



## State of New Jersey

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### CERTIFICATION OF THE MARCH 17, 2016 AMENDMENT TO THE MIDDLESEX COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN

#### BY ORDER OF THE COMMISSIONER:

#### A. Introduction

The New Jersey Solid Waste Management Act (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 (previously known as the New Jersey Meadowlands Commission, and now known as New Jersey Sports and Exposition Authority or NJSEA) develop comprehensive plans for waste management in their respective districts. On July 29, 1980, the Department of Environmental Protection (Department or DEP) approved the Middlesex County District Solid Waste Management Plan (County Plan).

The Act further provides that a district may review its District plan at any time and, if found inadequate, a new District plan must be adopted. The Middlesex County Board of Chosen Freeholders (Freeholders) completed such a review and on March 17, 2016 adopted an amendment to its approved County Plan.

The March 17, 2016 amendment (Amendment) proposes County Plan inclusion of the vertical expansion of the existing Middlesex County Solid Waste landfill by an increase in height of 55 feet, to an elevation of 220 feet above sea level. The permitted design elevation is currently 165 feet above mean sea level. This height increase will provide for approximately 7.9 million cubic yards of additional capacity which will extend the life of the landfill until approximately the year 2030. The landfill is located on Block 834, Lots 3.03, 3.05, 3.07, 3.08, 4.02, 4.05, 4.14, 4.15, 4.16, 4.17, 4.18, 4.19, 4.20, 4.22, 4.23, 4.25, 4.26, 5.03, 7.02, 8.02, 9-17, 18.01, 19.01, 20, 21, 22, 23.01, 34.05, 34.07, 34.08, 34.09, and 34.10 at 53 Edgeboro Road, in East Brunswick.

The Amendment was considered administratively complete for review by the Department on March 24, 2016, and copies were distributed to various administrative review agencies for review and comment as required by law. The Department has reviewed the Amendment and has determined that the Amendment adopted by the Freeholders on March 17, 2016 is approved as provided in N.J.S.A. 13:1E-24 and detailed below.

**B. Findings and Conclusions with Respect to the March 17, 2016 Middlesex County District Solid Waste Management Plan Amendment**

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the March 17, 2016 Amendment to the County Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that the Amendment proposing the inclusion of the Middlesex County Landfill vertical expansion is consistent with the Statewide Solid Waste Management Plan. In this regard, the Freeholders are notified of the elements of the March 17, 2016 Amendment, which are included below.

**Elements of the March 17, 2016 Amendment**

**Element: Historical Background of the Middlesex County District Landfill**

The Middlesex County Landfill was initially included in the County Plan via plan amendments dated December 20, 1990 & March 7, 1991. These plan amendments noted the method of financing for the Edgeboro Landfill Phase II Expansion, currently referred to as the Middlesex County Landfill. The amendments were certified as approved by the Department on August 16, 1991.

On July 1, 1993, the Freeholders adopted a plan amendment to the County Plan which proposed County Plan inclusion of additional parcels of land at the existing Middlesex County Landfill site located in East Brunswick Township. The amendment was certified as approved by the Department on December 29, 1993.

On June 8, 1999, the Freeholders requested the Department issue an Administrative Action approval to amend the County Plan to include additional block and lot numbers to the Middlesex County Landfill site designated by Minor Amendment 004-96 as Lots 3.07 and 4.23 of Block 834. The Department approved the request on June 30, 1999.

On May 23, 2001, the Freeholders requested the Department issue an Administrative Action approval to amend the County Plan to provide for the designation and implementation of a permanent yard waste transshipment site to be located within the confines of the Middlesex County Landfill. The Department approved the request on June 20, 2001.

The March 17, 2016 Amendment proposes County Plan inclusion of the vertical expansion of the Middlesex County Landfill by an increase in height of 55 feet to an elevation of 220 feet above mean sea level. This height increase will provide for an approximate 7.9 million cubic yards of additional capacity which will extend the life of the landfill until approximately the year 2030.

**Element: Regulatory Requirements**

The March 17, 2016 Amendment to the County Plan calls for no changes to the landfill footprint, access roads or support facilities as well as no changes to the operations in terms of traffic volume, operating hours, types (10, 13, 13C, 23, 25, 27 (27I & 27A)) and treated regulated medical waste (class 1 through 7) and tonnage of wastes accepted. The Middlesex County Landfill will continue to only accept Middlesex County generated waste. Prior to the commencement of said expansion, a modification to Middlesex County Landfill's SWF Permit is required pursuant to N.J.A.C. 7:26-2.6 et seq.

Solid waste facilities are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This subchapter of regulations prohibits the release of odors and other air contaminants which interfere with the enjoyment of life and property. In addition, the owner or operator of a solid waste facility requires an air quality preconstruction permit and operating certificate in accordance with N.J.A.C. 7:27-8.2.

Finally, if any operation of a solid waste facility will discharge pollutants as defined in N.J.A.C. 7:14A-1.2, the owner or operator of that solid waste facility must secure a New Jersey Pollutant Discharge Elimination System Permit pursuant to N.J.A.C. 7:14A-2.4(b)4. Additionally, as per N.J.A.C. 7:14A-22.3(a)2, if the owner or operator of a solid waste facility will, as part of its operation, build, install, modify, or operate any sewer line, pumping station, or force main which serves more than two buildings or is for the conveyance of 8,000 gallons per day or more of wastewater, a Treatment Works Approval would have to be obtained from the Department prior to construction.

**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 County Solid Waste Management Plans, I have reviewed the March 17, 2016 Amendment to the approved County Plan and certify to the Freeholders that the March 17, 2016 Amendment is approved as specified below.

The County Plan inclusion of the vertical expansion of the existing Middlesex County District Solid Waste Landfill is approved.

This Certification shall not be construed as an expression of the Department's intent to issue a solid waste facility permit or permit modification for any proposed facility or operation.

The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals pursuant to N.J.S.A. 13:1E-1 et seq., and all other applicable laws. The issuance of operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the DEP and the Attorney General of the State of New Jersey to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126.

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

**1. 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.

**2. Certification to Proceed with Implementation of Amendment**

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

**3. 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.

**4. Effective Date of Amendment**

The approved elements of the Amendment to the County Plan contained herein shall take effect immediately.

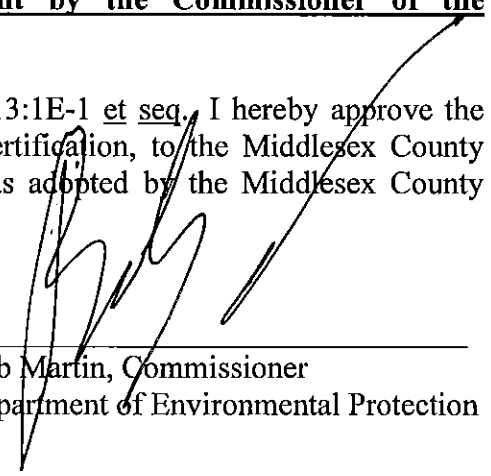
**5. Reservation of Authority**

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 to the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, and also includes the compilation of individual County Plans and amendments as they are approved.

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

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve the Amendment, as outlined in Section C. of this Certification, to the Middlesex County District Solid Waste Management Plan which was adopted by the Middlesex County Board of Chosen Freeholders on March 17, 2016.

8/16/2016  
Date

  
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Bob Martin, Commissioner  
Department of Environmental Protection