid waste
 44 management plans by requiring public hearings prior to their
 45 adoption and by the creation of advisory ***[municipal]*** ***solid**
 45A **waste* councils;**

46 (4) Protect the bondholders of the several incinerator authori-
 47 ties, solid waste management authorities, municipal public utility
 48 authorities, county improvement authorities, and other public
 49 authorities concerned with solid waste management functions and
 50 facilities, while coordinating their activities under solid waste
 51 management plans;

51A ***(5) Expand and strengthen the existing relationships between**
 51B **the solid waste industry, representing the free enterprise system**
 51C **and the public sector, including the State and municipal govern-**
 51D **ments and the districts established by this act, in order that both**
 51E **may most effectively contribute to an efficient and economical solu-**
 51F **tion to the problem of solid waste management ***and to take into**
 51G **account the long term financial commitments entered into ****[ex-**
 51H **isting]**** ****by**** solid waste facilities and to recognize,**
 51I **through the Public Utilities Commission the added cost of compli-**
 51J **ance with environmental standards by the provision of equitable**
 51K **rate increases***,***

52 ***[(5)]* *(6)* Establish a meaningful and responsible role for**
 53 **the State in the solution of solid waste problems by granting the De-**
 54 **partment of Environmental Protection and the Solid Waste Ad-**
 55 **visory Council the power, not only to regulate and supervise all**
 56 **solid waste collection and disposal facilities and operations and to**
 57 **register all persons engaged in the collection or disposal of solid**
 58 **waste in this State, but also to develop through a Statewide solid**
 59 **waste management plan objectives, criteria and procedures to**
 60 **assure the orderly preparation and evaluation of the solid waste**
 61 **management plans developed by every solid waste management dis-**
 62 **trict, and to approve, modify, or reject such solid waste manage-**
 63 **ment plans on the basis of their conformity with such objectives,**
 64 **criteria and procedures, to develop and implement such a plan**
 65 **where none is approved or forthcoming from any solid waste man-**
 66 **agement district, to arbitrate disputes between solid waste manage-**

67 ment districts in the development and implementation of solid
 68 waste management plans, to utilize the funds received by the de-
 69 partment from registration fees and such other funds as may be
 70 from time to time appropriated to it to support and undertake
 71 experimental projects and programs of research and development
 72 to determine the most efficient, sanitary and economical ways of
 73 collecting, disposing, limiting and utilizing solid waste, *to grant
 74 funds to the districts for the formulation and development of solid
 75 waste management plans,* and to take such other actions in ac-
 76 cordance with the policies set forth in this act, all in the manner
 77 and extent hereinafter provided***[.]*** *;*

78 *(7) Encourage resource recovery through the development of
 79 systems to collect, separate, recycle and recover metals, glass,
 80 paper and other materials of value for reuse or for energy pro-
 81 duction.

82 c. The Legislature recognizes that solid waste and recycling
 83 facilities will be financed through long term borrowing which re-
 84 quires the negotiation of long term contracts with municipalities
 85 and other solid waste collectors to guarantee the flow of solid
 86 waste to such facilities. The Legislature, however, does not in-
 87 tend to encourage or permit the public entity, or its designees, that
 88 holds these contracts to establish or charge rates to municipalities
 89 or other solid waste ****[collections]**** ****collectors**** within its
 90 jurisdiction which discriminate on the basis of the cost of disposal
 91 at a particular facility which has been designated as the place of
 92 disposal for the solid waste of such municipality or other solid
 93 waste collector pursuant to an approved solid waste management
 94 plan for that district.*

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

3 3. For purposes of this act, unless the context clearly requires
 4 a different meaning:

5 a. "Solid waste" means garbage, refuse, and other discarded
 6 materials resulting from industrial, commercial and agricultural
 7 operations, and from domestic and community activities, and shall
 8 include all other waste materials including liquids ***[disposed of**
 9 **incident thereto except it shall not include]*** ***except for liquids**
 10 **which are ****[included]**** ****treated**** in public sewage**
 11 **treatment plants and except for*** solid animal and vegetable wastes
 12 collected by swine producers licensed by the State Department of
 12A Agriculture to collect, prepare and feed such wastes to swine on
 12B their own farms.

13 b. "Solid waste collection" means the activity related to pick-up
14 and transportation of solid waste from its source or location to a
15 disposal site **or to a resource recovery facility**.

16 c. "Solid waste disposal" means the storage, treatment, utiliza-
17 tion, processing, ****[*recycling*]**** ****resource recovery****
17A or final disposal of solid waste.

18 d. "Solid waste management" includes all activities related to
19 the collection and disposal of solid wastes by any person engaging
20 in such process.

21 e. "Council" means the Advisory Council on Solid Waste
22 Management.

23 f. "Department" means the State Department of Environ-
24 mental Protection.

25 g. "Commissioner" means the Commissioner of Environmental
26 Protection in the State Department of Environmental Protection.

27 h. "Solid waste facilities" mean and include the plants, struc-
28 tures and other real and personal property acquired, constructed
29 or operated or to be acquired, constructed or operated by any
30 person pursuant to the provisions of this or any other act, including
31 transfer stations, incinerators, ****[recycling]**** ****resource
32 recovery**** facilities,* sanitary landfill facilities or other plants
33 for the disposal of solid waste and all vehicles, equipment and other
34 real and personal property and rights thereon and appurtenances
35 necessary or useful and convenient for the collection or disposal of
35A solid waste in a sanitary manner.

36 i. "Public authority" means any solid waste management au-
37 thority created pursuant to the "solid waste management authori-
38 ties law," P. L. 1968, c. 249 (C. 40:66A-32 et seq.); municipal
39 utility authority created pursuant to the "municipal utility au-
40 thorities law," P. L. 1957, c. 183 (C. 40:14B-1 et seq.); incinerator
41 authority created pursuant to the "incinerator authorities law,"
42 P. L. 1948, c. 348 (C. 40:66A-1 et seq.); county improvement au-
43 thority created pursuant to the "County Improvement Authorities
44 Law," P. L. 1960, c. 183 (C. 40:37A-44 et seq.), or any other public
45 body corporate and politic created for solid waste management
46 purposes in any county or municipality pursuant to the provisions
47 of any law.

48 j. "Hackensack Meadowlands District" means the area within
49 the jurisdiction of the Hackensack Meadowlands Development
50 Commission created pursuant to the provisions of the "Hackensack
51 Meadowlands Reclamation and Development Act," P. L. 1968, c.
52 404 (C. 13:17-1 et seq.).

53 k. "*Hackensack Commission*" means the *Hackensack Meadow-*
 54 *lands Development Commission* created pursuant to the provisions
 55 of the "*Hackensack Meadowlands Reclamation and Development*
 56 *Act*," P. L. 1968, c. 404.

57 *l. "*Existing solid waste facility*" means that portion of an
 58 active solid waste facility which, on the effective date of this act,
 59 possesses a valid approved registration from the department.

60 m. "*New solid waste facility*" means any solid waste facility
 61 or portion thereof which does not qualify as an existing solid waste
 62 facility.

63 n. "*Public sewage treatment plant*" means any structure or
 64 structures ****required to be approved by the department pursuant
 65 to R. S. 58:11-10 or R. S. 58:12-3**** by means of which domestic
 66 wastes are subjected to any artificial process in order to remove
 67 or so alter constituents as to render the wastes less offensive or
 68 dangerous to the public health, comfort or property of any of the
 69 inhabitants of this State before the discharge of the plant effluent
 70 into any of the waters of this State; this definition includes plants
 71 for the treatment of industrial wastes as well as a combination of
 71A domestic and industrial wastes.

72 ****[o. "*Resource recovery facility*" means any place, equip-
 73 ment, device or plant operated to process marketable materials,
 74 collected by a solid waste collector or processed by a solid waste
 75 disposer, into useful products.]****

76 ****o. "*Resource recovery*" means the collection, separation,
 77 recycling and recovery of metals, glass, paper and other materials
 78 for reuse or for energy production.****

79 p. "*Recycling facility*" means any solid waste facility utilized
 80 to separate or process solid waste into marketable materials.*

1 5. Section 4 of P. L. 1970, c. 39 (C. 13:1E-4) is amended to read
 2 as follows:

3 4. a. The department shall have power to supervise solid waste
 4 collection and disposal facilities or operations, and shall in the
 5 exercise of such supervision require the registration of new and
 6 existing solid waste collection and disposal facilities and opera-
 7 tions; and may exempt from the requirement of registration any
 8 class of solid waste collection or disposal facility or operation.

9 b. The department in reviewing the registration statement for
 10 a new solid waste collection operation or solid waste disposal
 11 facility or operation and in determining the conditions under which
 12 it may be approved, shall [give due consideration to community
 13 development of comprehensive regional solid waste collection and

14 disposal in order to be assured, insofar as is practicable, that all
 15 proposed facilities, installations and operations shall conform to
 16 reasonably contemplated development of comprehensive community
 17 or regional solid waste collection and disposal facilities and opera-
 18 tions and to any Statewide, regional, county and intercounty plans
 19 for solid waste management] *not approve the registration of any*
 20 *new operation or facility that does not conform to the solid waste*
 21 *management plan of the solid waste management district in which*
 22 *such operation or facility is to be located, as such plan shall have*
 23 *been approved by the department as hereinafter provided. Prior*
 24 *to the approval by the department of the solid waste management*
 25 *plan of any solid waste management district, the department may*
 26 *grant **[only conditional]** approval to any new solid waste col-*
 27 *lection or disposal operation or facility planned to be located in any*
 28 *such district **and that district shall include said operation or*
 29 *facility in its plan**.* ***[Such conditional approval shall be valid*
 30 *for a period of 1 year, or until the solid waste management plan*
 31 *shall have been approved by the department, whichever comes*
 32 *sooner, at which time such conditional approval shall expire and any*
 33 *such conditionally-approved solid waste collection or disposal oper-*
 33A *ation or facility shall be required to register with the department*
 34 *under the same conditions as a new solid waste collection or disposal*
 35 *operation or facility; provided, however, that nothing herein*
 36 *contained shall be construed as exempting any conditionally-*
 37 *approved solid waste collection or disposal operation or facility*
 38 *from any codes, rules and regulations of the department concern-*
 39 *ing solid waste collection and solid waste disposal activities. The*
 40 *fee for such conditional approval shall be the appropriate fee*
 41 *established in section 5 of the act of which this act is amendatory*
 42 *and supplementary, notwithstanding the length of time for which*
 43 *it is applicable.】***

1 6. Section 5 of P. L. 1970, c. 39 (C. 13:1E-5) is amended to read
 2 as follows:

3 5. a. Unless exempted by the department, no person shall here-
 4 after engage or continue to engage in the collection or disposal of
 5 solid waste in this State without first filing a registration statement
 6 and obtaining approval thereof from the department. *A person
 6A *engaging in solid waste disposal shall file a separate registration*
 6B *statement and an engineering design for each disposal facility*
 6C *which he operates. The registration statement and engineering*
 6D *design for each disposal facility and approval of same shall be*
 6E *for the duration of the plan.**

7 b. The registration statement **and the engineering design**
 8 shall be made on forms provided by the department
 8A and shall contain such information as may be prescribed
 9 by the department. **[Upon the approval of any such*
 10 *registration statement, and annually thereafter, the person filing*
 11 *same shall pay to the department a registration fee of \$100.00 in*
 12 *the case of a person engaging in solid waste collection, or \$500.00*
 13 *in the case of a person engaging in solid waste disposal, or \$600.00*
 14 *in the case of a person engaging in both solid waste collection and*
 15 *disposal. Upon payment of the appropriate registration or*
 16 *registration renewal fee, as the case may be, such person shall*
 17 *receive a registration certificate or renewal thereof, as the case*
 18 *may be.]** *The State and any of its political subdivisions, public*
 19 *agencies and public authorities shall be deemed a person within*
 20 *the meaning of this act.*

21 c. No registration shall be approved by the department when in
 22 the opinion of the department such solid waste collection or disposal
 23 **[system]** facility or operation will not meet the standards or
 24 criteria set forth in *this amendatory and supplementary act or in*
 25 *regulations as may be promulgated under authority of this*
 26 **act or this* amendatory and supplementary act. *The department*
 27 *may require the amendment of an approved registration when,*
 28 *in its opinion, continued operation of a solid waste facility in ac-*
 29 *cordance with its approved registration would not meet the stan-*
 30 *dards, criteria or regulations described herein.**

1 7. Section 6 of P. L. 1970, c. 39 (C. 13:1E-6) is amended to read
 2 as follows:

3 6. a. The department **[may]** shall, in addition to such other
 4 powers as it may possess by law:

5 **[a.]** (1) Undertake a program of research and development for
 6 the purpose of determining the most efficient, sanitary and
 7 economical way of collecting, disposing and utilizing solid waste.

8 **[b.]** (2) Formulate and promulgate, amend and repeal codes,
 9 rules and regulations concerning solid waste collection and solid
 10 waste disposal activities. *Such codes, rules and regulations shall*
 11 *establish the procedures relating to the preparation and submission*
 12 *of environmental impact statements prior to the construction,*
 13 *acquisition, or operation of any solid waste facility, and shall*
 14 *establish standards for the construction and operation of solid*
 15 *waste facilities, which standards shall include, but not be limited*
 16 *to, provisions requiring: the maintenance of ground water quality*
 17 *monitoring wells to check water pollution; periodic monitoring of*

18 *water quality by chemical analysis; measures to ****[check]*****
 19 *****monitor**** methane gas production at sanitary landfills;*
 20 *plans for erosion control; revegetation procedures and plans for*
 21 *the maintenance, upkeep, and *[ultimate]* reuse of any sanitary*
 22 *landfill site; adequate cover material; safety measures; rodent,*
 23 *insect, bird, dust, fire and odor control programs; and such other*
 24 *measures as shall be deemed necessary to protect the public health*
 25 *and safety and the natural environment.*

26 All codes, rules and regulations heretofore adopted by the Public
 27 Health Council relating to refuse disposal shall continue in full
 28 force and effect and be enforceable by the department, subject to
 29 its power as herein provided to amend or repeal the same.

30 [c.] (3) Develop, [and] formulate, promulgate and review for
 31 the purpose of revising or updating not less than once every 2 years,
 32 a Statewide solid waste management plan [and guidelines to imple-
 33 ment the plan] *which shall encourage the maximum practicable
 34 use of resource recovery procedures and* which shall
 34A provide the objectives, criteria and standards for the
 34B evaluation of solid waste management plans prepared pur-
 35 suant to the provisions of this amendatory and supple-
 36 mentary act for solid waste management districts in this State;
 37 and to the extent practicable, encourage and assist in the develop-
 38 ment and formulation of [regional, county and intercounty] such
 39 solid waste management plans and guidelines to implement [the]
 40 such plans. *Such objectives, criteria and standards shall be
 41 promulgated within 180 days of the effective date of this act; pro-
 42 vided, however, that general guidelines sufficient to initiate the
 43 solid waste management planning process by solid waste man-
 44 agement districts in this State shall be promulgated within 30 days
 45 of the effective date of this act.* In the development and formu-
 46 lation of the Statewide solid waste management plan the depart-
 46A ment shall consult with relevant agencies and instrumentalities of
 46B the Federal Government, and the aforesaid objectives, criteria and
 46C standards provided by said Statewide solid waste management
 46D plan shall conform, to the extent practicable, or as may be re-
 46E quired, to the provisions of any Federal law concerning such ob-
 46F jectives, criteria and standards.

47 (4) Make an annual report to the Governor and the Legislature
 48 evaluating the operation of this amendatory and supplementary
 49 act, including any recommendations deemed necessary by the
 50 department to better effectuate the purposes hereof.

51 b. The department may, in addition:

51A **(1) Order any district, pursuant to the Statewide solid waste*
 51B *management plan, the objectives criteria and standards contained*
 51C *therein, the environmental and economic studies conducted by the*
 51D *department therefor and in a manner designed to enhance the*
 51E *environment **[and to reduce the cost of solid waste collection and*
 51F *disposal]** within the concerned districts, (a) to plan for the con-*
 51G *struction of ****[recycling]**** ****resource recovery**** facili-*
 51H *ties, (b) to specify what ****[materials]**** ****processes*****
 51I *should be ****[recycled]**** ****utilized**** therein, (c) to de-*
 51J *velop a joint program with one or more adjacent districts for pro-*
 51K *viding ****[recycling]**** ****resource recovery**** facilities,*
 51L *and (d) for those districts affected by the guarantee provided in*
 51M *P. L. 1968, c. 404, s. 9.1 (C. 13:17-10), to cooperate on a con-*
 51N *tinuing basis with the department and with the other districts so*
 51O *affected in the development of a combined approach to solid waste*
 51P *management in northeastern New Jersey ***and make the final*
 51Q *determination in the event of any overlap or conflict between the*
 51R *Hackensack Commission and any board of chosen freeholders pur-*
 51S *suant to their respective responsibilities under this amendatory*
 51T *and supplementary act or pursuant to the Hackensack Commis-*
 51U *sion's responsibilities under P. L. 1968, c. 404 (C. 13:17-1 et*
 51V *seq.)****.**

52 **[d.] *[(1)]* *(2)*** Acquire, by purchase, grant, contract or con-
 53 demnation, title to real property, for the purpose of demonstrating
 54 new methods and techniques for the collection, disposal and utiliza-
 55 tion of solid waste;

56 **[e.] *[(2)]* *(3)*** Purchase, operate and maintain, pursuant to
 57 the provisions of this act, any facility, site, laboratory equipment
 58 or machinery necessary to the performance of its duties pursuant
 58A to this act;

59 **[f.] *[(3)]* *(4)*** Apply for, receive and expend funds from any
 60 public or private source;

61 **[g.] *[(4)]* *(5)*** Contract with any other public agency,
 62 including county and municipal boards of health, or corporation
 63 incorporated under the laws of this or any other state for the
 64 performance of any function under this act. *Any such contract*
 65 *with a county or municipal board of health may provide for the*
 66 *inspection and monitoring of solid waste facilities; the enforce-*
 67 *ment of the department's standards therefor; and the training of*
 68 *county or municipal health officers engaged in such inspection,*
 69 *monitoring or enforcement;*

70 *[(5)]* *(6)* *Make grants to assist in experimenting with new*
 71 *methods of solid waste collection, disposal, or utilization, pursuant*
 72 *to the provisions of sections 21 through 25 of this amendatory*
 73 *and supplementary act;*

74 [h.] *[(6)]* *(7)* Construct and operate, on an experimental
 75 basis, incinerators or other facilities for the disposal or utilization
 76 of solid waste, to provide the various municipalities and counties of
 77 this State, the Board of Public Utility Commissioners, the *Hacken-*
 78 *sack Commission*, and the Division of Local [Finance] *Government*
 79 *Services* in the Department of Community Affairs with statistical
 80 data on costs and methods of solid waste collection and disposal;

81 [i.] *[(7)]* *(8)* Make annual and such other reports as it
 82 may deem proper to the Governor and the Legislature evaluating
 83 the demonstrations *and experiments* conducted during each
 84 calendar year.

1 7.1. Section 7 of P. L. 1970, c. 39 (C. 13:1E-7) is amended to read
 2 as follows:

3 7. a. There is hereby created in the department an Advisory
 4 Council on Solid Waste Management which shall consist of 11
 5 members, ****[three]**** ****four**** of whom shall be the Presi-
 6 dent of the Board of Public Utility Commissioners, the Commis-
 7 sioner of Community Affairs, ****the Secretary of Agriculture****
 8 and the Commissioner of Health, or their designees, who shall serve
 9 ex officio, and ****[eight]**** ****seven**** citizens of the State,
 10 ****[four]**** ****three**** of whom shall be actively engaged
 11 in the *[(business)]* *management* of either solid waste collection
 12 or solid waste disposal, or both, and four of whom shall be repre-
 13 senting the general public to be appointed by the Governor, with
 14 the advice and consent of the Senate. The Governor shall designate
 15 a chairman and vice chairman of the council from the public mem-
 16 bers who shall serve at the will of the Governor.

16A b. Of the ****[eight]**** ****seven**** members first to be
 16B appointed three shall be appointed for terms of 2 years,
 16C ****[three]**** ****two**** for terms of 3 years and two for
 17 terms of 4 years. Thereafter all appointments shall be made for
 18 terms of 4 years. All appointed members shall serve after the
 19 expiration of their terms until their respective successors are ap-
 20 pointed and shall qualify, and any vacancy occurring in the
 21 appointed membership of the council by expiration of term or other-
 22 wise, shall be filled in the same manner as the original appointment
 23 for the unexpired term only, notwithstanding that the previous
 24 incumbent may have held over and continued in office as aforesaid.

25 c. Members of the council shall serve without compensation but
26 shall be reimbursed for expenses actually incurred in attending
27 meetings of the council and in performance of their duties as
28 members thereof.

1 8. Section 8 of P. L. 1970, c. 39 (C. 13:1E-8) is amended to read
2 as follows:

3 8. The Advisory Council on Solid Waste Management is em-
4 powered to:

5 a. Request from the commissioner such information concerning
6 solid waste programs *and solid waste management plans* as it may
7 deem necessary;

8 b. Consider any matter relating to the preservation and im-
9 provement of solid waste programs *and solid waste management*
10 *plans*, and advise the commissioner thereon;

11 c. From time to time submit to the commissioner any recom-
12 mendations which it deems necessary for the proper conduct and
13 improvement of solid waste programs *and solid waste management*
14 *plans*;

15 d. Study solid waste programs *and the solid waste management*
16 *plans submitted by the commissioner*, and make its recommenda-
17 tions thereon to the commissioner;

18 e. Study any regulations promulgated by the department and the
19 Public Health Council in regard to solid waste and make its recom-
20 mendations for their improvement to the commissioner;

21 f. Study and investigate the state of the art and the technical
22 capabilities and limitations of regulations concerning solid waste
23 and report their finding and recommendations thereon to the
24 commissioner;

25 g. Study and investigate the need for programs for the long
26 range technical support of solid waste programs *and solid waste*
27 *management plans*, and report their findings and recommendations
28 thereon to the commissioner;

29 h. Hold public hearings **annually or more frequently** in regard
30 to existing solid waste statutes and regulations and upon the state
31 of the art and technical capabilities and limitations in solid waste
32 and report its recommendations thereon to the commissioner.

1 9. Section 11 of P. L. 1970, c. 39 (C. 13:1E-11) is amended to read
2 as follows:

3 11. During the first registration year of each applicant, or the
4 year following any violation of this act resulting in a revocation of
5 registration, the department is authorized to give temporary ap-
6 proval of registrations conditioned upon the applicant effecting

7 specified additions, changes or improvements in methods of opera-
 8 tion and equipment within such time and manner as may be required
 9 by the department***[**; *provided, however, that no such temporary*
 10 *approval shall be given for a time longer than 1 year]*. *The fee for*
 11 *such temporary approval shall be the appropriate fee established*
 12 ****[***in section 5 of the act of which this act is amendatory and supple-*
 13 *mentary]** ****pursuant to section 3 of P. L. 1971, c. 461**
 14 **(C. 13:1E-18)****, *notwithstanding the length of time for which it*
 15 *is given.***

1 10. Every county in the State of New Jersey and the Hackensack
 2 Meadowlands District is hereby designated a solid waste manage-
 3 ment district.

1 11. a. ***(1)*** Within ***[180]*** ***360*** days after the effective date
 2 of this amendatory and supplementary act, the respective boards
 3 of chosen freeholders, in the case of counties, and the Hackensack
 4 Commission, in the case of the Hackensack Meadowlands District,
 5 shall develop and formulate, pursuant to the procedures herein
 6 contained, a solid waste management plan for each respective solid
 7 waste management district; provided, however, that the commis-
 8 sioner may extend such period for a maximum of 45 additional
 9 days upon the certification of the board of chosen freeholders or
 10 the Hackensack Commission, as the case may be, of the causes of
 11 the delay in developing and formulating a plan, and upon the
 12 commissioner's determination that an extension will permit the
 13 development and formulation of a solid waste management plan
 13A as required herein. **Within 90 days of the effective date of this*
 13B *act, each district shall make the necessary personnel, financial and*
 13C *legal arrangements to assure the development and formulation*
 13D *of the plan within 360 days of the effective date of this act.**
 14 Every such solid waste management plan shall be developed and
 15 formulated to be in force and effect for a period of 10 years, upon
 16 the expiration of which a new plan shall be developed and formu-
 17 lated pursuant to the procedures herein contained; provided, how-
 18 ever, that every such plan shall contain provisions for automatic
 19 review thereof not less than once every 2 years following the ap-
 20 proval thereof by the department, which review shall be under-
 21 taken by the board of chosen freeholders or the Hackensack Com-
 22 mission, as the case may be; and, provided further, however, that
 23 every such plan may be reviewed at any time by the department.
 24 Upon such review, if the board of chosen freeholders, the Hacken-
 25 sack Commission, or the department, as the case may be, determines
 26 that any solid waste management plan, or any part thereof, is

27 inadequate for the purposes for which it was intended, such board
28 of chosen freeholders or the Hackensack Commission, as the case
29 may be, shall develop and formulate a new solid waste management
30 plan, or any part thereof, and such new plan, or part thereof, shall
31 be adopted thereby pursuant to the procedures contained in section
32 14 of this amendatory and supplementary act.

33 Nothing herein contained shall be construed as to prevent any
34 board of chosen freeholders or the Hackensack Commission from
35 readopting a solid waste management plan upon the expiration of
36 same in a solid waste management district; provided, however,
37 that any such readoption shall be pursuant to the provisions of
38 section 14 of this amendatory and supplementary act.

38A **(2) Any two or more districts may formulate and adopt a*
38B *single solid waste management plan which shall meet all the*
38C *requirements of this act for the combined area of the cooperating*
38D *solid waste management districts.**

39 b. (1) To assist each board of chosen freeholders in the develop-
40 ment and formulation of the solid waste management plans re-
41 quired herein, an advisory ***[municipal]*** **solid waste** council
42 shall be constituted in every county and shall [be composed of the
43 mayor of each municipality within the county or his designee]*
44 **include municipal mayors or their designees, persons engaged in*
45 *the collection or disposal of solid waste and environmentalists.*
46 *The respective size, composition and membership of each such*
47 *council shall be designated by the respective boards of chosen*
48 *freeholders**. In the Hackensack Meadowlands District, the
49 Hackensack meadowlands municipal committee, established pursu-
50 ant to article 4 of P. L. 1968, c. 404 (C. 13:17-7 and 13:17-8), is
51 hereby designated an advisory ***[municipal]*** **solid waste** council
52 for the purposes of this amendatory and supplementary act;
53 provided, however, that nothing herein contained shall be construed
54 as in any way altering the powers, duties and responsibilities of the
55 Hackensack meadowlands municipal committee except as herein
56 specifically provided. The respective boards of chosen freeholders
57 and the Hackensack Commission shall consult with the relevant
58 advisory ***[municipal]*** **solid waste** council at such stages in the
59 development and formulation of the solid waste management plan
59A as each such board of chosen freeholders or the Hackensack Com-
59B mission, as the case may be, shall determine; provided, however,
59C that a solid waste management plan shall be adopted as hereinafter
59D provided only after consultation with the relevant advisory
59E ***[municipal committee]*** **solid waste council**.

60 (2) In the development and formulation of a solid waste man-
61 agement plan for any solid waste management district, the board
62 of chosen freeholders or the Hackensack Commission, as the case
63 may be, shall:

64 (a) Consult with the county or municipal government agencies
65 concerned with, or responsible for, water pollution control, water
66 policy, water supply, or zoning or land use within the solid waste
67 management district; *~~and~~*

68 (b) Review such plans for solid waste collection and disposal
69 proposed by, or in force in, any municipality or municipalities
70 within the solid waste management district, to determine the suit-
71 ability of any such plan, or any part thereof, for inclusion within
72 the solid waste management plan of the solid waste management
73 district. *and*

74 **(c) Consult with persons engaged in solid waste collection and*
75 *disposal in the solid waste management district.**

1 12. a. Every solid waste management plan shall be based upon
2 and shall be accompanied by a report containing:

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

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

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

23 (4) An analysis of existing solid waste collection systems and
24 transportation routes within the solid waste management district.

25 b. Every solid waste management plan shall include :

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

33 (2) A statement of the solid waste disposal strategy to be applied
34 in the solid waste management district, which strategy *~~may be~~
35 based upon landfill, incineration and landfill, shredding and landfill,
36 or any other method of solid waste disposal]* **shall include the*
37 *maximum practicable use of resource recovery procedures**; and
38 a plan for using terminated landfill disposal sites, if any, in the
38A solid waste management district;

39 *~~(3) A survey of potential sites within the district for the loca-~~
40 ~~tion of a sufficient number of solid waste facilities to handle]~~*
41 **(3) A site plan, which shall include all existing solid waste*
42 *facilities located within the solid waste management district,*
42A *provided that they are operated and maintained in accord-*
42B *ance with all applicable health and environmental standards, and*
42C *sufficient additional available suitable sites to provide solid waste*
42D *facilities to treat and dispose of** the actual and projected amounts
42E of solid waste contained in the report accompanying the plan.

43 Upon a certification to the commissioner by the board of chosen
44 freeholders or the Hackensack Commission, as the case may be,
45 of the absence of **sufficient existing or** available suitable sites for
46 such solid waste facilities within the solid waste management
47 district, the *~~survey required herein shall designate poten-~~
48 ~~tial]~~* **site plan shall identify sufficient additional existing*
48A *or available suitable** sites for such facilities located in an-
48B other solid waste management district; provided, however,
49 that such certification shall be accompanied by a copy of
50 the contract or agreement entered into by the concerned boards
51 of chosen freeholders or the Hackensack Commission, as the case
52 may be, authorizing the use by a solid waste management district
53 of solid waste facilities located in another solid waste management
54 district, and providing for the acquisition of such lands and rights
55 and interests therein as may be required within the solid waste
56 management district in which the solid waste facilities are to be
57 located. **Notwithstanding the above, however, a board of chosen*
58 *freeholders may enter into an agreement with any person engaged*

59 *in solid waste disposal in an adjacent solid waste management*
60 *district with the approval of said adjacent district****, which shall*
60A *be reflected in the plans for said adjacent districts,**** to treat and*
61 *dispose of the amount of solid waste from their district that said*
62 *person treats and disposes of in that adjacent district on the*
63 *effective date of this act.** Upon the failure for any reason of
63A the concerned boards of chosen freeholders or the Hackensack
63B Commission, as the case may be, to make such a contract or to
63C reach such an agreement, the board of chosen freeholders or the
63D Hackensack Commission, as the case may be, seeking to locate
63E said solid waste facilities in another solid waste management
63F district shall certify such failure to the commissioner.

64 Upon the receipt of any such certification of failure, the com-
65 missioner shall cause a study to be made by the department to
66 determine the suitable location of solid waste facilities for the use
67 of the solid waste management district for which such certification
68 was made. In such study, the commissioner may request the sub-
69 mission of any specifications or other information he deems neces-
70 sary from any solid waste management district, and the board
71 of chosen freeholders or the Hackensack Commission, as the case
72 may be, shall submit all such material so requested. In determining
73 the suitable location of solid waste facilities, the commissioner
74 shall weigh the relative feasibility of alternative locations in terms
75 of such factors as environmental impact, transportation patterns
76 and their comparative costs, compatibility with the current land
77 use policies in the immediate area of the alternative locations, as
78 well as with the Statewide solid waste management plan and such
79 other master plans and planning policies as may exist at the
80 municipal, county, regional or State levels, and such other criteria
81 as the commissioner deems relevant.

82 Upon the completion of said study the commissioner shall:

83 (a) Require the certifying board of chosen freeholders or the
84 Hackensack Commission, as the case may be, to locate the required
85 solid waste facilities within its own solid waste management district
86 and as part of the solid waste management plan therefor; or

87 (b) Require any other board of chosen freeholders or the Hacken-
88 sack Commission, as the case may be, to provide solid waste
89 facilities, or parts thereof, within its solid waste management
90 district and as part of the solid waste management plan therefor,
91 for the use of the certifying solid waste management district;
92 provided, however, that the full cost of any such solid waste
93 facilities, or of any part thereof to the extent of use thereof, shall

94 be borne by the solid waste management district making use of same.
95 In the adoption of any solid waste management plan pursuant
96 to the provisions of section 14 of this amendatory and supple-
97 mentary act, no board of chosen freeholders nor the Hackensack
98 Commission, as the case may be, shall alter any part required by
99 a determination made by the commissioner as herein provided
100 concerning the location of any solid waste facilities.

101 Notwithstanding the provisions of section 11 of this amendatory
102 and supplementary act, the time taken by the commissioner from
103 the receipt of any certification of failure pursuant to this section
104 to the completion of the study required herein concerning such
105 certification of failure, shall be in addition to, and shall not count
106 towards, the ***[180]*** *360* days permitted in said section 11 for
107 the development and formulation of a solid waste management
107A plan.

108 (4) A survey of proposed collection districts and transportation
109 routes, with projected transportation costs from collection districts
110 to ***[potential locations of]*** *existing or available suitable sites
110A for* solid waste facilities;

111 (5) The procedures for coordinating all activities related to
112 the collection and disposal of solid waste by every person engaging
113 in such process within the solid waste management district, which
114 procedures shall include the agreements entered into as provided
115 herein between the board of chosen freeholders or the Hackensack
116 Commission, as the case may be, and every such person; and the
117 procedures for furnishing the solid waste facilities contained in the
118 solid waste management plan; and

119 (6) The method or methods of financing solid waste management
120 in the solid waste management district pursuant to the solid waste
121 management plan.

122 ***c. Any existing joint meeting formed for the construction or*
123 *operation of solid waste facilities pursuant to the "consolidated*
124 *municipal services act" (P. L. 1952, c. 72; (C. 40:48B-1 et seq.)*
125 *or any existing authority composed of two or more municipalities*
126 *formed pursuant to the "solid waste management authorities law"*
127 *(P. L. 1968, c. 249; (C. 40:66A-32 et seq.) may request the com-*
128 *missioner to review its solid waste management plan. The commis-*
129 *sioner may direct the concerned solid waste management district*
130 *to incorporate all or part of said plan into the solid waste manage-*
131 *ment plan of that district.***

1 13. In order to preserve and maintain the State's pledges and
2 covenants with the holders of any bonds issued by any public

3 authority, no solid waste management plan shall include provisions
4 for establishing any solid waste facility in competition with such
5 facilities operated, or for which bonds have been issued, by any
6 such public authority; provided, however, that every board of
7 chosen freeholders and the Hackensack Commission is hereby
8 authorized and empowered in the development and formulation of
9 a solid waste management plan to enter into any contract or agree-
10 ment with any public authority within any solid waste management
11 district providing for or relating to solid waste collection and solid
12 waste disposal. Any such contract or agreement may provide for
13 the furnishing of solid waste facilities either by or to the solid
14 waste management district, or the joint construction or operation
15 of solid waste facilities. Every such contract or agreement shall
16 conform to all the requirements of law for contracts or agreements
17 made by any public authority, and may include such provisions
18 for ****[the fixing of]**** rates and charges, and for the furnishing of
19 solid waste facilities, as the board of chosen freeholders or the
20 Hackensack Commission, as the case may be, deems necessary in the
21 development and formulation of a solid waste management plan to
22 coordinate all activities relating to solid waste collection and solid
23 waste disposal within the solid waste management district, and
24 for the furnishing of adequate and suitable solid waste facilities
25 therein. Every board of chosen freeholders and the Hackensack
26 Commission, as the case may be, is hereby further authorized and
27 empowered to purchase the bonds of any public authority, and to
28 purchase any solid waste facilities of any public authority upon a
29 contract or agreement therewith for any such solid waste facility
30 purchase.

1 14. a. Pursuant to the procedures herein contained, the respec-
2 tive boards of chosen freeholders, in the case of counties, and the
3 Hackensack Commission, in the case of the Hackensack Meadow-
4 lands District, shall have the power, after consultation with the
5 relevant advisory ***[municipal]*** **solid waste** council, to adopt a
6 solid waste management plan for the relevant solid waste manage-
7 ment district; provided, however, that if in any solid waste manage-
8 ment district the procedures contained in this section are not com-
9 menced within ***[181]*** **361** days after the effective date of this
10 amendatory and supplementary act, unless the commissioner shall
11 have extended the time for the development and formmulation of a
12 solid waste management plan pursuant to section 11 of this
13 amendatory and supplementary act, and unless a certification of
14 failure shall have been received by the commissioner pursuant to
15 12 b. (3) of this amendatory and supplementary act, the department

16 shall have the power to develop, formulate and, pursuant to the
17 procedures herein contained, adopt and promulgate a solid waste
18 management plan for any such solid waste management district.

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

37 c. The board of chosen freeholders, or the Hackensack Commis-
38 sion, as the case may be, shall thereupon cause a hearing to be held
39 at an appointed time and place for the purpose of hearing persons
40 interested in, or who would be affected by, the adoption of the solid
41 waste management plan for the relevant solid waste management
42 district, and who are in favor of or are opposed to such adoption.

43 d. A notice of such hearing shall be given setting forth the
44 purpose thereof and stating that a map, plan and report have been
45 prepared and can be inspected at the offices of every municipality
46 within the county, or at the main office of the Hackensack Commis-
47 sion, as the case may be. A copy of such notice shall be published
48 in a newspaper of general circulation in the solid waste management
49 district once each week for 2 consecutive weeks, and the last publica-
50 tion shall be not less than 10 days prior to the date set for the hear-
51 ing. A copy of the notice shall be mailed at least 10 days prior to the
52 date set for the hearing to the last owner, if any, of each parcel of
53 property within or without the district on which it is proposed to
54 locate any solid waste facilities pursuant to the district's solid waste
55 management plan. Such mailing shall be according to the assess-
56 ment records of the municipality where such parcel is located and
57 shall be sent to the last known postal address of such owners. A

58 notice shall also be sent to any and all persons at his, or their,
59 last known address, if any, whose names are noted on said assess-
60 ment records as claimants of an interest in any such parcel. The
61 assessor of such municipality shall make a notation upon the said
62 records when requested so to do by any person claiming to have an
63 interest in any parcel of property in such municipality. Failure to
64 mail any such notice shall not invalidate the adoption of any solid
65 waste management plan.

66 e. At the hearing, which may be adjourned from time to time, the
67 board of chosen freeholders, or the Hackensack Commission, as the
68 case may be, shall hear all persons interested in the solid waste
69 management plan and shall consider any, and all, written objections
70 that may be filed and any evidence which may be introduced in
71 support of the objections, or any opposition to the adoption of
72 the solid waste management plan for the solid waste management
73 district. After the hearing the board of chosen freeholders, or the
74 Hackensack Commission, as the case may be, shall, by resolution,
75 adopt or reject, in whole or in part, the solid waste management
76 plan for the solid waste management district. The adoption of all or
77 a part of a solid waste management plan, if supported by substantial
78 evidence, shall be binding and conclusive upon all persons affected
79 by the adoption. If all or any part of the solid waste management
80 plan is adopted, the board of chosen freeholders, or the Hackensack
81 Commission, as the case may be, within 10 days after such adoption,
82 shall cause to be served a copy of the resolution of adoption upon
83 each person who filed a written objection at or prior to the hearing;
84 provided, the address of the objector was stated in, or upon, the
85 written objection.

86 Such service may be made (1) by delivering a copy of the resolu-
87 tion personally to the objector, (2) by mailing such copy addressed
88 to the objector according to his said stated address, or (3) leaving
89 such copy at said stated address for the objector with a person of
90 suitable age and discretion.

91 f. Any person who shall have filed such a written objection with
92 the board of chosen freeholders, or the Hackensack Commission,
93 as the case may be, may have the adoption of a solid waste manage-
94 ment plan reviewed by the Superior Court of New Jersey by pro-
95 cedure in lieu of prerogative writs. An action for such review shall
96 be commenced within 30 days after the adoption by the board of
97 chosen freeholders, or by the Hackensack Commission, as the case
98 may be. In any such action, the said court may make any incidental
99 order that shall be deemed by the court to be proper.

100 g. Upon the adoption of a solid waste management plan in its
101 entirety, the board of chosen freeholders or the Hackensack Com-
102 mission, as the case may be, shall forthwith submit such plan, and
103 a copy of the transcript of every public hearing held thereon, and a
104 complete record of the dates and results of all consultation with
105 governmental agencies and the relevant advisory ~~*[municipal com-~~
106 ~~mittee]*~~ **solid waste council**, to the commissioner. Upon the
107 adoption of a part or parts of a solid waste management plan, the
108 board of chosen freeholders or the Hackensack Commission, as the
109 case may be, shall certify the fact of such partial adoption to the
110 commissioner, and such board of chosen freeholders or the Hacken-
111 sack Commission, as the case may be, shall, notwithstanding any
112 previous extension granted pursuant to any of the provisions of
113 this amendatory and supplementary act, have an additional 45
114 days from the date of such certification to adopt a solid waste
115 management plan in its entirety, which adoption shall be pursuant
116 to all the procedures contained herein for the adoption of solid
116A waste management plans.

117 h. Every board of chosen freeholders and the Hackensack Com-
118 mission shall adopt a solid waste management plan in its entirety
119 and submit same to the commissioner, with a copy of the transcript
120 of every public hearing held thereon, and a complete record of the
121 dates and results of all consultation with governmental agencies and
122 the relevant advisory ~~*[municipal committee]*~~ **solid waste*
123 *council**, within ~~*[270]*~~ **450** days after the effective date of this
124 amendatory and supplementary act; provided, however that if the
125 commissioner shall have granted an extension of time for the de-
126 velopment and formulation of such plan pursuant to section 11 of
127 this amendatory and supplementary act, or an extension of time for
128 the adoption of any such plan in its entirety pursuant to this sec-
129 tion, or both, the time for adoption and submission to the com-
130 missioner as required herein shall be increased to a maximum of
131 ~~*[315]*~~ **495** days in the case of either such extension, or ~~*[360]*~~
132 **540** days in the case of both such extensions; and, provided
133 further, however, that if the commissioner shall have received a
134 certification of failure pursuant to section 12 b. of this amendatory
135 and supplementary act, the time for adoption and submission to
136 the commissioner, notwithstanding any other increase authorized
137 in this amendatory and supplementary act, shall be increased by the
138 number of days taken by the commissioner from the date of such
139 receipt to the completion of his study concerning such certification
140 of failure.

140A i. Upon the failure of any board of chosen freeholders or the
 141 Hackensack Commission, as the case may be, to adopt a solid waste
 142 management plan in its entirety and to submit same to the commis-
 143 sioner, with a copy of the transcript of every public hearing held
 144 thereon, and a complete record of the dates and results of all
 145 consultation with governmental agencies and the relevant advisory
 146 ***[municipal committee]*** **solid waste council**, within the time
 147 prescribed in subsection h. of this section, the department shall have
 148 the power to develop and formulate a solid waste management plan
 149 in its entirety for any such solid waste management district, either
 150 including therein or excluding therefrom any part or parts of such
 151 plan as may have been adopted by the board of chosen freeholders
 152 or the Hackensack Commission, as the case may be. Following the
 153 holding of a public hearing pursuant to the procedures contained
 154 herein, the department shall have the power to adopt and promul-
 155 gate such solid waste management plan in its entirety for any such
 156 solid waste management district. Any solid waste management
 157 plan so adopted and promulgated by the department for any solid
 158 waste management district shall be subject to the same review by
 159 the Superior Court as solid waste management plans otherwise
 160 adopted pursuant to this section.

1 15. a. Upon receipt by the commissioner of a solid waste manage-
 2 ment plan adopted in its entirety, and a copy of the transcript of
 3 every public hearing held thereon, as required pursuant to section
 4 14 of this amendatory and supplementary act, he shall:

5 (1) Study and review the solid waste management plan according
 6 to the objectives, criteria and standards developed in the State-
 7 wide solid waste management plan developed and formulated by
 8 the department pursuant to the provisions of section 6 of the act
 9 to which this act is amendatory and supplementary; ***[and]***

10 (2) Submit a copy of said plan for review and recommendations
 11 to the Advisory Council on Solid Waste Management in the depart-
 12 ment, and to the agencies, bureaus and divisions within the
 13 department concerned with, or responsible for, environmental
 14 quality, including, but not limited to, the Bureau of Solid Waste
 15 Management, Bureau of Air Pollution Control, Bureau of Geology,
 16 and the Bureau of Water Pollution Control, or their succes-
 16A sors***[.]*** *; and*

16B **(3) Submit a copy of said plan to the Board of Public Utility
 16C Commissioners for review and recommendations on the economic
 16D aspect of the plan.**

17 b. After completing his study and review of the solid waste
 18 management plan, and upon receipt of the recommendations thereon

19 provided for in subsection a. (2) of this section, if any, but in no
20 event later than *~~90~~* *150* days after his receipt of said plan,
21 the commissioner shall determine whether to approve, modify, or
22 reject any such solid waste management plan, and shall certify such
23 determination to the board of chosen freeholders or to the Hacken-
24 sack Commission, as the case may be, which submitted such plan.

25 c. If the commissioner determines to approve any solid waste
26 management plan, or if the commissioner has made no determina-
27 tion within *~~90~~* *150* days after his receipt of any such plan, the
28 board of chosen freeholders or the Hackensack Commission, as the
29 case may be, shall proceed, pursuant to the requirements of this
30 amendatory and supplementary act, to implement such solid waste
31 management plan in the relevant solid waste management district.

32 d. If the commissioner determines to modify or reject any solid
33 waste management plan, or any part thereof, the certification re-
34 quired of him herein shall be accompanied by a detailed statement
35 prepared by the commissioner indicating the reasons for any
36 modification or rejection, and outlining the action to be taken
37 thereon. In outlining such action the commissioner shall direct the
38 board of chosen freeholders or the Hackensack Commission, as the
39 case may be, to make any modification in, or replace any rejected
40 part of, a solid waste management plan, either with or without
41 holding another public hearing in the solid waste management
42 district. Such direction shall be based upon the commissioner's
43 determination, in his discretion, that such modification, or the part
44 rejected, is or is not minor, and that such modification or replace-
45 ment may or may not be made without substantially modifying or
46 altering other aspects of the solid waste management plan; pro-
47 vided, however, that a public hearing shall be required upon a rejec-
48 tion by the commissioner of any solid waste management plan in its
49 entirety.

50 e. (1) If the commissioner directs the holding of another public
51 hearing in the solid waste management district, such hearing shall
52 be held within 45 days after such direction and shall be conducted
53 pursuant to the procedures contained in section 14 of this
54 amendatory and supplementary act for the conduct of public hear-
55 ings held prior to the adoption of solid waste management plans.
56 Following any such public hearing on any modification to, or re-
57 placement of, any solid waste management plan, or any part thereof,
58 the board of chosen freeholders or the Hackensack Commission, as
59 the case may be, holding same shall formally adopt a modification
60 to, or replacement of, the solid waste management plan, or any part

61 thereof, and shall submit same to the commissioner *****within the*
61A *time limit set by the commissioner in the public hearing order*****.

62 (2) If the commissioner directs that the modification or replace-
63 ment may be made without the holding of another public hearing,
64 the board of chosen freeholders or the Hackensack Commission,
65 as the case may be, shall have 45 days after such direction within
66 which to adopt any such modification or replacement, and to submit
67 same to the commissioner.

68 ****f.**** The commissioner shall have 30 days from the date
69 of receipt of any submission under ****[either (1) or (2)]****
70 ****subsection e.**** herein to approve such modification or re-
71 placement or to reject same, and he shall certify such approval or
72 rejection to the board of chosen freeholders or the Hackensack
73 Commission, as the case may be, which submitted same. If the
73A commissioner approves such modification or replacement, or
74 if the commissioner has made no such certification within 30 days
75 after his receipt thereof, the board of chosen freeholders or the
76 Hackensack Commission, as the case may be, shall proceed, pur-
77 suant to the requirements of this amendatory and supplementary
78 act, to implement the solid waste management plan in the relevant
79 solid waste management district. Upon a rejection of any modifica-
80 tion or replacement submitted to him pursuant to this section, or
81 upon the failure of a board of chosen freeholders or the Hackensack
82 Commission, as the case may be, to submit any modification or
83 replacement as required herein, the commissioner shall have the
84 power to adopt and promulgate any modification or replacement he
85 deems necessary with respect to the solid waste management plan,
86 and upon the certification of the commissioner, the board of chosen
87 freeholders or the Hackensack Commission, as the case may be, shall
88 proceed, pursuant to the requirements of this amendatory and
89 supplementary act, to implement the solid waste management plan
90 in the relevant solid waste management district with the modifica-
91 tions or replacements adopted by the commissioner.

92 ****[f.]**** ****g.**** The commissioner shall maintain on file
93 in the department a copy of every solid waste management plan
94 adopted and approved pursuant to this amendatory and supple-
95 mentary act, and a copy of the Statewide solid waste management
96 plan developed and formulated by the department. Such plans are
97 hereby declared to be public records and shall be subject to all the
98 provisions of P. L. 1963, c. 73 (C. 47:1A-1 et seq.) concerning such
99 public records.

1 16. a. Every action taken pursuant to the provisions of this
2 amendatory and supplementary act by any county is hereby
3 declared to be a county purpose and the costs thereof may be paid
4 out of the general funds of the county and from the proceeds of any
5 grants for this purpose from the State, Federal Government or any
6 agency thereof.

7 b. In the performance of any responsibilities or requirements
8 pursuant to this amendatory and supplementary act, any county
9 may adopt and come under the "County Solid Waste Disposal
10 Financing Law," P. L. 1970, c. 242 (C. 40:66A-31.1 et seq.); pro-
11 vided, however, that after the effective date of this amendatory and
12 supplementary act every action taken by any county under the
13 aforesaid "County Solid Waste Disposal Financing Law" shall be
14 pursuant to the adopted and approved solid waste management plan
15 of the solid waste management district constituting said county.

16 **[c. Every action taken pursuant to the provisions of this act by
17 the Hackensack Commission, is hereby declared to be a corporate
18 purpose of said Hackensack Commission and the costs thereof may
19 be paid out of the general funds of said Hackensack Commission;
20 from the proceeds of any grants for this purpose from the State,
21 Federal Government or any agency thereof; from any bonds which
22 the said Hackensack Commission is authorized to issue for any
23 such corporate purpose; and from any special assessments levied
24 by said Hackensack Commission against real estate located within
25 improvement districts which said Hackensack Commission is
26 authorized to form within the Hackensack Meadowlands District
27 pursuant to the provisions of article 8 of P. L. 1968, c. 404
28 (C. 13:17-39 to 13:17-59).]**

1 17. Prior to the construction, acquisition, or operation of any
2 solid waste management facility in any solid waste management
3 district pursuant to the adopted and approved or promulgated solid
4 waste management plan therefor, the person proposing such con-
5 struction, acquisition, or operation, in addition to preparing an
6 environmental impact statement on such facility in such form as
7 shall be required by the commissioner pursuant to the provisions of
8 section 6 of the act to which this act is amendatory and supple-
9 mentary, shall make or cause to be made such preliminary surveys,
10 investigations, studies, borings, maps, plans, drawings, and
11 estimates of costs and of revenues as the commissioner may deem
12 necessary relating to the type of such solid waste facility.

13 The results of such environmental impact statements, surveys,
14 investigations, studies, borings, maps, plans, drawings, and

15 estimates required by the commissioner shall be submitted to the
16 commissioner for approval. No person may proceed to construct,
17 acquire, or operate any solid waste facility without having first
18 obtained the approval of the commissioner. Such approval shall be
19 granted only if the commissioner determines that:

20 a. The proposed construction, acquisition, or operation is con-
21 sistent with the adopted and approved or promulgated solid waste
22 management plan of the solid waste management district within
23 which the solid waste facility is to be located; and

24 b. Any such proposed solid waste facility will be constructed or
25 acquired, and operated, pursuant to the standards adopted and
26 promulgated therefor by the department pursuant to the provisions
27 of section 6 of the act to which this act is amendatory and supple-
28 mentary.

1 18. Any solid waste facility constructed, acquired or operated
2 pursuant to the provisions of this amendatory and supplementary
3 act shall be deemed a public utility and shall be subject to such
4 rules and regulations as may be adopted by the Board of Public
5 Utility Commissioners in accordance with the provisions of the
6 "Solid Waste Utility Control Act of 1970" (P. L. 1970, c. 40,
7 C. 48:13A-1 et seq.). **[The application of any board of chosen
8 freeholders or of the Hackensack Commission to operate any solid
9 waste facility shall be considered at a public hearing by the Board
10 of Public Utility Commissioners.]**

1 19. Subject to such terms as agreed upon by a board of chosen
2 freeholders or the Hackensack Commission, as the case may be, any
3 municipality within which any solid waste facility is located pur-
4 suant to an adopted and approved solid waste management plan,
5 shall be entitled to any or all of the following benefits in considera-
6 tion for the use of land within its municipal boundaries as the
7 location of such solid waste facility:

8 a. The receipt of annual sums of money in lieu of taxes on such
9 property in such amount as may be agreed upon between the board
10 of chosen freeholders or the Hackensack Commission, as the case
11 may be, and the municipality, and each such board of chosen free-
12 holders and the Hackensack Commission is empowered to make
13 such payments and each such municipality is empowered to accept
14 such payments and to apply them in the manner in which taxes may
15 be applied in such municipality; provided, however, that no such
16 annual payment with respect to any parcel of such property shall
17 exceed the amount of taxes paid thereon for the taxable year im-

18 mediately prior to the time of its use as the location of such solid
19 waste facility;

20 b. Preferential rates charged for the services provided by the
21 solid waste management district for any solid waste disposed of at
22 a solid waste facility within said municipality, which rate dis-
23 counts **shall be subject to the approval of the Board of Public*
24 *Utility Commissioners and** shall not be in excess of 25%;

24A c. The right to reacquire **[at no cost to said municipality,]**
25 any real or personal property used by the solid waste management
26 district in connection with the operation of any solid waste facility
27 upon the **[expiration of the time interval agreed upon, or the]**
28 termination of the uses for which such property was originally
29 acquired, unless prior to such expiration or termination the board
30 of chosen freeholders or the Hackensack Commission, as the case
31 may be, entered into a new agreement for the continued use of such
31A property.

32 Any real property reacquired by a municipality in accordance
33 with paragraph c. of this section, shall be repaired and, as nearly as
34 practicable, restored to its original condition, including, in the case
35 of a sanitary landfill, adequate landscaping of the final earth cover-
36 ing to conform with the immediately surrounding terrain, by and
37 at the expense of the board of chosen freeholders or the Hackensack
38 Commission, as the case may be, or adequate compensation made
39 therefor by said board of chosen freeholders or the Hackensack
40 Commission, as the case may be.

41 In the event that any municipality and any board of chosen free-
42 holders or the Hackensack Commission, as the case may be, fail to
43 reach an agreement on the benefits authorized herein in considera-
44 tion for the use of land within municipal boundaries as the location
45 of a solid waste facility, the commissioner, after consultation with
46-47 the relevant board of chosen freeholders or the Hackensack Com-
48 mission, as the case may be, with the mayor of the relevant munic-
49 ipality, and with the relevant advisory municipal council, shall fix
50 such terms and establish such benefits as he shall deem appropriate.

1 20. a. The provisions of any other law to the contrary notwith-
2 standing, no public authority, county or municipality shall issue
3 any bonds or other obligations for the erection, construction, opera-
4 tion or maintenance of any solid waste facility after the effective
5 date of this amendatory and supplementary act unless such erection,
6 construction, operation, or maintenance shall have been approved
7 by the commissioner pursuant to the provisions of section 17 of this
8 amendatory and supplementary act; provided, however, that noth-

9 ing in this act shall be construed as to limit or alter the rights vested
 10 by law in any public authority, county or municipality to fulfill the
 11 terms of any agreement made with the holders of any bonds or other
 12 obligations issued by the public authority prior to the effective date
 13 of this amendatory and supplementary act, or as to in any way
 14 impair the rights or remedies of the holders of such bonds.

15 b. Nothing herein contained shall be construed as to interfere
 16 with, or in any way modify, the provisions of any contract for
 17 solid waste collection or solid waste disposal in force in any solid
 18 waste management district upon the effective date of this act; pro-
 19 vided, however, that no renewal of any such contract upon the
 20 expiration or termination of the original term thereof, and no new
 21 contract for solid waste collection or solid waste disposal, shall be
 22 entered into after the effective date of this act, unless such renewal
 23 or such new contract shall conform with the applicable provisions
 24 of the approved solid waste management plan of the relevant solid
 25 waste management district *****or unless such contract is approved*
 26 *by the commissioner*****. In the event that no solid waste man-
 26A agement plan has been approved for a solid waste management
 27 district, no contract renewal or new contract for solid waste collec-
 28 tion or solid waste ****[,]**** disposal shall be entered into for a period
 29 in excess of 1 year from the date of such contract renewal or new
 30 contract in such solid waste management district ***unless such a*
 31 *contract contains a provision for its renegotiation to bring it into*
 32 *conformance with an approved solid waste management plan for*
 33 *that solid waste management district upon the approval of said*
 34 *plan** ****or unless such contract is approved by the commis-*
 35 *sioner*****.

1 21. a. The commissioner may make, or contract to make, a State
 2 grant to any person engaged in solid waste collection, disposal or
 3 utilization activities, to assist said person in experimenting with
 4 new methods of solid waste collection, disposal or utilization, includ-
 5 ing but not limited to, material recycling and energy recovery
 6 demonstration projects, intermunicipal waste collection and dis-
 7 posal systems projects, and coordinated multiusage of terminated
 8 sanitary landfill disposal sites projects. Any person engaged in
 9 solid waste collection, disposal or utilization activities may apply to
 10 the commissioner for a State grant; provided, however, that the
 11 application has been approved by the board of chosen freeholders,
 12 or the Hackensack Commission, as the case may be, as in con-
 13 formity with the adopted and approved solid waste management
 14 plan of the solid waste management district within which the

15 experimental project is to be undertaken. The applicant shall
16 submit a copy of the plan for any solid waste collection, disposal or
17 utilization experimental project for which a State grant is sought
18 and such other detailed information concerning the project, includ-
19 ing maps, data, plans, estimated costs, and method of financing, as
20 the commissioner may require by rules and regulations promulgated
21 hereunder. **At the request of the commissioner, the Board of*
21A *Public Utility Commissioners* ****[shall]**** ****may**** *exempt any*
21B *demonstration project from the provisions of P. L. 1970, c. 40*
21C *(C. 4:13A-1 et seq.).**

22 b. The commissioner shall review and evaluate all applications
23 submitted to him pursuant to subsection a. of this section, and shall
24 establish such priorities for making grants pursuant to this
25 amendatory and supplementary act as shall give due regard to the
26 degree to which the experimental project for which a State grant is
27 sought will have a beneficial and long term effect on solid waste
28 collection, disposal and utilization methods in this State.

1 22. The commissioner may issue commitments for, and may make
2 or contract to make, grants pursuant to section 21 of this amenda-
3 tory and supplementary act, upon his approval of any application
4 submitted to him therefor and the finding that:

5 a. The proposed plan for the solid waste collection, disposal or
6 utilization project is consistent with the adopted and approved solid
7 waste management plan of the solid waste management district
8 within which the project is to be undertaken and is in conformity
9 with the objectives, criteria and standards contained in the State-
10 wide solid waste management plan;

11 b. The estimated funds available to the applicant for the
12 experimental project, including loans and grants from any depart-
13 ment or agency of the United States, local grants-in-aid, and the
14 proposed State grant, will be sufficient to meet all the probable
15 costs of the experimental project and assure its completion; and

16 c. There is no legal impediment or bar to the implementation
17 and completion of the experimental project.

1 23. Any commitment issued by the commissioner and any con-
2 tract based thereon shall, in addition to such other terms, covenants
3 and conditions as the commissioner may require, provide that no
4 change may be made in any experimental project assisted with a
5 State grant without the prior written approval of the commissioner.

1 24. The commissioner shall be entitled to make such inspections
2 of any project, and lands, buildings, improvements or facilities
3 thereon; to request and secure the submission of certifications, data,

4 maps, documents and other information by the applicant; to audit
5 and examine any books and records of the applicant; and to require
6 such periodic reports as shall be necessary to ascertain the progress
7 of any experimental project assisted with a State grant pursuant to
8 this amendatory and supplementary act and the extent of com-
9 pliance with the contract for the grant.

1 25. a. There is hereby created in the Department of the Treasury
2 a special fund which shall be known as the Solid Waste Manage-
3 ment Research and Development Fund. There shall be included in
4 said fund *~~all the moneys received by the department from regis-~~
5 ~~tration and registration renewal fees, and~~* all moneys appropri-
6 ated by the Legislature for inclusion therein. The State Treasurer,
7 with the advice of the commissioner, may invest and reinvest any
8 moneys in said fund, or any portion thereof, in legal obligations, of
9 this State or any political subdivision thereof or the United States.
10 Any income or interest on, or increment to, moneys so invested
11 or reinvested shall be included in said fund.

12 b. Upon the approval by the commissioner of any application for
13 a State grant pursuant to this amendatory and supplementary act,
14 the commissioner may requisition and warrant, and the State
15 Treasurer shall pay over, the moneys in said fund, or any portion
16 thereof, to the contracting person in accordance with commitments
17 made and contracts entered into pursuant to this amendatory and
18 supplementary act.

19 c. Nothing herein shall be construed as requiring the commis-
20 sioner to approve any application for any State grant or to expend
21 the moneys in the aforesaid Solid Waste Management Research and
22 Development Fund solely for the purposes of making such State
23 grants, and the commissioner is hereby authorized and empowered;
24 in his discretion, to requisition and warrant the moneys in said
25 fund, or any portion thereof, and the State Treasurer shall pay
26 such moneys over to the department, for any experimentation with,
27 or demonstration of, new methods and techniques for the collection,
28 disposal and utilization of solid waste, including the acquisition of
29 real property, the purchase of any facility, site, laboratory, equip-
30 ment or machinery as authorized pursuant to section 6 of the act to
31 which this act is amendatory and supplementary.

1 26. The object and design of this amendatory and supplementary
2 act being the protection and preservation of public health, safety
3 and welfare, and the creation of solid waste management districts
4 based upon the counties of this State and the Hackensack Meadow-
5 lands District, through which the management of solid waste in

6 New Jersey may be undertaken in a comprehensive manner, this
7 amendatory and supplementary act shall be liberally construed and
8 the powers granted and the duties imposed by this amendatory and
9 supplementary act shall be construed to be independent and
10 severable. If any one or more sections, clauses, sentences or parts
11 of this amendatory and supplementary act shall for any reason be
12 questioned in any court, and shall be adjudged unconstitutional or
13 invalid, such judgment shall not affect, impair or invalidate the
14 remaining provisions thereof, but shall be confined in its operation
15 to the specific provisions so held unconstitutional or invalid.

1 *27. Section 9 of P. L. 1970, c. 39 (C. 13:1E-9) is amended to
2 read as follows:

3 9. a. All codes, rules and regulations adopted by the department
4 related to solid waste collection and disposal shall have the force
5 and effect of law. Such codes, rules and regulations shall be ob-
6 served throughout the State and shall be enforced by the depart-
7 ment and every local board of health.

8 b. The commissioner may institute an action or proceeding in the
9 Superior Court for injunctive and other relief, including the ap-
10 pointment of a receiver for any solid waste collection or disposal
11 facility or operation, which is established or operated in violation of
12 this act, or of any code, rule or regulation promulgated pursuant to
13 this act and said court may proceed in the action in a summary
14 manner. **In any such proceeding the court may grant temporary
15 or interlocutory relief notwithstanding the provisions of
15A R. S. 48:2-24.**

15B c. Any person who violates the provisions of this act or any code,
16 rule or regulation promulgated pursuant to this act shall be liable
17 to a penalty of not more than ~~[\$1,000.00]~~ \$3,000.00 per day to be
18 collected in a civil action commenced by a local board of health or
19 the commissioner by a summary proceeding under The Penalty
20 Enforcement Law (N. J. S. 2A:58-1 et seq.) in the Superior Court,
21 County Court, county district court, or a municipal court, all of
22 which shall have jurisdiction to enforce said Penalty Enforcement
23 Law in connection with this act. If the violation is of a continuing
24 nature, each day during which it continues after the date given by
25 which the violation must be eliminated in accordance with the order
26 of the department shall constitute an additional, separate and dis-
27 tinct offense.

28 d. The department is hereby authorized and empowered to com-
29 promise and settle any claim for a penalty under this section in such
30 amount in the discretion of the department as may appear appro-

31 *priate and equitable under all of the circumstances, including a*
32 *rebate of any such penalty paid up to 90% thereof where such*
33 *person satisfies the department within 1 year or such other period*
34 *as the department may deem reasonable that such violation has*
35 *been eliminated or removed or that such order or injunction has*
36 *been met or satisfied, as the case may be.*

1 28. Section 10 of P. L. 1970, c. 39 (C. 13:1E-10) is amended to
2 read as follows:

3 10. If a [registrant] person shall violate, directly or indirectly
4 through his officers or employees, any of the provisions of this act,
5 or regulations promulgated thereunder, the commissioner may
6 order the correction of the violation within such reasonable period
7 of time as the commissioner may prescribe. Such an order shall be
8 in writing, shall state the violation to be corrected[,] and the period
9 of time within which such violation shall be corrected [and the
10 person or persons who have actual administrative responsibility
11 who shall be responsible for having such correction made]. The
12 order shall be delivered in person or by certified mail to the person
13 [designated to receive service of the commissioner's orders].

14 If the commissioner's order is not complied with within the period
15 specified therein, or within any extension thereof, the [commis-
16 sioner may order the registrant to stop engaging in such activity
17 or the part affected by the order until the order is complied with.
18 If the registrant shall continue such activity or part thereof after
18A the commissioner has ordered the registrant to stop, the regis-
19 trant] person shall be subject to the penalties prescribed in sec-
20 tion 9 of this act.

21 The department may, however, prosecute directly any violation
22 of this act or of any rule or regulation promulgated pursuant to
23 this act, without the necessity of first issuing an order.

1 29. Any board of chosen freeholders which has prepared a solid
2 waste management plan, purchased land therefore, contracted for
3 the purchase and installation of processing or recycling machinery
4 or equipment, and received an approved registration for a solid
5 waste disposal facility from the department prior to the effective
6 date of this act, shall be exempt from any provision of this act
7 which would delay the construction and operation of such a planned
8 disposal facility.

1 30. The commissioner is authorized to make grants to any board
2 of chosen freeholders and to the Hackensack Commission, subject
3 to the availability of funds appropriated therefor, for the formu-
4 lation and development of a solid waste management plan. The

5 commissioner shall prescribe procedures for applying for the grant
6 and terms and conditions for receiving the grant. The State's con-
7 tribution toward the financing of the plan shall not exceed 50% of
8 its total cost. The Hackensack Commission or any board of chosen
9 freeholders may be reimbursed for work previously completed
10 which meets the terms and conditions for receiving a grant pur-
11 suant to this section.

1 31. Section 6 of P. L. 1970, c. 40 (C. 48:13A-5) is amended to
2 read as follows:

3 6. The Board of Public Utility Commissioners **[may]** shall, after
4 hearing, by order in writing, when it finds that the public interest
5 requires, designate **[one or more specific areas composed of one**
6 **or more municipalities, or parts thereof,]** any municipality as a
7 franchise area to be served by one or more persons engaged in
8 solid waste collection and any solid waste management district
9 as a franchise area to be served by one or more persons engaged
10 in solid waste disposal at rates and charges published in tariffs
11 or contracts accepted for filing by the board; provided, however,
12 that the proposed franchise area for solid waste collection or for
13 solid waste disposal conforms to the solid waste management plan
14 of the solid waste management district in which such franchise
15 area is to be located, as such plan shall have been approved by
15A the Department of Environmental Protection.

16 The board shall encourage the consolidation of all accounts, cus-
17 tomers, routes and facilities by persons engaged in solid waste
18 collection or solid waste disposal within such franchise areas.

19 Nothing in section 11 of this act (C. 48:13A-10) shall be inter-
20 preted to prevent the implementation of this section by the Board
21 of Public Utility Commissioners.

1 **32. Section 10 of P. L. 1970, c. 40 (C. 48:13A-9) is amended
2 to read as follows:

3 10. The board, on its own initiative or upon complaint by the
4 State Department of Environmental Protection shall revoke, **[or]**
5 suspend or grant a temporary continuance for up to 1 year of
6 the certificate of public convenience and necessity issued to any
7 person engaged in the solid waste collection business or the solid
8 waste disposal business upon the finding that such person:

9 a. Has violated any provision of this act or any rule, regulation
10 or administrative order promulgated hereunder; or

11 b. Has violated any provision of any laws related to pollution
12 of the air, water or lands of this State; or

13 c. Has refused or failed to comply with any lawful order of
14 the board[.]; or

15 d. Has had its registration revoked by the State Department of
16 Environmental Protection.**

1 **[32.]** **33.** Section 15 of P. L. 1971, c. 198 (C. 40A:11-15) is
2 amended to read as follows:

3 15. Any contracting unit may enter into a contract for the

4 (1) Supplying of:

5 (a) Fuel for heating purposes, for any term not exceeding
6 in the aggregate, 2 years, or

7 (b) Fuel or oil for use of airplanes, for any term not ex-
8 ceeding in the aggregate, 3 years, or

9 (2) The plowing and removal of snow and ice from highways
10 and public places, for any term not exceeding in the aggregate, 1
11 year, or

12 (3) The collection and disposal of garbage and refuse, for any
13 term not exceeding in the aggregate, 5 years, or

14 (4) The recycling of solid waste, for any term not exceeding
15 in the aggregate 25 years, when such contract is in conformance
16 with the approved plan for that solid waste management district,
17 and with the approval of the Division of Local Government Ser-
18 vices and the Department of Environmental Protection, notwith-
19 standing such terms exceed the fiscal year.

1 **[33.]** **34.** The commissioner shall designate **[eight]**
2 **every** solid waste management **[districts as Group A dis-
3 tricts, seven as Group B districts and seven as Group C]** **dis-
4 trict as a member of one of three groups of** districts. The
5 reference to the effective date of this act contained in section 11
6 and other sections of this amendatory and supplementary act as
7 it applies to the respective boards of chosen freeholders, in the
8 case of counties, and the Hackensack Commission, in the case of
9 the Hackensack Meadowlands Development Commission, shall mean
10 the effective date of this amendatory and supplementary act for
11 the **[Group A]** **first such designated group of** districts; it
12 shall mean 183 days from the effective date of this amendatory and
13 supplementary act for the **[Group B]** **second such desig-
14 nated group of** districts; and it shall mean 365 days from the
15 effective date of this amendatory and supplementary act for the
16 **[Group C]** **third such designated group of** districts.*

1 ****35. In the event that surplus moneys become available from
2 the operation of solid waste disposal facilities by the Hackensack
3 Commission, which are not required by any contract with the

4 holders of any bonds, notes or other obligations of the commission
 5 to be retained in any fund or account established by any such con-
 6 tract for the security of the commission's bonds, notes or other
 7 obligations, then 75% of that surplus shall be used by the Hacken-
 8 sack Commission for any lawful purpose and 25% of that surplus
 9 shall be apportioned among the municipalities in the Hackensack
 10 Meadowlands District in the same ratio as the number of acres
 11 within the district of each such municipality bears to the total
 12 number of acres in the district.****

1 *~~[27.]~~* ~~*(34.)~~* ~~****[35.]****~~ ~~****36.****~~ Sections 1 and
 2 2 of* P. L. 1971, c. 461, approved February 29, 1972 (C. 13:1E-16
 3 ~~[et seq.], is]~~* ~~and 13:1E-17), are~~* hereby repealed.

1 ~~**[35.]**~~ ~~****[36.]****~~ ~~****37.****~~ There is hereby
 2 ~~***[appropriated to]~~*** ~~***authorized for***~~ the Department of
 3 Environmental Protection the sum of \$200,000.00 for the admini-
 4 stration of this act and \$200,000.00 for grants to the boards of
 5 freeholders and the Hackensack Commission pursuant to section 30
 6 of this act.*

1 *~~[28.]~~* ~~**[36.]**~~ ~~****[37.]****~~ ~~****38.****~~ This act
 2 shall take effect ~~***[immediately]~~*** ~~***on the effective date of~~
 3 ~~an act appropriating funds for the administration of this act,~~
 4 ~~****[provided, however, that the Department of Environmental~~
 5 ~~Protection may promulgate general guidelines sufficient to initiate~~
 6 ~~the solid waste management planning process by solid waste man-~~
 7 ~~agement districts and that any solid waste management district may~~
 8 ~~formulate, adopt and submit its solid waste management plan to the~~
 9 ~~Department of Environmental Protection prior thereto***.]****~~
 10 ~~****except that section 33 hereof shall take effect immediately;~~
 11 ~~provided, however, that during the interim between the effective~~
 12 ~~date of section 33 and the effective date of the remainder of this~~
 13 ~~amendatory and supplementary act, contracts for the recycling of~~
 14 ~~solid waste may be approved pursuant to section 33, notwithstand-~~
 15 ~~ing that such contracts are not in conformance with an approved~~
 16 ~~plan for a solid waste management district.****~~

ASSEMBLY COMMITTEE STATEMENT TO

SENATE, No. 624

[THIRD OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: DECEMBER 15, 1975

The Senate Committee Statement adequately explains the provisions of this bill as it was approved by the Senate. Amendments adopted by the Assembly Agriculture and Environmental Committee would provide that section 33, which authorizes long-term contracts for the recycling of solid waste, take effect immediately. In addition, Assembly Committee Amendments also provide for a distribution of surplus funds generated from the operation of solid waste disposal facilities by the Hackensack Meadowlands Commission.

The amendments adopted by the Assembly Committee would also incorporate several technical changes suggested by the Department of Environmental Protection.

SENATE ENERGY, AGRICULTURE AND
ENVIRONMENT COMMITTEE

STATEMENT TO
SENATE, No. 624
With Committee Amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 27, 1975

Senate No. 624 designates every county in the State and the Hackensack Meadowlands District as a solid waste management district. The act authorizes and directs each solid waste management district and the Departments of Environmental Protection and Public Utilities to perform certain functions.

Each solid waste management district shall develop and formulate, pursuant to the procedure contained in the act, a solid waste management plan. Every solid waste management plan shall include: 1. the designation of a unit of the county government or of the Hackensack Commission to supervise the implementation of the plan; 2. a statement of the solid waste management strategy to be applied in the district, which strategy shall include the maximum practicable use of resource recovery procedures; 3. a site plan which shall provide solid waste facilities to dispose of the solid waste to be generated within the district in each of the next 10 years (The site plan shall include all existing solid waste facilities located within the district, provided that they are operated and maintained in accordance with all applicable health and environmental standards.); 4. a survey of proposed collection districts and transportation routes; 5. the procedures for coordinating all solid waste management activities in the district and the procedures for furnishing the solid waste facilities contained in the plan; and 6. the method or methods of financing solid waste management in the district pursuant to the plan.

Every board of chosen freeholders and the Hackensack Commission shall adopt a solid waste management plan and submit same to the commissioner. The commissioner shall determine, pursuant to the procedure contained in the act, whether to approve, modify or reject any such solid waste management plan and shall certify such determination to the respective board of chosen freeholders or to the Hackensack Commission. Upon the failure of a district to adopt a plan which meets

the commissioner's approval, the commissioner shall have the power to adopt and promulgate a solid waste management plan for that district. Upon the adoption of a solid waste management plan, the board of chosen freeholders or the Hackensack Commission shall proceed to implement the plan.

Any county may adopt and come under the "County Solid Waste Disposal Financing Law" in the performance of any responsibilities or requirements pursuant to this act.

The Department of Environmental Protection, in reviewing the registration for a new solid waste collection operation or solid waste disposal facility, shall not approve the registration of any new operation or facility that does not conform to the solid waste management plan of the district in which such facility has been located, as such plan shall have been approved by the department. Furthermore, the department may require the amendment of an approved registration when, in its opinion, continued operation of a solid waste facility in accordance with its approved registration would not meet the standards, criteria or regulation described in the act.

The department shall develop, formulate and promulgate a Statewide solid waste management plan which shall provide the objectives, criteria and standards for the evaluation of solid waste management plans prepared by the districts pursuant to the provisions of the act. The department may, in order to enhance the environment and to reduce the cost of solid waste collection and disposal within the concerned district, order any district, to plan for the construction of recycling facilities and to develop a joint program with one or more adjacent districts for providing recycling facilities.

The department shall, by regulation, establish procedures for the submission of environmental impact statements and shall establish standards, including certain specific standards for the construction and operation of solid waste facilities. Any person proposing to construct, acquire or operate a solid waste facility shall also make or cause to be made such preliminary surveys, investigations, studies, borings, maps, plans, drawings, and estimates of costs and of revenues as the commissioner may deem necessary. No person may proceed to construct, acquire or operate any solid waste facility without having first obtained the approval of the commissioner.

Any solid waste facility constructed, acquired or operated pursuant to the provisions of this act, shall be deemed a public utility and shall be subject to the rules and regulations of the Board of Public Utility Commissioners in accordance with the provisions of the "Solid Waste Utility Control Act of 1970" (P. L. 1970, c. 40, C. 48:13A-1 et seq.). Section six of that act is amended to provide that the Board of Public

Utility Commissioners shall, when it finds that the public interest requires, designate any municipality as a franchise area for solid waste collection and any district as a franchise area for solid waste disposal; provided, however, that the proposed franchise area for solid waste collection or disposal conforms to the solid waste management plan of the solid waste management district in which such franchise area is to be located, as such plan shall have been approved by the Department of Environmental Protection.

The municipality within which any solid waste facility is located, pursuant to an approved plan, is entitled to any or all of the following benefits for the use of lands within its boundaries for such a facility: 1. the receipt of money in lieu of taxes; 2, preferential rates charged for the services provided by the district, subject to the approval of the Board of Public Utility Commissioners; and 3. the right to reacquire any property used by the district.

N. J. S. 40A:11-15 is amended to provide that any contracting unit may enter a contract for the recycling of solid waste for any term up to 25 years, when such contract is in conformance with the approved plan for that district, and with the approval of the Division of Local Government Services and the Department of Environmental Protection.

Section 33 provides for the designation of Class A, B and C districts by the commissioner and for staggered dates for the completion of the solid waste management plan for the solid waste management districts in each such class.

The sum of \$200,000.00 for the administration of this act and \$200,000.00 for grants to the respective boards of freeholders and the Hackensack Commission is appropriated to the Department of Environmental Protection.

FROM THE OFFICE OF THE GOVERNOR

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FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

FEBRUARY 23, 1976

DICK CAMPBELL

Acting Governor Matthew Feldman today signed into law a bill designed to help resolve the problem of solid waste disposal in New Jersey.

The measure, ⁽¹⁹⁷⁴⁻⁷⁵⁾S-624, which also was sponsored by Feldman in the Senate, establishes the framework for a comprehensive solid waste management program throughout the state.

"The signing of S-624 into law represents a milestone in our state's battle to control solid waste," said Feldman. "The densely populated northeast sector has run out of landfill sites, and this bill establishes a system wherein new long-term solutions can be found."

The bill designates each of the 21 counties and the Hackensack Meadowlands District as a solid waste management district.

The measure provides for each district to develop a solid waste management plan which must be approved by the State Department of Environmental Protection. The measure sets forth guidelines for things to be included in the plan.

Any new solid waste collection or disposal system would have to be approved by the Department as being in accordance with the solid waste management plan. Environmental impact statements would be submitted with any applications for new systems.

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FEB 23 1976
DICK CAMPBELL