



## State of New Jersey

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IN THE MATTER OF CERTAIN AMENDMENTS  
TO THE ADOPTED AND APPROVED SOLID  
WASTE MANAGEMENT PLAN OF THE  
SOMERSET COUNTY SOLID WASTE  
MANAGEMENT DISTRICT

CERTIFICATION  
OF THE MARCH 5, 1996  
AMENDMENT TO THE SOMERSET 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 31, 1980, the Department of Environmental Protection (DEP or Department) approved, with modifications, the Somerset County District Solid Waste Management Plan (County 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 a 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 a 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 County Plan at any time and, if found inadequate, a new County Plan must be adopted. The Somerset County Board of Chosen Freeholders (County Freeholders) completed such a review and on March 5, 1996, adopted an amendment to its approved County Plan. The amendment proposed inclusion of the Bernards Township Class A and Class B recycling center to be located in Bernards Township, Somerset County at the site of the former Bernards Township municipal landfill.

The amendment was received by the Department on April 9, 1996, and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this amendment and has determined that the amendment adopted by the County Freeholders on March 5, 1996 is approved as provided in N.J.S.A. 13:1E-24.

**B. Findings and Conclusions with Respect to the Somerset County District Solid Waste Management Plan Amendment**

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the March 5, 1996 amendment to the County Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that this plan amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders and the applicant are notified of the issue of concern relative to the March 5, 1996 amendment which is included in Section B.2. below.

In conjunction with the review of the amendment, the Department circulated copies to fifteen administrative review agencies and solicited their review and comment. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various bureaus, divisions, and agencies within the Department. All agencies contacted are as follows:

- Division of Parks and Forestry, DEP
- Division of Fish, Game and Wildlife, DEP
- Division of Enforcement, DEP
- Division of Water Quality, DEP
- Division of Solid and Hazardous Waste, DEP
- Office of Air Quality Management, DEP
- Green Acres Program, DEP
- Land Use Regulation Element, DEP
- New Jersey Turnpike Authority
- New Jersey Advisory Council on Solid Waste Management
- Department of Agriculture
- Department of Health
- Department of Transportation
- Department of Community Affairs
- U.S. Environmental Protection Agency

1. Agency Participation in the Review of the March 5, 1996 Amendment

The following agencies did not object to the proposed amendment:

Division of Fish, Game and Wildlife, DEP  
Division of Enforcement, DEP  
Land Use Regulation Element, DEP  
New Jersey Advisory Council on Solid Waste Management  
New Jersey Turnpike Authority  
Department of Agriculture  
Department of Community Affairs

The following agencies did not respond to our requests for comment:

Division of Parks and Forestry, DEP  
Division of Water Quality, DEP  
Office of Air Quality Management, DEP  
Green Acres Program, DEP  
Department of Health  
Department of Transportation  
U.S. Environmental Protection Agency

The following agency provided substantive comments as shown in Section B. of the certification document:

Division of Solid and Hazardous Waste, DEP

2. Issue of Concern Regarding the March 5, 1996 Amendment

**Issue: Permitting Requirements for Recycling Centers**

The recycling center proposed by Bernards Township will accept both Class A and Class B materials. Pursuant to N.J.A.C. 7:26A-1 et seq., no approval from the Department is necessary to operate a Class A recycling center. However, unless exempt by the DEP, pursuant to N.J.A.C. 7:26A-1 et seq. a Class B recycling center is required to obtain an approval from the Department prior to operation. This exemption, found at N.J.A.C. 7:26A-1.4(a), will allow the Bernards Township Class B recycling center to be exempt from the requirements to obtain a general or limited approval from the DEP due to the minimal storage time (weekly for all materials except leaves which is daily) for the materials to be accepted.

Recycling centers are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits odors and other air contaminants which interfere with the enjoyment of life and property. Also, recycling centers are subject to the provisions of N.J.A.C. 7:26A-1 et seq. which includes but is not limited to operational standards and general rules for recycling centers which receive, store, process, or transfer Class A and Class B materials.

If any operation of a recycling center will discharge pollutants as defined in N.J.A.C. 7:14-1.9, said operation must secure a New Jersey Pollutant Discharge Elimination System Permit and/or a Treatment Works Approval for pollution prior to operation.

The construction of the Bernards Township Class A and Class B recycling center at the site of the former Bernards Township municipal landfill, facility #1802A, shall be in conformance with all conditions of the Minor Disruption Approval for the subject landfill issued by the Department on May 3, 1995.

**C. Certification of the Somerset County District Solid Waste Management Plan Amendment**

In accordance with N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-21, which establishes specific requirements regarding the contents of the district solid waste management plans, I have reviewed the March 5, 1996 amendment to the approved County Plan and certify to the County Freeholders that the March 5, 1996 amendment is approved as further specified below.

The County Plan inclusion of the Bernards Township Class A and Class B recycling center to be located at Block 90, Lot 5 in Bernards Township, Somerset County at the site of the former Bernards Township municipal landfill is approved.

The facility will accept the following Class A materials: aluminum cans, tin cans, newspapers, glass containers, plastic containers, and corrugated and other cardboard.

For recycling centers which accept only Class A recyclable materials, as defined at N.J.A.C. 7:26A-1.3, no approval from the Department is necessary prior to operation. However, these recycling centers must comply with all applicable regulations found at N.J.A.C. 7:26A, particularly N.J.A.C. 7:26A-4.

The recycling center will accept the following Class B materials: scrap tires (under 5,000 per month), tree branches, tree limbs and brush (about 23 tons per day), concrete, asphalt, brick, block, and wood (about 50 tons per day), and leaves (about 29 tons per day and consolidated/removed to a permitted compost facility within 24 hours). Since all materials will be removed on a weekly basis, except leaves which will be removed daily, the Class B operation will be exempt from the requirements to obtain a general or limited approval from the Department pursuant to N.J.A.C. 7:26A-1.4(a).

Pursuant to N.J.A.C. 7:26A-4.1(a)1.iii., Class A recyclable materials may be commingled only with other Class A recyclable materials. Class B recyclable materials may be commingled only with other Class B recyclable materials and only to the extent authorized by the Department.

Any residue generated as a result of the operation of any recycling center shall be disposed of pursuant to the County Plan and the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6 et seq.).

**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 County 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 and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the County 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, and for good cause shown, obtain an extension of time to complete such renegotiation.

**2. Compliance**

All solid waste facility operators and transporters registered with the Department and operating within the County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the County Plan. Any facility operator or transporter 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 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 County 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 waste, construction and demolition waste, sewage sludge, septage, and hazardous waste. All nonhazardous 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 set forth at N.J.A.C. 7:26-6, but are subject to regulation in accordance with N.J.A.C. 7:26A-1 et seq.

4. Certification to Proceed with the Implementation of the Plan Amendment

This document shall serve as the certification of the Commissioner of the Department to the County Freeholders and pursuant to N.J.S.A. 13:1E-24c. and f., the County shall proceed with the implementation of the approved amendment certified 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 -99.12, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of the Amendment

The amendment to the County Plan contained herein shall take effect immediately.

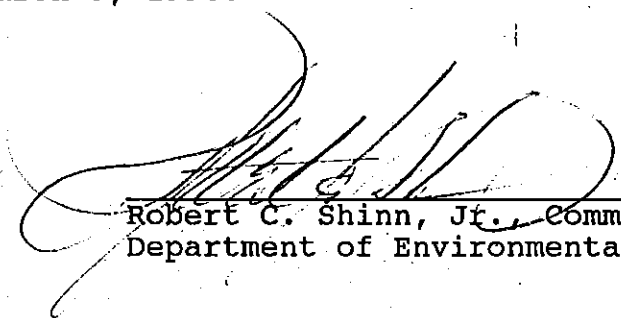
7. Reservation of Authority

Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, 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 the amendment, as outlined in Section C. of this certification, to the Somerset County District Solid Waste Management Plan which was adopted by the Somerset County Board of Chosen Freeholders on March 5, 1996.

5/31/96  
Date

  
Robert C. Shinn, Jr., Commissioner  
Department of Environmental Protection