



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER
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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
SEPTEMBER 15, 1988 AMENDMENT
TO THE MIDDLESEX COUNTY 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 Board 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.)

Amendments to the Act found in N.J.S.A. 13:1E-1 et seq. specifically N.J.S.A. 13:1E-99.11 et seq. require that counties amend their district solid waste management plans to include a district recycling plan. The Middlesex County Board of Chosen Freeholders adopted the district recycling plan on December 3, 1987. The district recycling plan was approved with modifications by the Commissioner of the Department of Environmental Protection on May 20, 1988. The Middlesex County Board of Chosen Freeholders adopted an amendment to the approved district solid waste

management plan on September 15, 1988 which addressed the modifications required pursuant to the May 20, 1988 certification. The September 15, 1988 amendment was not distributed for state level review because the only state level review agencies (NJDEP Division of Solid Waste Management's Bureau of Resource Recovery and the Office of Recycling) which commented on the December 3, 1987 district recycling plan were satisfied with submission of the September 15, 1988 plan amendment.

The amendment proposes to incorporate modifications to the district recycling plan into the approved district solid waste management plan as per the requirements of the New Jersey Statewide Mandatory Source Separation and Recycling Act, N.J.S.A. 13:1E-99.11 et seq. (herein referred to as the "Recycling Act").

The amendment was received by the Department of Environmental Protection on September 29, 1988. The Department has reviewed this amendment and has determined that the amendment adopted by the Middlesex County Board of Chosen Freeholders on September 15, 1988 is approved with the modifications herein included, 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-24f and N.J.S.A. 13:1E-99.13, I, Christopher J. Daggett, Acting Commissioner of the Department of Environmental Protection have studied and reviewed the September 15, 1988 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 N.J.S.A. 13:1E-99.11 et seq. and I find and conclude that this plan amendment is consistent as modified herein with these requirements.

The county is hereby directed to amend Section 7, part B of the recycling plan to include a list of minor plan modifications to be included after consultation with the Middlesex County Solid Waste Advisory Council. This list shall include, but not be limited to the following, subject to the requirements of N.J.S.A. 13:1E-99.11 et seq.

- change in municipal recycling coordinator (the Office of Recycling requires the County to provide the name of any newly appointed recycling coordinator to the Department within 30 days of such appointment);
- change in the marketing agreements for designated recyclable materials;
- change in the provider(s) of curbside collection service; and
- change in the operation of recycling depots, e.g., hours, etc.

The county is hereby directed to amend Section 8, part B-1 of the recycling plan to provide that all municipal recycling ordinances are to be consistent with, but shall not be limited to, the provisions of the adopted and approved district recycling plan regarding the designation of materials to be source separated in the residential, commercial and institutional sectors.

In Section 5, part G-1 of the amendment, reference is made to the county's commitment to provide municipalities with "additional assistance on inspections, collection systems, and marketing arrangements as needed." Pursuant to N.J.S.A. 13:1E-99.13.b.(3), the County is hereby directed to amend the recycling plan to include a clear methodology as to how the additional required assistance shall be implemented in the event that municipalities do not reach their recovery targets pursuant to State law.

Specifically, the County shall require all municipalities, within sixty days of the date of this certification, to prepare an inventory which shall indicate where recycling services are lacking for generators of designated recyclable materials in the individual municipalities, and indicate what steps will be taken to insure that all generators of designated recyclable materials are provided with recycling services. These steps may include, but are not limited to: municipally contracted curbside collection of designated materials; municipally sponsored or contracted recycling center receipt of designated recyclable materials.

Should any municipality fail to provide said inventory, or should any of the municipal inventories thus prepared in accordance with the County's mandate as described above be considered incomplete, the County shall, pursuant to N.J.S.A. 13:1E-99.14, within six months of the due date of the municipal inventories described above, solicit proposals from, review qualifications of, and enter into contracts or agreements on behalf of municipalities with persons providing recycling services or operating recycling centers for the collection, storage, processing, and disposition of designated recyclable materials.

The county shall, within nine months of the date of this certification, prepare a report to be submitted to the New Jersey Department of Environmental Protection, Division of Solid Waste Management; Office of Recycling, detailing the actions taken by the county to implement the above modification.

With reference to Section 8, part C of the amendment, the County is hereby directed to amend the recycling plan to specify that County Health Inspectors at Edgeboro Landfill and Edison Municipal Landfill will comply at a minimum with the following procedure regarding landfill inspections and penalties:

Each vehicle transporting loads of residential, commercial, and institutional waste for disposal as solid waste at the landfills listed above shall be inspected at least once per month. Accurate records shall be established and maintained by the County and shall include, at a minimum, the following: N.J.D.E.P. Solid Waste Transfer Number; license number; vehicle identification number; capacity of vehicle; type of vehicle; decal number, if such exists; company name; municipality of waste origin; waste sector origin, i.e., residential, commercial, institutional; results of inspection, i.e., compliance/non-compliance; action taken if found non-complaint; and date of inspection. A visual observation of waste as it is discharged from the vehicle will be made. If the load consists of 20% (or more) of the

designated recyclable materials, enforcement procedures will be implemented. Each violator will be issued one warning notice for the first offense, one notice of violation for the second offense, and a penalty notice for each subsequent offense thereafter, pursuant to N.J.S.A. 13:1E-1 et seq. Furthermore, incoming waste loads originating from municipalities which are not reaching state mandated recycling goals shall be inspected more frequently, as shall repeat violators of the above provisions.

With reference to Section 8, part A-3 of the amendment, it should be noted that the intent of the exemption provision set forth at N.J.S.A. 13:1E-99.16.d. is to grant exemptions to such commercial and/or institutional entities on a case by case basis "if those [entities] have otherwise provided for the recycling of the recyclable materials designated in the district recycling plan from solid waste generated at those premises." In addition, in order to determine if the overall goals of the district recycling plan and the municipal ordinances adopted pursuant thereto have been met, those entities must furnish the municipality with regular reports containing verifiable information regarding solid waste generation and tonnage documentation that verify designated materials are being diverted for recycling.

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

I, Christopher J. Daggett, Acting 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 15, 1988 amendment to the approved Middlesex County District Solid Waste Management Plan and certify to the Middlesex County Board of Chosen Freeholders that the September 15, 1988 amendment is approved with the modifications identified in Section B. of this certification.

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 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 solid waste 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 Plans

The provisions of the Middlesex County District Solid Waste Management Plan shall apply to all solid wastes defined in N.J.S.A. 23:2E-3 and N.J.A.C. 7:26-2.23 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 recycling 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 N.J.A.C. 7:26-2.13 and N.J.S.A. 13:1E-99.12.

6. Effective Date of Amendment

The 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 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 September 15, 1988.

DATE

10/28/88

Michael A. Catamo for
CHRISTOPHER J. DAGGETT

ACTING COMMISSIONER

DEPARTMENT OF ENVIRONMENTAL PROTECTION