



STATE OF NEW JERSEY
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 ROBERT E. HUGHEY, COMMISSIONER
 CN 402
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(IN THE MATTER OF CERTAIN MODIFICA-)
 (TIONS TO THE ADOPTED AND APPROVED)
 (SOLID WASTE MANAGEMENT PLAN OF THE)
 (MIDDLESEX COUNTY SOLID WASTE)
 (MANAGEMENT DISTRICT)

CERTIFICATION OF APPROVAL
 WITH MODIFICATIONS OF THE 9/16/82 AMENDMENTS
 TO THE MIDDLESEX COUNTY DISTRICT
 SOLID WASTE MANAGEMENT PLAN

BY ORDER OF THE COMMISSIONER:

A. Introduction

In order to establish a meaningful and responsible role for the State in the solution of solid waste problems, the New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) 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...."

The Act further provides that "...if the board of chosen freeholders, the Hackensack Commission, or the department [Department of Environmental Protection] as the case may be, determines that any solid waste management plan, or any part thereof, is inadequate for the purposes for which it was intended, such board of chosen freeholders or the Hackensack Commission, as the case may be, shall develop and formulate a new solid waste management plan, or any part thereof, and such new plan, or part thereof, shall be adopted thereby pursuant to the procedures contained in section 14 [N.J.S.A. 13:1E-23] of this amendatory and supplementary act." Upon the adoption of the solid waste plan, or any part thereof, the board of chosen freeholders or the Hackensack Meadowlands Commission, as the case may be, shall submit such plan, or any part thereof, along with a transcript of every public meeting held thereon, 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, or parts thereof, and, in the final analysis, the Commissioner is authorized to adopt and promulgate any modification or replacement he deems necessary with respect to the solid waste management plan. In addition, the Act provides "that every such plan shall contain provisions for automatic review thereof not less than once every two years..." [and] "if the board of chosen freeholders, the Hackensack Commission, or the depart-

ment...determines that any solid waste management plan, or part thereof, is inadequate...a new solid waste management plan, or part thereof... shall be adopted...." The subject Amendments have been prepared in compliance with this provision of the Act (see N.J.S.A. 13:1E-20).

On July 29, 1980, the Commissioner approved, with modifications, the Middlesex County District Solid Waste Management Plan. On September 16, 1982, the Middlesex County Board of Chosen Freeholders adopted Amendments to its approved District Solid Waste Management Plan. The Amendments were received by the Department of Environmental Protection on September 29, 1982 and copies were distributed to the various State level agencies for review and comment. Based on the results of this review and evaluation, I have determined that the Amendments, adopted by the Middlesex County Board of Chosen Freeholders on September 16, 1982, are approved (see N.J.S.A. 13:1E-24).

B. Approved 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., do hereby approve the September 16, 1982 Amendments to the approved Middlesex County District Solid Waste Management Plan, and certify to the Middlesex County Board of Chosen Freeholders that the amendments outlined below are hereby made a final approved part of the Middlesex County District Solid Waste Management Plan.

1) Solid Waste Plan Implementation Agency

The Middlesex County Department of Solid Waste Management, 134 New Street, New Brunswick, New Jersey 08901 is the approved solid waste implementation agency in Middlesex County to carry out implementation of the approved Middlesex County Solid Waste Management Plan. In response to the Environmental Health Act (Chapter 443), the Middlesex County Health Department cooperates with the Middlesex County Department of Solid Waste Management in the planning and implementation of the County's regulation of solid waste disposal operations.

2) Existing Solid Waste Facilities

a) The following solid waste facilities are an approved part of the Middlesex County Solid Waste Management Plan and are required to operate in conformance with the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6 et seq.).

These facilities include the Edgeboro landfill (1204A), East Brunswick Township; Edison Municipal Landfill (1205A), Edison Township; Industrial Land Reclaiming Landfill (1205C), Edison Township; Global Land Reclaiming Landfill (1209A), Old Bridge Township; South Brunswick Municipal Landfill (1221B), South Brunswick Township.

b) The following solid waste landfills are an approved part of the Middlesex County Solid Waste Management Plan. Because these facilities are only permitted to accept solid waste generated from their own business, they have not been included in the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6 et seq.). These facilities include the Stanley Olbrys landfill (1213B),

Monroe Township; Celotex landfill (1216A), Perth Amboy City; Du Pont landfill (1219A), Sayreville; National Lead Industries landfill (1219D), Sayreville; George Bellizio Demolition landfill (1221A), South Brunswick; Woodbridge Sanitary Pottery landfill (1225E), Woodbridge; George Bradford Demolition landfill (1213F), Monroe Township; and South Plainfield landfill (1213B), Monroe. (1222A), South Plainfield

- c) The following solid waste transfer station facilities are an approved part of the Middlesex County Solid Waste Management Plan. While transfer stations were not assigned specific solid waste flows under the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6 et seq.), wastes processed by these facilities shall be disposed of in conformance with these rules.

These facilities include the Importico Transfer Station (1211C), Middlesex; Custom Transfer Station (1211D), Middlesex; Middlesex Carting Transfer Station (*), New Brunswick; Browning-Ferris Transfer Station (*), Cranbury; and Perth Amboy Transfer Station (1216D), Perth Amboy.

The Department of Environmental Protection is currently in receipt of applications from the Covino Transfer Station, North Brunswick and the Jones Industrial Transfer Station, South Brunswick. While these facilities have not been included in the Middlesex County Solid Waste Management Plan Amendment, the Department has agreed to review these applications based on letters from the Middlesex County Solid Waste Coordinator stating that the two facilities will be included in the Middlesex District Plan at the next period of amendment. According to the Solid Waste Act (N.J.S.A. 13:1E-1 et seq.), the Department is not permitted to give final approval of any solid waste facility until it is included in the Solid Waste Plan of the District within which it is located.

- d) The following solid waste compost facilities are an approved part of the Middlesex County Solid Waste Management Plan.

These facilities include the Edison State Park Compost (1205F), Edison; Cheesequake State Park Compost (1209B), Old Bridge; Plainsboro Compost (1218C), Plainsboro; Smarook Compost (1225D), Woodbridge; Woodbridge Township Compost (1225C), Woodbridge; Dunellen Compost (1203A), Dunellen; and Middlesex Compost (*), Middlesex Township. Monroe

In order to encourage utilization of vegetative wastes and conserve landfill capacity, the following policy adopted by the Middlesex County District is an approved part of the Middlesex County Solid Waste Management Plan.

"It is the policy of the Middlesex County Solid Waste Management District that any new application for a compost facility or temporary facility for the disposal of on-site generated vegetative wastes within the district is consistent with the approved District

*These facilities will be assigned facility numbers if and when they receive a solid waste permit by the Department.

Solid Waste Management Plan provided it meets existing environmental design and operation standards of the Department of Environmental Protection.

A compost facility is defined as any facility utilized for the natural conversion of organic materials to humus (similar to topsoil) by microorganism activity. A vegetative waste facility is any facility utilized for the disposal of vegetative wastes (type 23 and also inclusive of tree stumps) which are generated on site (e.g. land being cleared for conversion to agricultural purposes), with the facility being terminated upon the completion of land clearance and disposal activities."

3) Proposed Solid Waste Facilities

- a) The general policy of the Middlesex County Board of Chosen Freeholders towards the Wheelabrator-Frye resource recovery proposal for a 1200 ton per day facility to be located on Block 834, Lot 3, East Brunswick, and operational by 1985, is approved. However, following consultation with the Attorney General's Office, it is the determination of the Department that this policy does not constitute inclusion in the District Solid Waste Plan. In order for the Commissioner to make a final determination that this proposal is consistent with the District Plan, the Middlesex County Board of Chosen Freeholders must adopt a plan amendment formally including this facility in the District Plan in accordance with N.J.S.A. 13:1E-1 et seq.
- b) The original schedule for the development and operation of Landfill #1 in Middlesex County, north of the Raritan River, as a replacement for the Industrial Land Reclaiming Landfill, is modified and extended to July 1984.

The Department has determined, following consultation with the Attorney General's Office, that the policy of the Middlesex County Board of Chosen Freeholders (that the proposed fifty acre expansion adjoining the Industrial Land Reclaiming Landfill (ILR) in Edison Township is consistent with the District Plan, subject to Departmental approval) does not constitute inclusion in the District Solid Waste Management Plan. Again, in order for the Commissioner to make a final determination that this proposal is consistent with the District Plan, the Middlesex County Board of Chosen Freeholders must adopt a Plan amendment formally including this facility in the District Plan in accordance with N.J.S.A. 13:1E-1 et seq.

Further, in the event the Middlesex County Board of Chosen Freeholders are considering the proposed fifty acre expansion adjoining the existing Industrial Land Reclaiming Landfill as the proposed Landfill #1, they are advised that Departmental findings of preliminary environmental impact studies of that proposed expansion have shown the potential for serious environmental problems.

Due to significant remaining disposal capacity at the Edgeboro landfill, facility number 1204A, this facility is approved to serve as the proposed Landfill #2 originally planned to be located south of the Raritan River and within the designated "grey" area delineated in the original Middlesex Solid Waste Plan.

- c) Etsch Landfill: On January 29, 1981, the Superior Court of New Jersey ordered a "Stipulation of Dismissal" in the case of the Etsch Landfill, 1213A, located in Monroe Township, in that the Department of Environmental Protection agreed to recommend to Middlesex County the inclusion of this 12 acre facility in the District Solid Waste Plan. On January 4, 1982, the Department of Environmental Protection requested a determination from the Middlesex District to include the facility in the Plan and further required that the Middlesex District assign the landfill a suitable waste flow. On July 8, 1982, the Middlesex County Solid Waste Advisory Council determined that the location of the landfill did not conform with the District Plan and that the matter of waste assignment should be left to the Department of Environmental Protection. On January 6, 1983, the Department notified the Middlesex District that the Middlesex County Board of Chosen Freeholders make a determination whether or not to include the 12 acre landfill in the District Plan and further, to assign a waste flow to said facility as required under the procedures in the Interdistrict and Intra-district Waste Flow Rules if the determination was made to include this facility in the District Plan. Until such time as this facility is included in the District Plan and is assigned a solid waste flow, it is not permitted to operate in accordance to the Middlesex County Solid Waste Management Plan.

4) Terminated Solid Waste Landfills

The following policy recommendation of the Middlesex District regarding terminated solid waste landfills, is an approved part of the Middlesex County Solid Waste Management Plan:

"all municipalities and the Middlesex County Planning Department classify closed landfills as "Open Space" until it can be adequately determined that the site is suitable for other classification. The Middlesex County Planning Department and each municipality in its Land Use Plan then proceed to establish a special land use and zoning classification for terminated landfills and adjacent affected areas if any. The provisions of this classification should assure that the purchase or transfer for any use of terminated landfills or affected nearby lands, if any, should be accompanied by adequate notice of previous use, use restrictions, etc. Careful investigation of the requirements of the proposed use as related to the details of the previous use as a landfill should be incorporated into any application for a construction permit or site plan approval."

5) District Solid Waste Progress Reports

The Department of Environmental Protection will monitor the progress of the District in meeting the milestones of its approved solid waste

implementation plan. The County's Department of Solid Waste Management shall continue to submit quarterly status reports to the Department of Environmental Protection concerning the District's progress in meeting these milestones. The next status report shall be submitted to the Department's Division of Waste Management on April 1, 1983.

6) Public Participation Program

The Plan's public education and participation program is approved. The utilization of State funds for this program are dependent on their availability and appropriations.

7) Sludge and Septage

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

8) Recycling/Source Separation Programs

The Plan's recycling/source separation program is approved. Additionally, the Middlesex District shall try to achieve the New Jersey Recycling Plan's goal of 25% recycling by 1986. The Department of Environmental Protection also endorses Middlesex County's position that future inter-district agreements provide mandatory recycling/source separation programs in the sending District at least equal to that of the receiving District.

9) All other parts of the Middlesex County Solid Waste Management Plan adopted by the Middlesex County Board of Chosen Freeholders on September 16, 1982 and not specifically addressed in this section are for informational purposes only (particularly data base sections) and are not an approved part of the Middlesex District Solid Waste Management Plan.

C. Other Provisions Affecting the Plan Modifications

1) 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 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; 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 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 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

All "solid wastes" 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, and infectious waste are covered by the Middlesex County District Solid Waste Management Plan.

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 the Amendments

This Document shall serve as the Certification of the Commissioner of the Department of Environmental Protection to the Middlesex County Freeholders, as provided for by N.J.S.A. 13:1E-24f., to proceed with the implementation of the Amendments contained 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 -2.5.27.*

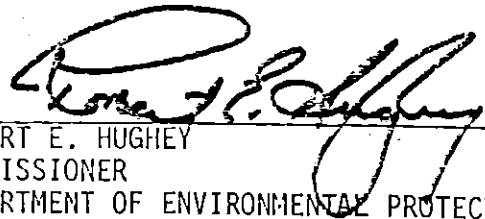
6) Effective Date of the Amendments

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

7) 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 modifications made thereto, 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, including the inter-district and intradistrict waste flow rules, and also includes the compilation of individual District Plans and modifications 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 the specific Amendments appearing in Section B herein to the Middlesex County District Solid Waste Management Plan which were adopted by the Middlesex County Board of Chosen Freeholders on September 16, 1982.



ROBERT E. HUGHEY
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION

3/8/83
DATE

*Note: In a municipal collection system where commercial and residential solid wastes are collected together, the wastes shall be considered, for the purposes of District solid waste planning, as residential solid waste.