



State of New Jersey  
Department of Environmental Protection and Energy  
Office of the Commissioner  
CN 402  
Trenton, NJ 08625-0402

Jeanne M. Fox  
Acting Commissioner

**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 APRIL 6, 1993  
AMENDMENT TO THE SOMERSET COUNTY  
DISTRICT SOLID WASTE MANAGEMENT PLAN**

**BY ORDER OF THE ACTING 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 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 April 6, 1993, adopted an amendment to its approved County Plan. The amendment proposed County Plan inclusion of the Atlantic County Utilities Authority (ACUA)/Somerset County Interdistrict Agreement and associated waste flows and traffic routing plan, the Appliance Recycling Centers of America, Inc. CFC removal and appliance recycling center located in Branchburg Township, and the County's long-term milestones to achieve in-state self-sufficiency in solid waste disposal by January 1, 1998. Also, the amendment proposed the County Plan deletion of two previously designated landfill sites located in Bridgewater and Montgomery Townships.

The amendment was received by the Department of Environmental Protection and Energy (Department or DEPE) on June 2, 1993, and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this amendment, as well as the entire County Plan, and has determined that the amendment adopted by the County Freeholders on April 6, 1993 is approved in part and modified in part as provided in N.J.S.A. 13:1E-24. Also, deficiencies in the County Plan have been identified within Section C. of this certification.

**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 April 6, 1993 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, as modified, is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders and the applicant are notified of the issues of concern relative to the April 6, 1993 amendment which are 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. These agencies are the following:

Office of Air Quality Management, DEPE  
Land Use Regulation Element, DEPE  
Wastewater Facilities Regulation Element, DEPE  
Division of Parks and Forestry, DEPE  
Division of Fish, Game and Wildlife, DEPE  
Division of Solid Waste Management, DEPE  
Green Acres Program, DEPE

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  
Department of the Public Advocate  
U.S. Environmental Protection Agency

1. Agency Participation in the Review of the April 6, 1993 Amendment

The following agencies did not object to the proposed plan amendment:

Division of Parks and Forestry, DEPE  
Division of Fish, Game and Wildlife, DEPE  
Green Acres Program, DEPE  
New Jersey Turnpike Authority  
New Jersey Advisory Council on Solid Waste Management  
Department of Agriculture  
Department of Health  
Department of Community Affairs

The following agencies did not respond to the Department's requests for comments:

Land Use Regulation Element, DEPE  
Department of Transportation  
Department of the Public Advocate  
U.S. Environmental Protection Agency

The following agencies submitted substantive comments which are further addressed below:

Office of Air Quality Management, DEPE  
Division of Solid Waste Management, DEPE  
Wastewater Facilities Regulation Element, DEPE

2. Issues of Concern Relative to the April 6, 1993 Amendment

Issue: Regulatory Requirements

Recycling centers are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits the release of odors and other air contaminants which interfere with the enjoyment of life and property. These facilities are considered solid waste facilities and are subject to N.J.A.C. 7:27-8.2(a)16, which requires air pollution control permits for any equipment which vents a solid waste facility directly or indirectly into the outdoor atmosphere. Such vents may require devices to control odors and other air contaminants. Also, discarded appliances are subject to the provisions of N.J.A.C. 7:26-5.1,

"Requirements for Processing Discarded Appliances that Contain Refrigerant Fluid." This regulation prohibits the release or venting of refrigerant fluid prior to recovery. Finally, if the proposed facility will discharge pollutants as defined in N.J.A.C. 7:14A-1.9, said operations may be required to secure a New Jersey Pollution Discharge Elimination System Permit and/or a Treatment Works Approval for pollutant discharges prior to construction or operation.

**Issue: Emergency Redirection of Solid Waste Flow Requirements**

On January 19, 1993, Somerset County and the ACUA signed an Interdistrict Agreement whereby Somerset County agreed to deliver for disposal at the Atlantic County Limited Use Landfill between 30,000 and 60,000 tons annually of solid waste types 13 and 27 (bulky waste and nonhazardous industrial waste). Somerset County, which lacks an in-county disposal site, was exporting about 65% of its solid waste to out-of-state landfills. Therefore, through the Interdistrict Agreement the DEPE is attaining its goal of self-sufficiency in solid waste disposal by decreasing Somerset County's reliance on out-of-state disposal. For Atlantic County, the Atlantic County Limited Use Landfill was in need of additional waste flow to fulfill its debt obligations and to avoid financial hardship to the Atlantic County Utilities Authority (owner of the landfill). To expedite the commencement of the delivery of waste to the landfill, the Commissioner of the DEPE issued on February 3, 1993 an Emergency Redirection of Solid Waste Flow. Within this order, the counties were directed to amend their respective county plans within 60 days of the issuance of the order to include the change in waste flow. The April 6, 1993 amendment fulfills this requirement for Somerset County. Upon certification of this amendment, the DEPE will initiate formal rulemaking procedures pursuant to N.J.A.C. 7:26-6.6 to embody the waste flow within N.J.A.C. 7:26-5(s).

**Issue: Term of the Atlantic/Somerset Interdistrict Agreement**

The term of the January 19, 1993 Interdistrict Agreement between the ACUA and Somerset County for use of the Atlantic County Limited Use Landfill provides for a 10 year disposal arrangement. As previously indicated, the basic agreement between the parties promotes the Department's critical public policy goal of self-sufficiency, maximizes the use of existing in-state disposal facilities, and assists the ACUA in fulfilling its debt obligations. The agreement is consistent with current state policy and both counties should be commended. However, the Department does have concerns with the physical distance between the counties and the 10 year duration of the Interdistrict Agreement. Based upon the primary traffic routing plan adopted within the April 6, 1993 amendment, it is approximately 105 miles from the BRI Transfer Station in Bridgewater Township, Somerset County, to the Atlantic County Limited Use Landfill using the designated Garden State Parkway route. While the agreement is clearly preferable to out-of-state disposal, ancillary impacts of long-haul in-state transport, such as vehicle emissions, noise, traffic congestion, and safety must be considered. Inefficiencies in time spent in such long-distance travel without the benefit of reciprocal backhaul arrangements is also of concern.

Despite the positive nature of the Interdistrict Agreement and Somerset County's commitment to the Milestone Timetable to achieve in-state self-sufficiency in solid waste disposal by January 1, 1998 which is approved within this certification, the Department remains concerned with the lack of any long-term disposal capacity within Somerset County or the immediate region. To date, the County has committed to undertake negotiations with other New Jersey counties to obtain an in-state disposal site and technology by January 1, 1996. Toward the long-term, it would be preferable for Somerset County to develop processing and disposal capacity, including that for bulky (Type 13) and dry industrial (Type 27) waste, on an in-county basis or in closer proximity to Somerset County. Consideration of developing or obtaining such capacity must be part of any facility planning or negotiations undertaken toward a long-term management plan.

As a result of these concerns, the Atlantic/Somerset Interdistrict Agreement has been approved with modification within Section C. of the certification to authorize, at this time, only the first five years of primary reliance on disposal of Somerset County bulky and dry industrial waste at the Atlantic County Limited Use Landfill. In this regard, the Interdistrict Agreement is approved as a primary component of the Somerset County Plan for a term of five years from the date of its execution on January 19, 1993. Progress in developing in-county capacity or reaching interdistrict agreements with counties in closer proximity to Somerset County for the disposal of all solid waste types, including bulky (type 13) and dry industrial (type 27), shall be the subject of quarterly progress reports as required under the first milestone contained within the approved schedule provided in Section C.1.d. of this certification. Should Somerset County's long-term plans demonstrate to the Department's satisfaction a need for the continued primary reliance upon disposal capacity at the Atlantic County Limited Use Landfill for bulky and dry industrial waste, the Department will authorize the second five-year increment of the Interdistrict Agreement or some portion thereof.

**Issue: Deletion of Formerly Designated Landfill Sites**

Within the amendment, the County provides long-term milestones to achieve in-state self-sufficiency in solid waste disposal by January 1, 1998. As part of the achievement of this goal, the County is proposing the deletion of two landfill sites located in Bridgewater and Montgomery Townships from the County Plan. A historical overview of County and Department action concerning these sites is appropriate. On June 7, 1983, the County Freeholders amended its County Plan to include the Bridgewater Township balefill site. The Department approved the plan inclusion of the Bridgewater Township balefill site on November 14, 1983. On October 15, 1985, the County Freeholders amended its County Plan to delete this balefill site. The Department rejected this plan amendment on January 23, 1986 citing the absence of any formal interdistrict waste disposal agreements and any alternative available suitable sites to provide in-state disposal capacity. On April 18, 1988, the Department approved a December 29, 1987 amendment to the County Plan which designated the Montgomery Township residual/bypass landfill site. On June 15, 1988 the

Department conditionally approved an August 4, 1987 amendment to the County Plan which proposed to delete the Bridgewater Township balefill site. The conditions to this approval concerned the judicial affirmation of the siting of the Bridgewater Township resource recovery site and the Montgomery Township residual/bypass landfill site. The conditional approval noted that the Department could not justify the removal of an approved site from the Somerset County Plan without the assurance that other sufficient in-county disposal facilities will be available to replace the Bridgewater Township balefill facility. Finally, on August 7, 1990 the County Plan was amended to delete both the Bridgewater Township balefill and Montgomery Township landfill sites. The DEPE, in its certification of February 6, 1991, again rejected the deletion of these landfill sites until such time that the County could demonstrate to the DEPE's satisfaction that suitable available in-state disposal options existed to receive all of the County's solid waste stream. With the County's commitment to achieve in-state self-sufficiency in solid waste disposal by January 1, 1998, and in light of the existing regional disposal agreements with Warren and Atlantic Counties, the Department may now approve the deletion from the County Plan of the two landfill sites that the County no longer intends to develop.

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 April 6, 1993 amendment to the approved County Plan and certify to the County Freeholders that the April 6, 1993 amendment is approved in part and modified in part as further specified below.

1. April 6, 1993 Amendment

- a. The County Plan inclusion of the Atlantic County/Somerset County Interdistrict Agreement is approved with modification as a primary component of the Somerset County Plan for a term of five years from the January 19, 1993 date of execution. As indicated within Section B., progress in developing in-county capacity or reaching interdistrict agreements with counties in closer proximity to Somerset County for the disposal of all solid waste types shall be the subject of quarterly progress reports as required under d. below. Should Somerset County's long-term plans demonstrate to the DEPE's satisfaction a need for the continued primary reliance upon disposal capacity at the Atlantic County Limited Use Landfill for bulky and dry industrial waste, the Department will authorize the second five year increment of the Interdistrict Agreement or some portion thereof. The Interdistrict Agreement allows Somerset County

to deliver for disposal between 30,000 and 60,000 tons annually of solid waste types 13 and 27 (bulky waste and nonhazardous industrial waste) processed at the BRI Transfer Station, facility number 1806A, located in Bridgewater Township, Somerset County, to the Atlantic County Limited Use Landfill, facility number 0108N, located in Egg Harbor Township, Atlantic County. This solid waste flow component of the plan amendment is approved. This waste flow component of the County Plan was previously implemented via a February 3, 1993 Emergency Redirection Order and remains subject to revision and clarification during the formal waste flow rulemaking process.

- b. The traffic routing plan component of the plan amendment is approved. Specifically, transporters originating from Somerset County shall follow Route 18 east to the Garden State Parkway, then proceed southbound along the Garden State Parkway to the Atlantic City Expressway, then proceed west along the Atlantic City Expressway to Exit 9, then proceed east on Delilah Road to the Atlantic County Utilities Authority Environmental Park where the Limited Use Landfill is located. The alternative route for transporters originating in Somerset County is to proceed southbound on Route 206 to Route 30, then proceed east along Route 30 to Tilton Road, then proceed south along Tilton Road to Delilah Road, then proceed east along Delilah Road to the ACUA Environmental Park.
- c. The County Plan inclusion of the Appliance Recycling Centers of America, Inc., CFC removal and appliance recycling center, located at Lot 33, Block 58, in Branchburg Township is approved. This recycling center will process approximately 120 refrigerators and freezers per day, five days a week, by capturing CFC refrigerants. Because this recycling center will be processing only Class A recyclable materials, no approval from the DEPE is necessary prior to operation. However, the recycling center must comply with the regulations at N.J.A.C. 7:26A-4 and, because it will be recycling CFC refrigerants, N.J.A.C. 7:26-5.
- d. Somerset County, in negotiation with the DEPE's Division of Solid Waste Management, has developed a series of milestones to achieve in-state self-sufficiency in solid waste disposal by January 1, 1998, either through the development of an in-county disposal facility or by sharing the capacity of another in-state disposal facility. These milestones, which are approved, are as follows:

Date

Milestone Timetable

March 1, 1993

Somerset County undertakes negotiations with other New Jersey counties to obtain in-state disposal capacity to commence January 1, 1998. County must report regionalization activities quarterly to the DEPE. The first quarterly status report shall be due by December 31, 1993 in letter form and shall reflect negotiations held from March - December, 1993.

August 1, 1993	County completes household hazardous waste collection feasibility study and commences to identify site and regional partners.
January 1, 1994	County adopts a plan amendment designating the site for the household hazardous waste collection facility and identifies the regional partners.
July 1, 1994	DEPE certifies January 1, 1994 plan amendment.
December 1, 1994	County submits necessary permit applications to the DEPE for the household hazardous waste collection facility.
July 1, 1995	DEPE issues permit for the household hazardous waste collection facility.
January 1, 1996	County adopts a plan amendment containing an interdistrict agreement with another New Jersey county for the balance of the waste stream or identifies an in-county disposal site and disposal technology.
July 1, 1996	County commences operation of the household hazardous waste collection facility. DEPE certifies the January 1, 1996 plan amendment.
January 1, 1997	Should the in-county disposal facility be necessary, construction to begin.
January 1, 1998	Somerset County ceases out-of-state disposal through interdistrict agreement or in-county disposal.

- e. The County Plan deletion of two landfill sites located in Bridgewater and Montgomery Townships is approved. Specifically, the sites are the balefill site located on Lot 15, Block 6401, in Bridgewater Township and the residual/bypass landfill site located on Lot 33, Block 4001, in Montgomery Township. As indicated in Section B., the County attempted in previous amendments to delete these sites from the County Plan. The DEPE, in its certifications of these amendments, had rejected these deletions due to the absence of any formal interdistrict waste disposal agreements and any alternative available suitable sites to provide in-state disposal capacity. With the County's existing regional agreements with Warren and Atlantic Counties and its commitment to achieve in-state self-sufficiency in solid waste disposal by January 1, 1998, the DEPE now approves the deletion from the County Plan of two formerly designated landfills sites.



**2. Somerset County Response to Solid Waste Task Force Final Report**

On October 9, 1992, the DEPE certified an April 7, 1992 amendment to the County Plan. Within this certification deficiencies concerning the County's initial response to the recommendations of the Governor's Emergency Solid Waste Assessment Task Force Final Report pertaining to source reduction, recycling and regionalization were noted and the County was directed to address these deficiencies within a subsequent plan amendment submission by April 7, 1993. Generally, these deficiencies concerned the County's need to expand source reduction and recycling and to enter regional agreements to cease reliance on out-of-state disposal. Due to the County's failure to address these deficiencies, it is imperative that the County submit the required amendment within 120 days of the date of this certification.

**3. Somerset County District Solid Waste Management Plan Deficiencies**

As indicated within the certification, the County has been exporting a significant portion of its solid waste to out-of-state disposal facilities. Effective January 1, 1993, an out-of-state disposal agreement with the Empire Landfill of Taylor, Pennsylvania commenced. This is a five year agreement with the County terminating on December 31, 1997. With the cessation of this agreement, the County is to be self-sufficient in solid waste disposal. The County has not yet submitted to the DEPE a signed copy of the Empire Landfill contract or included this short-term disposal strategy within an amendment to the County Plan. Therefore, the County is directed to submit by letter for technical review within 14 days to the DEPE, Division of Solid Waste Management, Office of Economic Regulation, a signed copy of the Empire Landfill out-of-state disposal contract. Further, the County is directed to submit for DEPE certification within 120 days an amendment to the County Plan which includes this short-term out-of-state disposal strategy.

**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 wastes, sewage sludge, septage, and hazardous wastes. 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 Acting 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 portions of the 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 and -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of the Amendment

The approved portions of 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. The Department has published a

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 and Modification of the Amendment and Notification of Deficiencies by the Acting Commissioner of the Department of Environmental Protection and Energy**

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve in part and modify in part 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 April 6, 1993. I hereby also require, as noted in Section C., the Somerset County Board of Chosen Freeholders to address the noted deficiencies within the timeframe specified.

Oct. 29, 1993  
DATE

Jeanne M. Fox  
JEANNE M. FOX  
ACTING COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
AND ENERGY