



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ROBERT E. HUGHEY, COMMISSIONER
CN 402
TRENTON, N.J. 08625
609 - 292 - 2885

(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 SEPTEMBER 1, 1983 AMENDMENTS
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 September 1, 1983, adopted Amendments to its approved District Solid Waste Management Plan. The Amendments were received by the Department of Environmental Protection on September 16, 1983 and copies were distributed to various state level agencies for review and comment, as required by law.

The Department has reviewed these Amendments, as well as the entire Middlesex County District Solid Waste Management Plan, and has determined that the Amendments adopted by the Middlesex County Board of Chosen Freeholders on

September 1, 1983 are approved in part and rejected in part (as explained below) in accordance with N.J.S.A. 13:1E-24. While the requirements of the Act concerning the report have been met, the District's Plan remains deficient in several important ways.

B. Certification of Middlesex County District Solid Waste Management Plan Amendments

I, Robert E. Hughey, 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 September 1, 1983 Amendments to the approved Middlesex County District Solid Waste Management Plan and certify to the Middlesex County Board of Chosen Freeholders that, except as provided below, the September 1, 1983 Amendments are in compliance with the requirements of N.J.S.A. 13:1E-21 and are hereby made a final approved part of the Middlesex County District Solid Waste Management Plan.

The Middlesex District's Plan Amendments #3 and #4 which provide for inclusion within the Plan of the J.I.S. Industrial Service Co. transfer station facility on Lots 9.05 and 9.06, Block 17.01 in South Brunswick Township and the Recycling Industries, Inc. transfer station facility on Lot 27, Block 225, in South Plainsfield Borough, are approved. The construction or operation of these facilities shall be preceded by the obtaining of all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq. and all other applicable laws. Issuance of construction and/or operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department to be fit and competent to manage such facilities. Also, any solid waste handled at these transfer stations must be disposed at the solid waste disposal facility(ies) identified in the approved Middlesex Plan and Inter-district and Intradistrict Solid Waste Flow rules, N.J.A.C. 7:26-6 et seq. for the generating municipalities.

The Middlesex District's Plan Amendment #5, which provides for inclusion within the Plan of the Industrial Land Reclaiming landfill expansion facility on Lots 1-4, 8-10, 16-25, 30-35, 37-52, 54-58, Block 399 in Edison Township, is approved in part and rejected in part.

The inclusion of that portion of Block 399 which is not yet filled as indicated on the "Property Map" (sheet 1 of 20) in the June 15, 1983 ILR expansion application and which is subject to the New Jersey Waterfront Development Act and Wetlands Act is rejected. This rejection is based upon the Division of Coastal Resources' preliminary review of the previously cited expansion plans. The Division has indicated that it is unlikely that the landfill expansion could meet the four criteria required for issuance of a permit pursuant to the Waterfront Development or Wetlands Acts. Furthermore, the Department has conducted a preliminary review of engineering design information and an Environmental Impact Statement for the proposed lateral ILR expansion submitted as a result of a Superior Court ruling arising from litigation concerning this site. This assessment reaffirms the Department's earlier findings that the proposed expansion poses serious environmental and engineering problems. Since it is highly unlikely that the above mentioned

permits could be obtained for these unfilled areas of the proposed expansion, and in consideration of these serious environmental and engineering problems, that portion of the amendment is rejected at this time.

The inclusion of that portion of Block 399 which is filled as indicated on the "Property Map" (sheet 1 of 20) in the June 15, 1983 ILR expansion application is hereby approved. The construction or operation of this facility shall be preceded by the obtaining of all necessary permits and approvals under the Solid Waste Management Act, Waterfront Development Act, Wetlands Act, and all other applicable laws and regulations. Issuance of construction and/or operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department to be fit and competent to manage such facilities. In addition, it should be noted that the Department has conducted a preliminary review of engineering design information and an Environmental Impact Statement for the vertical portion of the ILR expansion also submitted as a result of the previously mentioned litigation concerning this site. This assessment has identified numerous environmental and engineering concerns regarding the proposed operation.

As previously noted, the Department has reviewed the entire Middlesex County District Solid Waste Management Plan, including these Amendments, 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.

1. N.J.S.A. 13:1E-21b.(1) requires the designation of a department, unit, or committee of County government . . . to supervise the implementation of the County's Solid Waste Management Plan.

Middlesex County has complied with the requirements of N.J.S.A. 13:1E-21b.(1) and the Middlesex County Department of Solid Waste Management Programs, under the direction of the Middlesex County Board of Chosen Freeholders, is the approved solid waste implementation agency in Middlesex County. In response to the County Environmental Health Act (N.J.S.A. 26:2A3-21), the Middlesex County Health Department cooperates with the Middlesex County Department of Solid Waste Management Programs in monitoring solid waste management facilities within the County.

2. N.J.S.A. 13:1E-21b(2) requires a statement of the solid waste disposal strategy to be applied . . . which strategy shall include the maximum practicable use of resource recovery procedures and a plan for using terminated landfill disposal sites . . . in the Solid Waste Management District.

Middlesex County has developed a solid waste disposal strategy which will utilize in-county landfilling and high technology resource recovery. This section of the Middlesex County District Solid Waste Management Plan remains approved.

The Middlesex District's policy recommendation regarding terminated solid waste landfills remains an approved part of the Middlesex County District Solid Waste Management Plan.

Middlesex County's recycling/source separating element of the District's Solid Waste Management Plan is deficient since it is inconsistent with the New Jersey Recycling Plan's goal of 25% recycling by 1986.

3. N.J.S.A. 13:1E-21b.(3) requires a site plan which shall include all existing solid waste disposal facilities located within the Solid Waste Management District . . . and sufficient additional available suitable sites to provide solid waste facilities to treat and dispose of the actual and projected amounts of solid waste contained in the report accompanying the Plan.

Middlesex County has complied, in part, with the requirements of N.J.S.A. 13:1E-21b(3) and the inclusion of all existing solid waste facilities identified in the Certification of the September 16, 1982 and the May 19, 1983 Amendments to the Plan remains approved.

As noted in the Certification of Approval with Modification of the September 16, 1982 Amendments to the Plan, the general policy of the Middlesex County Board of Chosen Freeholders towards the Signal Resco resource recovery proposed facility is approved. In order for the Department to certify the proposed facility site as an approved part of the Middlesex Plan, the Board of Chosen Freeholders must adopt a plan amendment formally including this facility in the District Plan and designating the location by specific block(s) and lot(s).

Therefore, the Plan is still deficient in that Middlesex County has not designated sufficient suitable sites for long term disposal capacity.

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

Middlesex County has complied with the requirements of N.J.S.A. 13:1E-21b.(4) and this section of the Middlesex County District Solid Waste Management Plan remains approved.

5. N.J.S.A. 13:1E-21b.(5) requires procedures for coordinating all activities related to the collection and disposal of solid waste by every person . . . within the Solid Waste Management District, which procedures shall include the agreements entered into as provided herein between the Board of Chosen Freeholders . . . and every such person, and the procedures for furnishing the solid waste facilities contained in the Solid Waste Management Plan.

The Solid Waste Management Act requires all districts which import or export waste to reach formal interdistrict agreements. No such agreement exists between the Middlesex District and the Morris, Union or Somerset Districts. Therefore, the Middlesex County District Solid Waste Management Plan is deficient with respect to the requirements of N.J.S.A. 13:1E-21b.(5).

6. N.J.S.A. 13:1E-21b(6). requires a method or methods of financing solid waste management in the Solid Waste Management District pursuant to the Solid Waste Management Plan.

While the Middlesex District Plan indicates that the overall method of financing the proposed resource recovery facility to be located in East Brunswick, Middlesex County, will be through private financial arrangements, the Amendments do not provide a detailed plan for financing solid waste management.

Therefore, I find the Middlesex County District Solid Waste Management Plan deficient in that the Plan does not provide the method(s) of financing solid waste management.

C. Other Provisions Affecting the Plan Amendments

1. Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with the within Amendments to the Middlesex County District Solid Waste Management Plan and which was executed prior to the approval of these Amendments 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 Amendments 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 these Amendments; 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 Amendments contained herein shall operate in compliance with these Amendments 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, 10, and 12 and all other applicable laws.

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

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, hazardous wastes, oil spill cleanup wastes, and infectious waste.

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) which are part of the Middlesex County District Solid Waste Management Plan.

4. Certification to Proceed with the Implementation of Plan Amendments

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 Amendments approved herein.

5. Definitions

For the purpose of these Amendments 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 Amendments

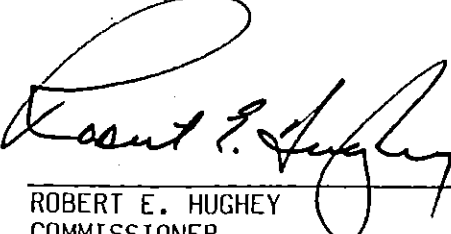
Amendments to the Middlesex County District Solid Waste Management Plan approved herein shall take effect immediately.

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 Amendments 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.

D. Certification of Approval 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 in part, and reject in part (as outlined in Section B of this Certification), the Amendments to the Middlesex County District Solid Waste Management Plan which were adopted by the Middlesex County Board of Chosen Freeholders on September 1, 1983.



ROBERT E. HUGHEY
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION

2/11/84

DATE