



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
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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  
APRIL 18, 1989 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 approved, with modifications, the Middlesex County District Solid Waste Management 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 the 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 the 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 plan at any time and, if found inadequate, a new plan must be adopted. The Middlesex County Board of Chosen Freeholders completed such a review and on April 18, 1989, adopted an amendment to its approved district solid waste management plan.

The April 18, 1989 amendment was identified by the county as Plan Amendment 1989-1, which provides a waste flow to the proposed Middlesex County Resource Recovery Facility, as well as a waste flow for the waste currently directed to the Edison Municipal Landfill to the Edgeboro Landfill, in the event that the Edison Landfill ceases operations prior to the commencement of resource recovery operations.

The April 18, 1989 amendment was considered complete by the Department of Environmental Protection on April 24, 1989, and copies were distributed to various state level agencies for review and comment as required by law. The Department has reviewed this amendment, as well as the entire Middlesex County District Solid Waste Management Plan, and has determined that the amendment adopted by the Middlesex County Board of Chosen Freeholders on April 18, 1989 is approved as provided in N.J.S.A. 13:1E-24. With regard to the district plan, while certain requirements of the Act concerning the report have been met, the district's plan remains deficient in one important way.

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, Christopher J. Daggett, Commissioner of the Department of Environmental Protection have studied and reviewed the April 18, 1989 amendment to the Middlesex County District Solid Waste Management Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that the approved plan amendment is consistent with the Statewide Solid Waste Management Plan.

In addition, the Division of Solid Waste Management circulated the plan amendment to fifteen review agencies and solicited their review and recommendations. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various agencies, bureaus, and divisions within the Department of Environmental Protection as well as the Board of Public Utilities. Also among these agencies were the Department of Community Affairs, the Department of the Public Advocate, the Department of Health, the Department of Agriculture, the Department of Transportation, and the New Jersey Turnpike Authority. Of these agencies, the following did not object to the proposed plan amendment: the N.J.D.E.P. Divisions of Environmental Quality, Water Resources, Fish, Game and Wildlife and Parks and Forestry; the State Departments of Agriculture, Community Affairs and Transportation; the Green Acres Program and the New Jersey Advisory Council on Solid Waste Management. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Division of Coastal Resources, the State Departments of Health and the Public Advocate, the New Jersey Turnpike Authority, and the U.S. Environmental Protection Agency. The Board of Public Utilities and the Division of Solid Waste Management submitted substantive comments which are further addressed below.

The Board of Public Utilities noted that the two waste flow designations of the April 18, 1989 amendment have already been addressed within the context of the existing waste flow rules. N.J.A.C. 7:26-6.5(m)1.vii. calls for the disposal of all Middlesex County generated waste at the Middlesex County resource recovery facility, when operational; and N.J.A.C. 7:26-6.5(m)1.ii redirects Edison Landfill waste to another facility upon closure of that landfill. In response, the Department concurs with BPU's comments. However, although N.J.A.C. 7:26-6.5(m)1.ii. allows for the direction of waste to an alternate facility upon closure of the Edison Landfill, the designation of the specific disposal site is required.

The Division of Solid Waste Management (DSWM) commented that Middlesex County must develop and submit an incoming waste inspection verification plan to insure that designated recyclable materials are not disposed of as solid waste. DSWM also noted that the proposed waste flow to the district resource recovery facility fails to address the disposal of non-processible waste, as well as residual and bypass waste generated by the resource recovery facility, nor does it provide a distinction between processible and non-processible waste. The existing waste flow rules at N.J.A.C. 7:26-6.5(m)1.vii. do state that only processibles will go to the resource recovery facility and that residue and non-processibles will go to a designated landfill. However, the county must designate the specific facility to which non-processibles will be directed in a plan amendment. These additional waste flow issues must be addressed by the county prior to the commencement of resource recovery operations. In response, by copy of this certification, Middlesex County is hereby notified of these requirements.

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

I, Christopher J. Daggett, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq. and N.J.S.A. 13:1E-21, which established specific requirements regarding the contents of the district solid waste management plans, have reviewed the April 18, 1989 amendment to the approved Middlesex County District Solid Waste Management Plan and certify to the Middlesex County Board of Chosen Freeholders that the April 18, 1989 amendment is approved as further specified below.

- 1) The following waste flow designation is hereby approved:  
All processible waste types 10, 13, 23, 25 and 27 generated by all Middlesex County municipalities is directed to the Middlesex County Resource Recovery Facility when it becomes operational.
- 2) The following waste flow designation is hereby approved:  
If the Edison Municipal Landfill closes before the resource recovery facility becomes available, all waste types 10, 13, 23, 25 and 27 from Edison, Highland Park and Metuchen currently directed to the Edison Municipal Landfill is redirected to the Edgeboro Landfill.

Additionally, the Department has reviewed the entire Middlesex County District Solid Waste Management Plan, including this amendment, to determine whether the plan fulfills the requirements set forth in N.J.S.A. 13:1E-21. The result of that review is as follows:

N.J.S.A. 13:1E-21b(4) requires a survey of proposed collection districts and transportation routes with projected transportation costs from collection districts to existing or available suitable sites for solid waste disposal facilities.

The Middlesex County Plan does not include truck routes to the proposed district resource recovery and landfill facilities. Therefore, the Middlesex County Plan remains deficient with respect to the requirements of N.J.S.A. 13:1E-21b(4).

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 the within amendment to the Middlesex County District Solid Waste Management 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 of Environmental Protection and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the Middlesex County District Solid Waste Management 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 of Environmental Protection, and for good cause shown, obtain an extension of time to complete such renegotiation.

2. Compliance

All solid waste facility operators and collector/haulers registered with the Department of Environmental Protection and operating within Middlesex County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Middlesex County District Solid Waste Management Plan. Any facility operator or collector/hauler 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 of Environmental Protection 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 Middlesex County District Solid Waste Management 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 wastes, sewage sludge, septage, and hazardous wastes. Also, all non-hazardous 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 (N.J.A.C. 7:26-6).

4. Certification to Proceed with the Implementation of Plan Amendment

This document shall serve as the certification of the Commissioner of the Department of Environmental Protection to the Middlesex County Board of Chosen Freeholders and pursuant to N.J.S.A. 13:1E-24c. and f., the county shall proceed with the implementation of the approved amendment contained 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 N.J.A.C. 7:26-1.4 and -2.13.

6. Effective Date of Amendment

The approved amendment to the Middlesex County District Solid Waste Management 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 of Environmental Protection pursuant to its authority under the law. The Middlesex County District Solid Waste Management Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan. The Department has published a Statewide Solid Waste Management Plan with appendices which includes the Department's planning guidelines and rules, regulations, and orders of the Department, including the 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 of the Amendment and Notification of Deficiencies 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 April 18, 1989. I further direct the Middlesex County Freeholders to remedy the deficiency outlined in Section C. of this certification as soon as possible.

20 SEP 1989

/s/ Christopher J. Daggett

DATE

CHRISTOPHER J. DAGGETT  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION