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STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF THE COMMISSIONER  
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(IN THE MATTER OF THE ADOPTED AND)  
(MODIFIED SOLID WASTE MANAGEMENT )  
(PLAN OF THE MIDDLESEX COUNTY )  
(SOLID WASTE MANAGEMENT DISTRICT )

CERTIFICATION OF APPROVAL  
WITH MODIFICATION OF 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. as amended by C. 326, Laws of 1975) determines, among other things, "...that the management of solid waste in New Jersey consists largely of piecemeal, uncoordinated activities developed to meet the immediate needs of local government with little, if any, regard for regional planning and coordination..." and that "...the solid waste planning and management process is adversely affected by the absence of area-wide structures..." The Act addressed these and other findings by establishing "...a statutory framework within which all solid waste collection, disposal and utilization activity..." in New Jersey would be coordinated. This framework includes the designation of each of New Jersey's twenty-one counties and the Hackensack Meadowlands District as a Solid Waste Management District. Each District is authorized, either singly or jointly with one or more other Districts, to formulate and develop a comprehensive Solid Waste Management Plan. Following development, the resulting Plan is submitted by the District to the public for comment at an informational hearing. Thereafter, the District must adopt or reject, in whole or in part, the Solid Waste Management Plan.

After adoption of a Plan in whole or in part by a District, the Plan is then submitted to the Commissioner of the Department of Environmental Protection for review and final approval. The Commissioner has authority to modify, reject or approve such Plans and, in the final analysis, the Commissioner is authorized to adopt and promulgate any modification or replacement she deems necessary with respect to the Solid Waste Management Plan.

In order to establish a meaningful and responsible role for the State in the solution of solid waste problems, the Act grants broad powers to the Department of Environmental Protection. This includes the power "...to regulate and supervise all solid waste collection and disposal facilities and operations...", "...to register all persons engaged in the collection or disposal of solid waste...", "...to develop through a Statewide solid waste management plan objectives, criteria and procedures to assure the orderly preparation and evaluation of the [district] solid waste management plans...", "...to approve, modify or reject such solid waste management

plans on the basis of their conformity with such objectives, criteria and procedures...", and "...to develop and implement such a plan where none is approved or forthcoming from any solid waste management district...."

Specifically, the solid waste planning process includes five stages. These include the promulgation of guidelines by the Department of Environmental Protection, Plan formulation by the Districts, public hearings on the Plans developed by the Districts, adoption of the Plan by the District, and approval, rejection or modification of the Plan by the Department of Environmental Protection.

At the beginning of the planning process, the Department of Environmental Protection set forth guidelines for the formulation and development of District Solid Waste Management Plans.\* The guidelines contain planning objectives, planning schedules and specific tasks to be addressed in the planning process. The objectives identified in the guidelines include the protection and enhancement of environmental quality and the conservation of natural resources. Through these objectives, the Department encouraged District Plans which would provide for the termination of existing solid waste disposal operations which cannot be upgraded to meet environmental standards, the provision of alternative services and facilities capable of meeting environmental standards and conservation of natural resources by the implementation of waste reduction techniques and resource recovery systems.

In order to achieve these objectives, the Department of Environmental Protection has and continues to encourage the development of a comprehensive regional scheme to ensure recovery systems and environmentally sound disposal facilities. To this end, the Commissioner of the Department of Environmental Protection, after study and review, issued a Certification of Modification to the Adopted Solid Waste Management Plan of the Middlesex County Solid Waste Management District on September 21, 1979. The Certification required the Middlesex County Solid Waste Management District to, among other things, develop a schedule for resource recovery implementation and negotiate interdistrict agreements with other Solid Waste Management Districts to provide those Districts with additional disposal capacity.

Based on the District Solid Waste Management Plans and other information submitted, it became evident to the Department of Environmental Protection that the Solid Waste Management Districts were not in the process of developing sufficient interdistrict solutions to solid waste management planning issues, including, but not limited to, the number and siting of suitable waste disposal facilities, transportation routes and collection services, resource recovery planning, and short and long term waste disposal alternatives. There was a lack of regional and interdistrict solid waste management planning, and as a result, inconsistencies among Plans were identified and areawide waste disposal needs were not fully addressed. Therefore, the Commissioner of the Department of Environmental Protection,

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\*"Guidelines for the Development and Formulation of District Solid Waste Management Plans," New Jersey Department of Environmental Protection, Solid Waste Administration (Trenton, August 1977).

after due notice and consideration of public comment, Adopted Rules Concerning Interdistrict Flow of Solid Waste Between and Among Solid Waste Management Planning Districts in Northeastern New Jersey (N.J.A.C. 7:26-1.11) on December 31, 1979. These Rules set forth required steps which must be taken by Solid Waste Management Districts to effect regional and statewide solutions to solid waste management problems. The Rules establish the basis upon which interdistrict solid waste management planning is to be developed among the Districts and are set forth as part of the statewide Solid Waste Plan required by the Solid Waste Management Act. The Rules required that the Middlesex County Solid Waste Management District adopt certain specified modifications to its Solid Waste Management Plan and submit them to the Commissioner of the Department of Environmental Protection on or before February 18, 1980.

By February 19, 1980, it became apparent that the Middlesex County Solid Waste Management District had failed to adopt and submit the required modifications to its Solid Waste Management Plan to the Commissioner of the Department of Environmental Protection as required in N.J.A.C. 7:26-1.11. Upon the failure of the Board of Chosen Freeholders to submit the required modifications, the Solid Waste Management Act authorizes the Commissioner of the Department of Environmental Protection to adopt and promulgate modifications which she deems necessary to the District Solid Waste Management Plan.

Therefore, the Commissioner of the Department of Environmental Protection adopted and promulgated modifications to the Middlesex County District Solid Waste Management Plan. The March 20, 1980 modifications re-direct the flow of certain solid wastes out of disposal facilities in the Hackensack Meadowlands District and into Middlesex County disposal facilities. In addition to conserving existing disposal capacity in the Meadowlands, the modifications directed the long term flow of waste to specific existing or projected resource recovery and/or disposal facilities. This long term flow of solid waste will enable solid waste facility operators to obtain the necessary financing for the implementation of environmental improvements at existing disposal facilities and for the establishment of resource recovery facilities and new disposal capacity.

On June 19, 1980, the Middlesex County Board of Chosen Freeholders formally adopted modifications to the District's Plan. The modifications were received by the Department of Environmental Protection on June 26, 1980. The Department of Environmental Protection has studied and reviewed the Plan and its modifications in accordance with the Solid Waste Management Act. Based on the results of this review and evaluation, I have determined that the Middlesex County District Solid Waste Management Plan be granted approval as amended by the modifications adopted herein and promulgated by me (see N.J.S.A. 13:1E-24).

B. Solid Waste Management Plan Accomplishments

The Middlesex County District Solid Waste Management Plan has been reviewed by the Department of Environmental Protection and other State-level agencies and, with the District's adopted modifications along with the replacement modifications herein set forth, provides for environmentally sound solid

waste management in Middlesex County. I am confident that with the implementation of this Plan, a comprehensive solid waste management program will be established in Middlesex County.

The Plan provides for the development of two county landfills, the first 100 acre facility to be on line in 1981 and the second in 1983. These facilities will provide disposal capacity for the county's solid waste as existing landfills terminate prior to resource recovery, as well as residues and non-processable wastes after resource recovery. In addition, the Plan provides for the implementation of an energy recovery facility with a capacity to handle 1,200 tons per day of solid waste. This latter facility is scheduled to be operational by 1985.

The Plan also contains provisions for the development and expansion of source separation/recycling programs throughout the County. A ten year goal of diverting 14% of the in-county municipal waste stream is recommended as well as a goal that all municipalities in the District have at least one recycling program in operation by 1985. In addition, the County Plan recommends materials recovery at new transfer stations, consistency with the approved State-wide recycling plan, three regional source separation districts and additional feasibility studies.

Further, the Plan contains a procedure for the uniform distribution of resource recovery and disposal costs throughout the District, a comprehensive public education and participation program, and a schedule for the collection of more accurate solid waste generation and composition data.

The Plan designates the Middlesex County Department of Solid Waste as the County's responsible implementation agency. This Department will, among other things, provide a technical assistance program to promote source separation/recycling, provide for more effective and efficient solid waste collection and transportation through the COLMIS program and most importantly, oversee implementation of the recommended solid waste facilities.

C. Approved Middlesex County District Solid Waste Management Plan

I, Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq., do hereby approve the following key elements of the adopted Middlesex County District Solid Waste Management Plan and the Modifications adopted by the Middlesex County Board of Chosen Freeholders on June 19, 1980:

1) Data Base

The basic data utilized in the Plan is approved. However, as further data, particularly in the area of solid waste generation and composition becomes available as part of the District's resource recovery feasibility studies, such data will supercede existing data, and be made part of any Plan revision or update.

2) Schedule For Resource Recovery Implementation

The Plan's schedule for the implementation of resource recovery is approved. The Department of Environmental Protection will monitor the progress of the District in meeting the milestones of this implementation schedule. The County's Department of Solid Waste Management shall make

quarterly status reports to the Department of Environmental Protection concerning the District's progress in meeting these milestones. The first status report shall be submitted to the Department's Solid Waste Administration by January 1, 1981.

3) Recycling/Source Separation Program

The recycling/source separation program outlined in the Plan is approved.

4) Public Participation Program

The Plan's public education and participation program is approved.

5) Sludge and Septage

The Plan shall conform with any Rules and Regulations of the Department concerning sludge and septage.

6) Schedule for County Landfill Implementation

The Plan's schedule for the implementation of two County landfills (landfill #1 and landfill #2) is approved. The Department of Environmental Protection will monitor the progress of the District in meeting the milestones of this implementation schedule. The County's Department of Solid Waste Management shall submit quarterly status reports to the Department of Environmental Protection concerning the District's progress in meeting these milestones. The first status report shall be submitted to the Department's Solid Waste Administration by January 1, 1981.

D. Modifications Adopted and Promulgated By The Commissioner Pursuant To N.J.S.A. 13:1E-1 et seq. and Made An Approved Part of The Middlesex County District Solid Waste Management Plan

I, Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq., do hereby adopt and promulgate the following modifications to the Middlesex County District Solid Waste Management Plan and certify to the Middlesex County Board of Chosen Freeholders that the modifications contained herein, as well as those adopted and promulgated by me on March 20, 1980 as revised by the modifications contained herein, are hereby made a final approved part of the Middlesex County District Solid Waste Management Plan.

1) In-County Wastes

a) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from within the Middlesex County municipalities of Middlesex, Dunellen, Piscataway and South Plainfield, shall be disposed of at the Industrial Land Reclaiming Inc. landfill, facility number 1205C, located in Edison Township, Middlesex County, New Jersey, which according to the adopted approved Plan and its modifications shall close December 1981.

b) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from within the Middlesex County municipalities of Edison, Metuchen and Highland Park, shall be disposed of at the Edison Disposal Area landfill, facility number 1205A,

located in Edison Township, Middlesex County, New Jersey, which according to the adopted approved Plan and its modifications shall close December 1981.

- c) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from within the Middlesex County municipalities of New Brunswick, North Brunswick, East Brunswick, Milltown, South River, Spotswood, and Helmetta, shall be disposed of at the Edgeboro Disposal Inc. landfill, facility number 1204A, located in East Brunswick, Middlesex County, New Jersey.
- d) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from within the Middlesex County municipalities of South Brunswick and Plainsboro shall be disposed of at the South Brunswick municipal landfill, facility number 1221B, located in South Brunswick Township, Middlesex County, New Jersey, which according to the adopted approved Plan and its modifications shall close December 1984.
- e) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from within the Middlesex County municipalities of Carteret, Woodbridge, Perth Amboy, South Amboy, Sayreville, Old Bridge, Monroe, Jamesburg and Cranbury, shall be disposed at the Global Landfill Reclaiming Corp. landfill, facility number 1209A, located in Old Bridge Township, Middlesex County, New Jersey, which according to the adopted approved Plan and its modifications shall close December 1983.
- f) All solid wastes generated within designated Middlesex County municipalities north of the Raritan River shall be disposed of at the proposed Landfill #1 in Middlesex County after January 1981. Upon termination of the Global Landfill (facility number 1209A), and South Brunswick Landfill (facility number 1221B) all solid wastes generated within Middlesex County municipalities south of the Raritan River and being disposed at the terminated facilities shall be re-directed to the proposed Landfill #2 in Middlesex County. Upon development and operation of the Middlesex County resource recovery facility in January 1985, all processable\* solid wastes generated within all municipalities in Middlesex County shall be disposed of at said facility. Residue and non-processable\*\* solid wastes shall be disposed of at designated landfills.

## 2) Out-of-County Wastes

- a) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from within the Union County municipalities of Berkeley Heights, Fanwood, Plainfield, Scotch Plains, Mountain-side, Westfield, Garwood, Cranford, and Clark shall be disposed of at the Industrial Land Reclaiming Inc. landfill (I.L.R.) facility number 1205C, located in Edison Township, Middlesex County, New

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\*Processable solid waste is that part of the solid waste stream which can be processed through a resource recovery facility.

\*\*Non-processable solid waste includes that part of the waste stream which cannot be processed through a given resource recovery facility and solid wastes resulting from emergency back-up procedures.

Jersey until the facility is terminated in December 1981 when said solid wastes will be re-directed to designated solid waste facility(ies).

- b) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from within the Union County municipalities of Hillside, Roselle Park and Winfield shall be disposed of at the Industrial Land Reclaiming Inc. landfill (I.L.R.), facility number 1205C, located in Edison Township, Middlesex County, New Jersey, until the facility is terminated in December 1981, when said solid wastes will be re-directed to designated solid waste facility(ies). (Note: The March 20, 1980 Modifications had directed these wastes to the Edison Disposal Area landfill, facility number 1205A.)
- c) All residential solid wastes generated from within the Union County municipalities of Elizabeth, Roselle and Kenilworth shall be disposed of at the Industrial Land Reclaiming Inc. (I.L.R.), facility number 1205C, located in Edison Township, Middlesex County, New Jersey, until the facility is terminated in December 1981, when said solid wastes will be re-directed to designated solid waste facility(ies). All non-residential wastes generated from within the Union County municipalities of Kenilworth and Roselle shall be disposed at the Edgeboro Disposal Inc. landfill, facility number 1204A, East Brunswick, Middlesex County, New Jersey. All non-residential wastes generated from within Elizabeth shall be disposed at the Global Landfill Reclaiming Corp. landfill, facility number 1209A, Old Bridge Township, Middlesex County, New Jersey, until the facility is terminated in December 1983, when said solid wastes will be re-directed to designated solid waste facility(ies). (Note: The March 20, 1980 Modifications had directed residential waste from Kenilworth Boro to the Global Landfill, Inc. landfill, facility number 1209A.)
- d) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from within Union County municipality of Rahway, shall be disposed of at the Edgeboro Disposal Inc. landfill, facility number 1204A, East Brunswick, Middlesex County, New Jersey.
- e) All residential solid wastes, generated from within the Union County municipality of Linden shall be disposed of at the Linden landfill, facility number 2009A, located in Linden City, Union County, New Jersey. All other wastes generated in Linden City shall be disposed of at the Edgeboro Disposal Inc. landfill, facility number 1204A, East Brunswick, Middlesex County, New Jersey.
- f) When the Union County resource recovery facility becomes operational in January 1984, all processable\* solid wastes generated from within the Union County municipalities of Hillside, Kenilworth, Roselle, Roselle Park, Cranford, Clark, Winfield, Rahway, Elizabeth and Linden shall be re-directed to the energy recovery facility. Residues from the resource recovery facility shall be disposed of at the Linden landfill, pending approval of the Linden landfill upgrading and expansion application by the Solid Waste Administration.

- g) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from within the Somerset County municipalities of Branchburg, Bridgewater, Green Brook, North Plainfield, Warren and Watchung shall be disposed of at the Industrial Land Reclaiming Inc. landfill, facility number 1205C, located in Edison Township, Middlesex County until the facility is terminated in December 1981, when said solid waste will be re-directed to the Edgeboro Disposal Inc. Landfill, facility number 1204A, located in East Brunswick Township, Middlesex County until April 1, 1983 when they will be re-directed to the proposed Somerset County landfill.
- h) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from the Somerset County municipalities of Bound Brook, Franklin, Hillsborough, Millstone, Montgomery, Rocky Hill and South Bound Brook, shall be disposed of at the Edgeboro Disposal Inc. landfill, facility number 1204A, located in East Brunswick Township, Middlesex County until April 1, 1983, when they will be re-directed to the proposed Somerset County landfill.
- i) All solid wastes, with the exception of those noted in Section 3.c. herein, generated from within the Monmouth County municipalities of Matawan, Aberdeen, Keyport, Union Beach, Hazlet, Keansburg and that portion of Middletown north and northeast of Route 35, shall be disposed of at the Global Landfill Reclaiming Corp. landfill, facility number 1209A, located in Old Bridge Township, Middlesex County, New Jersey, until April 1, 1983 when they will be re-directed to a designated Monmouth County solid waste facility.
- j) By prior directive of the Department of Environmental Protection, dated May 28 and 29, 1980, registered collector/haulers and state and local governments which import solid wastes into New Jersey for disposal were required to enter into disposal agreements with the appropriate New Jersey Solid Waste Management District as a condition for the continued utilization of the Districts' solid waste disposal facilities. The requirements for such agreements are substantially similar to the planning requirements placed by the Department on sister Solid Waste Management Districts which import solid wastes into Middlesex County for disposal. These requirements were contained in previously issued Certifications of Modifications and by the adopted modifications to the Union and Middlesex County District Solid Waste Management Plan promulgated by me on March 20, 1980.

Pursuant to the directive of the Department on May 28 and 29, 1980, all such agreements with out-of-state generators and/or collector/haulers shall be finalized by the effective date of the Plan Modifications (November 1, 1980). After this date, any out-of-state generators and/or collector/haulers who have failed to enter into an agreement with Middlesex County for disposal under the directives of May 28 and 29, 1980, shall be precluded from utilizing disposal facilities within the Middlesex County Solid Waste Management District at least until the Department of Environmental Protection is furnished with the following information and makes an assignment for the use of remaining and uncommitted



disposal capacity, if any, within the Middlesex County Solid Waste Management District:

- type(s) of solid waste to be imported,
- quantity of solid waste to be imported, and
- period of time that the solid waste is to be imported.

3) Other Provisions Effecting the Plan Modifications

a) Contracts

Nothing contained in these Modifications shall be construed as to interfere with, or in any way modify, the provisions of any contract for solid waste collection or solid waste disposal in force in any solid waste management district upon the effective date of this Act (July 29, 1977); provided, however, as set forth at N.J.S.A. 13:1E-29 no renewal of any such contract upon the expiration or termination of the original term thereof, and no new contract for solid waste collection or solid waste disposal, shall be entered into after the effective date of this act, unless such renewal or such new contract shall conform with the applicable provisions of the approved solid waste management plan, as set forth herein, of the relevant solid waste management district or unless such contract is approved by the Commissioner.

Any contract renewal or new contract for solid waste collection or solid waste disposal which was executed prior to the approval of the within modifications to the Middlesex County District Solid Waste Management Plan 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 these Modifications and of the Middlesex County District Solid Waste Management Plan if such renegotiation is not completed by the effective date of these Modifications (November 1, 1980); 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.

b) Compliance

All solid waste facility operators registered with the Department of Environmental Protection and operating within Middlesex County and effected by the Modifications contained herein shall operate in compliance with these Modifications and all other approved provisions of the Middlesex County District Solid Waste Management Plan. Any facility operator 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

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, 10 and 12 and all other applicable laws.

c) Types of Solid Wastes Covered by the Middlesex County District Solid Waste Management Plan Modifications

The Modifications contained herein shall apply to all "solid wastes" generated within the identified County municipalities, as defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-2.5.27 and with the exceptions of liquid wastes, sewage sludge, septage, hazardous wastes, oil spill clean-up waste, infectious waste and those wastes separated and recovered at the point of generation.

d) Certification to Proceed with the Implementation of Plan Modifications

This Document shall serve as the Certification of the Commissioner of the Department of Environmental Protection to the Middlesex County Board of Chosen Freeholders, as provided for by N.J.S.A. 13:1E-24f., to proceed with the implementation of the Modifications contained herein.

e) Definitions

For the purpose of these Modifications 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 -2.5.27.

f) Effective Date of Modifications

The adopted and promulgated Modifications to the Middlesex County District Solid Waste Management Plan contained herein shall take effect on November 1, 1980 with the exception of Modifications 2.a. through 2.f. contained herein and which pertain to Union County municipalities. Modifications 2.a. through 2.f., as revised, were adopted and promulgated on March 20, 1980 and became effective on April 1, 1980.

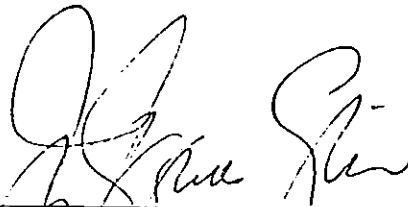
- g) Nothing contained herein shall be construed as a bar to any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Middlesex County District Solid Waste Management Plan shall conform with the Statewide Solid Waste Management Plan. The Statewide Solid Waste Management Plan includes the Department's Planning Guidelines and rules, regulations, and orders of the Department, and will include the compilation of individual District Plans and modifications as they are approved. The Statewide Solid Waste Management Plan for Group I and II Districts will be published this summer.\*

E. Certification of Approval and Adoption and Promulgation of Modifications 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 Middlesex County District Solid Waste Management Plan and its

adopted modifications, subject to the modifications and replacements of March 20, 1980 and those contained and adopted herein.

29 July 1980  
Date

  
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JERRY FITZGERALD ENGLISH  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

\*The Commissioner may adopt modifications to the approved District Plans in the Statewide Solid Waste Management Plan when it is promulgated.