



State of New Jersey

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IN THE MATTER OF CERTAIN AMENDMENTS
TO THE ADOPTED AND APPROVED SOLID
WASTE MANAGEMENT PLAN OF THE
MIDDLESEX COUNTY SOLID WASTE
MANAGEMENT DISTRICT

CERTIFICATION
OF THE FEBRUARY 1, 1996
AMENDMENT TO THE MIDDLESEX COUNTY
DISTRICT SOLID WASTE MANAGEMENT PLAN

BY ORDER OF THE COMMISSIONER:

A. Introduction

The New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) established a comprehensive system for the management of solid waste in New Jersey. The Act designated all twenty-one (21) of the state's counties, and the Hackensack Meadowlands District, as Solid Waste Management Districts, and mandated that the Boards of Chosen Freeholders and the Hackensack Meadowlands Development Commission develop comprehensive plans for waste management in their respective districts. On July 29, 1980, the Department of Environmental Protection (DEP or Department) approved, with modifications, the Middlesex County District Solid Waste Management Plan (County Plan).

The Act requires that all district plans be based on and accompanied by a report detailing the existing waste disposal situation in the district, and a plan which includes the strategy to be followed by the district in meeting the solid waste management needs of the district for a ten-year planning period. The report must detail the current and projected waste generation for the district, inventory and appraise all facilities in the district, and analyze the waste collection and transportation systems which serve the district. The disposal strategy must include the maximum practicable use of resource recovery techniques. In addition to this strategy, the plan must designate sufficient available suitable sites for the disposal of the district's waste for a ten-year period, which sites may be in the district or, if none are available, in another district. (The Act provides procedures for reaching any necessary interdistrict agreements).

The Act further provides that a district may review its County Plan at any time and, if found inadequate, a new County Plan must be adopted. The Middlesex County Board of Chosen Freeholders (County Freeholders) completed such a review and on February 1, 1996, adopted an amendment to its approved County Plan.

The amendment (Amendment 95-6) includes SD&G, Inc. located within the Borough of Carteret, Middlesex County as a recycling center for Class B materials.

The amendment was received by the Department on February 26, 1996, and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this amendment and has determined that the amendment adopted by the County Freeholders on February 1, 1996 is approved with modification as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the February 1, 1996 amendment to the County Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that this plan amendment, as modified, is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders and the applicant are notified of the issues of concern relative to the February 1, 1996 amendment which are noted in Section B.2. below.

In conjunction with the review of the amendment, the Department circulated copies to sixteen State and Federal administrative review agencies, and solicited their review and comment. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various bureaus, divisions, and agencies within the Department. All agencies contacted are as follows:

- Division of Water Quality, DEP
- Division of Parks and Forestry, DEP
- Division of Fish, Game and Wildlife, DEP
- Division of Enforcement, DEP
- Division of Solid and Hazardous Waste, DEP
- Green Acres Program, DEP
- Land Use Regulation Element, DEP
- Office of Air Quality Management, DEP
- Bureau of Environmental Evaluation, DEP
- New Jersey Turnpike Authority
- New Jersey Advisory Council on Solid Waste Management
- Department of Agriculture
- Department of Health
- Department of Transportation
- Department of Community Affairs
- U.S. Environmental Protection Agency

1. Agency Participation in the Review of the February 1, 1996 Amendment

The following agencies did not object to the proposed amendment:

Division of Enforcement, DEP
Division of Parks and Forestry, DEP
Division of Fish, Game and Wildlife, DEP
Green Acres Program, DEP
New Jersey Turnpike Authority
Department of Agriculture
Department of Transportation
Department of Community Affairs

The following agencies did not respond to our requests for comment:

Office of Air Quality Management, DEP
New Jersey Advisory Council on Solid Waste Management
Department of Health
U.S. Environmental Protection Agency

The following agencies provided substantive comments as shown in Section B. of the certification document:

Division of Solid and Hazardous Waste, DEP
Bureau of Environmental Evaluation, DEP
Land Use Regulation Element, DEP
Division of Water Quality, DEP

2. Issues of Concern Regarding the February 1, 1996 Amendment

Issue: Regulatory Requirements

If any operation of a recycling center will discharge pollutants as defined in N.J.A.C. 7:14-1.9, said operation must secure a New Jersey Pollutant Discharge Elimination System Permit and/or a Treatment Works Approval for pollutant discharges prior to operation.

Recycling centers are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits the release of odors and other air contaminants which interfere with the enjoyment of life and property. Also, recycling centers are subject to the regulations set forth at N.J.A.C. 7:26A-1 et seq., which includes but is not limited to operational standards and general rules for recycling centers which receive, store, process or transfer Class A and Class B recyclable materials.

A Waterfront Development Permit may be required from the Department's Land Use Regulation Program before the planned recycling activities may occur at the proposed site. The regional supervisor for the Middlesex Region may be contacted at (609) 777-

0454 to arrange for a preapplication conference.

Issue: Status of Site Remediation

The site of the proposed SD&G, Inc. recycling center in Carteret is the subject of remediation pursuant to the Industrial Site Recovery Act (ISRA), Case #86099, as well as a transfer of ownership. Specifically, the site is presently owned by Reichhold Chemical, Inc. but a transfer of property to SD&G, Inc. has transpired. Under ISRA, a transfer of property may occur if the seller either enters into an administrative consent order with the Department or receives a DEP approval of the proposed remediation plan. In this case, both actions have occurred.

Reichhold Chemical is currently addressing several areas of concern associated with on-site soils and groundwater contamination. Regarding soils, the primary issue is the delineation and remediation of slag material present throughout much of the site. Slag is the source of elevated concentrations of metals in the soils. Reichhold has capped the area where the largest concentration of slag is present. However, other areas of the site which contain elevated levels of metals still have to be addressed with Reichhold currently evaluating remedial strategies. Also, Reichhold has not fully delineated the extent of the metals contamination and is in the process of completing this evaluation.

Concerning groundwater contamination, Reichhold is currently remediating contamination in one area of the site and is in the process of delineating contamination near the southern portion of the site.

Since Reichhold Chemical, Inc. has not completed its obligations pursuant to ISRA, the establishment of a recycling center on the subject site would interfere with Reichhold's ability to complete its required investigation/remediation of the remaining on-site soils and groundwater contamination. Therefore, as noted within Section C. of the certification, the inclusion of SD&G within the County Plan is approved with modification contingent upon successful ISRA remediation. That is, the site is not considered to be included within the County Plan until all required remediation activities have been completed by Reichhold Chemical, Inc. and, until such time, SD&G, Inc. will be precluded from obtaining all DEP permits and approvals necessary to operate a Class B recycling center.

Also, the applicant is hereby notified that the rules set forth at N.J.A.C. 7:26A-3.5(c)2, 3.11, and 3.12 state that an application for a general approval to operate a recycling center may be denied if any laws related to the pollution of the State's waters, air, or land surfaces are violated. Further, refusal or failure to comply with any lawful order of the Department may also be cause for such a denial to operate a recycling center.

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

In accordance with N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-21, which establishes specific requirements regarding the contents of the district solid waste management plans, I have reviewed the February 1, 1996 amendment to the approved County Plan and certify to the County Freeholders that the February 1, 1996 amendment (Amendment 95-6) is approved with modification as further specified below.

The County Plan inclusion of SD&G, Inc. located at Block 1, Lot 3.02 in the Borough of Carteret, Middlesex County as a recycling center for Class B materials is approved with modification. Specifically, as noted within Section B., the site is currently being remediated pursuant to ISRA. Therefore, the County Plan inclusion of the subject facility is approved with modification contingent upon successful ISRA remediation. The proposed facility would accept up to 4,000 tons per day of concrete, bituminous concrete, brick, stone, and nonhazardous petroleum contaminated soil. The site would entail two separate recycling operations for concrete and soil. The concrete operation will entail crushing the material into uniform sizes for marketing in construction projects. The soil recycling operation will utilize bioremediation technology, will be contained indoors, and will market treated soil as clean fill.

This certification shall not be construed as an expression of the Department's intent to issue a recycling center approval to any recycling center for Class B recyclable materials. A recycling center approval shall only be granted where the applicant has submitted an administratively complete application, as per N.J.A.C. 7:26A-3.5, where all substantive criteria for approval set forth in N.J.A.C. 7:26A-3.2, 3.3, and 3.4 are satisfied, where a fee has been paid in accordance with N.J.A.C. 7:26A-2, and where none of the criteria for denial of a recycling center approval are met, as per N.J.A.C. 7:26A-11 and 12.

Pursuant to N.J.A.C. 7:26A-4.1(a)1.iii., Class B recyclable materials may be commingled only with other Class B recyclable materials and only to the extent authorized in the general approval.

Any residue generated as a result of the operation of this recycling center shall be disposed of pursuant to the County Plan and the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26 et seq.).

D. Other Provisions Affecting the Plan Amendment**1. Contracts**

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

2. Compliance

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

3. Types of Solid Wastes Covered by the District Solid Waste Management Plan

The provisions of the County Plan shall apply to all solid wastes defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-2.13 and shall not apply to liquid waste, construction and demolition waste, sewage sludge, septage, and hazardous waste. All nonhazardous materials separated at the point of generation for sale or reuse are excluded from the waste flows designated in the Interdistrict and Intradistrict Solid Waste Flow Rules set forth at N.J.A.C. 7:26-6, but are subject to regulation in accordance with N.J.A.C. 7:26A-1 et seq.

4. Certification to Proceed with the Implementation of the Plan Amendment

This document shall serve as the certification of the Commissioner of the Department to the County Freeholders and pursuant to

N.J.S.A. 13:1E-24c. and f., the County shall proceed with the implementation of the amendment, as modified, certified herein.

5. Definitions

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

6. Effective Date of the Amendment

The amendment, as modified, to the County Plan contained herein shall take effect immediately.

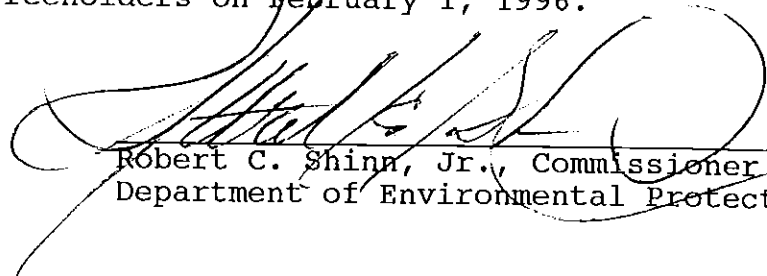
7. Reservation of Authority

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

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

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve with modification the amendment, as outlined in Section C. of this certification, to the Middlesex County District Solid Waste Management Plan which was adopted by the Middlesex County Board of Chosen Freeholders on February 1, 1996.

7/16/96
Date


Robert C. Shinn, Jr., Commissioner
Department of Environmental Protection