



STATE OF NEW JERSEY  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 ROBERT E. HUGHEY, COMMISSIONER  
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 TRENTON, N.J. 08625  
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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 APPROVAL  
 OF THE MAY 15, 1984 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 approved, with modification, the Somerset 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.)

The Act further provides that a district may review its plan at any time, and if found inadequate, a new plan must be adopted. The Somerset County Board of Chosen Freeholders completed such a review and on May 15, 1984, adopted an amendment to its approved District Solid Waste Management Plan. The amendment was received by the Department of Environmental Protection on May 31, 1984 and copies were distributed to various state level agencies for review and comment, as required by law.

The Department has reviewed this amendment and has determined that the amendment adopted by the Somerset County Board of Chosen Freeholders is approved in accordance with N.J.S.A. 13:1E-24.

B. Certification of Somerset County District Solid Waste Management Plan Amendment

I, Robert E. Hughey, 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 Plan, have reviewed the May 15, 1984 amendment to the approved Somerset County District Solid Waste Management Plan and certify to the Somerset County Board of Chosen Freeholders that the May 15, 1984 amendment is judged in compliance with the requirements of N.J.S.A. 13:1E-21 and is hereby made a final approved part of the Somerset County District Solid Waste Management Plan.

The inclusion within the Plan of the Higgins Disposal transfer station, an as-yet-unregistered facility located on Block 5, Lot 171, in the municipality of Franklin Township, is approved. The construction or operation of any facilities at this site shall be preceded by the obtaining of all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq. and all other applicable laws. Issuance of construction and/or operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department to be fit and competent to manage such facilities. In addition, the Department of Transportation (DOT) has indicated that the site of the Higgins transfer station may eventually be impacted by a future interchange for the Route 92 Freeway alignment. According to DOT, four alternatives have been proposed for the alignment and a draft environmental impact statement for the Route 92 freeway is scheduled for publication in late 1985. Following a public hearing the DOT may reduce the alternatives at that time. Since no final designation has been made, the inclusion of this facility is approved.

C. Other Provisions Affecting the Plan Amendment

1) Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with the within amendment to the Somerset 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 Somerset 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 show, 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 Somerset County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Somerset 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

The provisions of the Somerset County District Solid Waste Management 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.

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 Interdistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6) which are part of the Somerset County District Solid Waste Management Plan.

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 Somerset County Board of Chosen Freeholders, as provided for by N.J.S.A. 13:1E-24f., to proceed with the implementation of the 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 -2.13.

6) Effective Date of Amendment

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

7) Reservation of Authority

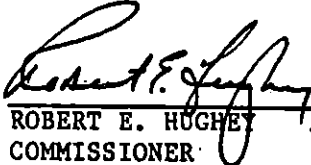
Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Somerset County District

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.

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 amendment, as outlined in Section B 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 15, 1984.

10/31/84  
DATE

  
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ROBERT E. HUGHEY  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION