



## State of New Jersey

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### CERTIFICATION OF THE MAY 9, 2017 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 (formerly known as the New Jersey Meadowlands Commission, now known as the New Jersey Sports and Exposition Authority or NJSEA) develop comprehensive plans for waste management in their respective districts. On July 31, 1980, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Somerset County District Solid Waste Management Plan (County Plan).

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 May 9, 2017 adopted an Amendment to its approved County Plan.

The May 9, 2017 amendment proposes County Plan inclusion of Old Quarry Road Associates, LLC Transfer Station/Material Recovery Facility (TS/MRF), to be located on Block 100, Lot 2.38 along Old Quarry Road in the Borough of Bernardsville, for the acceptance and processing of up to 100 tons per day (tpd) of solid waste types 13 and 13C.

The Amendment was considered administratively complete for review by the Department on May 22, 2017 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 May 9, 2017 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 May 9, 2017 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 the amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the elements relative to the May 9, 2017 Amendment which are included below.

**Elements of the May 9, 2017 Amendment**

**Element: Facility Operations**

The Amendment proposes County Plan inclusion of Old Quarry Road Associates, LLC TS/MRF, to be located on Block 100, Lot 2.38 along Old Quarry Road in the Borough of Bernardsville, for the acceptance and processing of up to 100 tpd of solid waste types 13 and 13C. The operating hours of the facility are identified in the subject County Plan Amendment as 6:00 a.m. – 6:00 p.m. for waste acceptance and 6:00 p.m. to 10:00 p.m. for additional processing, loading and trucking, seven (7) days per week.

**Element: Regulatory Requirements**

The owner or operator of a solid waste TS/MRF must obtain a Solid Waste Facility (SWF) Permit from the Department prior to the commencement of regulated activities and shall also follow all pertinent regulations found at N.J.A.C. 7:26-2 et seq. and the design and operational requirements at N.J.A.C. 7:26-2B.5 and N.J.A.C. 7:26-2B.9, respectively. As per N.J.A.C. 7:26H-1.6(a), Old Quarry Road Associates, LLC TS/MRF must seek and be issued a Certificate of Public Convenience and Necessity from the Department prior to engaging in the business of solid waste collection or solid waste disposal as defined at N.J.S.A. 48:13A-3. In addition, no person shall engage in the treatment, storage, transfer, or disposal of solid waste in the State without a license as per N.J.A.C. 7:26-16.3(a) or without complying with all of the provisions of N.J.S.A. 13:1E-126 et seq. and the provisions of N.J.A.C. 7:26-16 and 16A.

Transfer stations/material recovery facilities are subject to the provisions of N.J.A.C. 7:27-8.2(c)17 which requires air pollution control permits for any equipment which vents a solid waste facility directly or indirectly into the outdoor atmosphere.

Finally, if the proposed operation has a "storm water discharge (or storm water DSW)", a "process wastewater" discharge and/or discharges a "pollutant" as defined in N.J.A.C. 7:14A-1.2, or includes activities that require a New Jersey Pollutant Discharge Elimination System (NJPDES) Permit as identified in N.J.A.C. 7:14A-2.4, the applicant shall contact the Department's Division of Water Quality to obtain a NJPDES Permit and/or a Treatment Works Approval for discharges prior to operation, if required.

## Additional Element of the Somerset County District Solid Waste Management Plan

### **Element: Municipal Solid Waste (MSW) Recycling in Somerset County**

On December 19, 2006, the Somerset County Board of Chosen Freeholders adopted an amendment to the County Plan which, among other things, included specific strategies for achieving the State's statutorily-mandated minimum MSW recycling rate of 50%. This amendment to the County Plan was certified as approved by the Department on May 23, 2007.

The most recent recycling data compiled by the State shows that in 2014, Somerset County achieved a MSW recycling rate of just 26%. Using 2014 Department data, an additional 160,000 tons of Somerset County MSW will have to be recycled to reach an MSW recycling rate of 50%.

In this regard, the County is reminded that the Department adopted an update to the Statewide Solid Waste Management Plan in 2006, which set forth, among other things, a framework for the counties in assessing various strategies to be employed to achieve the statutorily-mandated recycling goals. As these goals have not been achieved, in order for the County to provide a broader, more robust and strategic review and analysis toward reaching mandated goals, the Department requests that the County, at a minimum:

- 1) In accordance with N.J.A.C. 7:26A-12.2, assess the sufficiency and effectiveness of the requirements of the County Recycling Plan that was certified and approved by the Department on May 23, 2007. Specifically, Somerset County shall review and analyze the strategies, assumptions, practices, expenditures contained therein for effectiveness in reaching mandated recycling goals. Special attention shall be directed to insuring compliance with source separation and recycling/reporting requirements within the commercial and institutional sectors, including but not limited to public and private schools, government buildings, large office complexes, recreational facilities and other public locations within the County. This assessment shall, as appropriate, focus on monitoring of and insuring compliance with pertinent rules and statutes including but not limited to N.J.A.C. 7:26A-11 and N.J.S.A. 13:1E-99.13.

Pursuant to the above, Somerset County shall prepare an update to the County Recycling Plan for the Department's review by April 30, 2018 to implement strategies to accomplish the above goal. Said plan shall recognize that current strategies and practices are not yielding sufficient recycling benefits and shall provide alternative strategies and practices with an emphasis on assessing and gaining compliance with local source separation and recycling/reporting ordinances starting with the largest generators and multi-family dwellings. This may include but not be limited to specific uses of any grant money the County or municipalities receive for the purpose of increasing recycling as are lawful and appropriate. In any case this shall also include the proposal of a system and metrics, to

measure and evaluate the effectiveness/benefit of each action taken toward increasing the County recycling rate.

The County shall consider a plan which coordinates with and utilizes all appropriate levels of government with authority or responsibility toward increasing the rate of recycling in the County.

The Department is available to assist the County in developing and implementing appropriate recycling compliance and other strategies to achieve mandated recycling goals.

**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 Amendment to the approved County Plan and certify to the County Freeholders that the May 9, 2017 Amendment is approved as further specified below.

The County Plan inclusion of Old Quarry Road Associates, LLC TS/MRF, to be located on Block 100, Lot 2.38 along Old Quarry Road in the Borough of Bernardsville, for the acceptance and processing of up to 100 tpd of solid waste types 13 and 13C is approved.

The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals pursuant to N.J.S.A. 13:1E-1 et seq., and all other applicable laws. The issuance of operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the DEP and the Attorney General of the State of New Jersey to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126.

**D. Other Provisions Affecting the Plan Amendment**

**1. 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.

2. **Certification to Proceed with Implementation of 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 Freeholders shall proceed with the implementation of the approved components of the Amendment certified herein.

3. **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.

4. **Effective Date of Amendment**

The approved components of the Amendment to the County Plan contained herein shall take effect immediately.

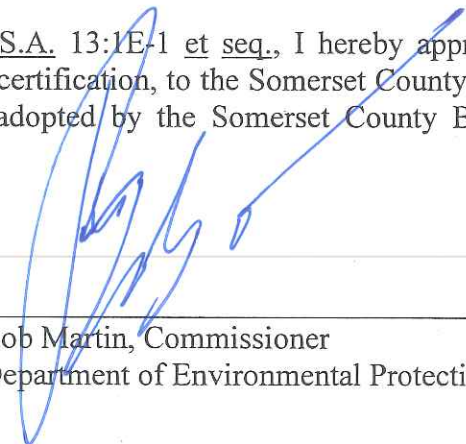
5. **Reservation of Authority**

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 to the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, 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 May 9, 2017.

9/1/2017  
Date

  
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Bob Martin, Commissioner  
Department of Environmental Protection