

Let's protect our earth



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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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 JULY 3, 1990
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 modifications, 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 July 3, 1990 adopted an amendment to its approved district solid waste management plan to include the Trap Rock Industries, Inc. asphalt and concrete recycling center in Franklin Township.

The amendment was received by the Department of Environmental Protection on September 11, 1990 and copies were distributed to various state level agencies for review and comment, as required by law. The Department has reviewed the July 3, 1990 amendment and has determined that this amendment 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, Judith A. Yaskin, Commissioner of the Department of Environmental Protection have studied and reviewed the July 3, 1990 amendment to the Somerset County District Solid Waste Management 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 addition, the Division of Solid Waste Management circulated the plan amendment to fifteen review agencies and solicited their review and recommendations. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various agencies, bureaus, and divisions within the Department of Environmental Protection as well as the Board of Public Utilities. Also among these agencies were the Department of Community Affairs, the Department of the Public Advocate, the Department of Health, the Department of Agriculture, the Department of Transportation, and the New Jersey Turnpike Authority. Of these agencies, the following did not object to the proposed plan amendment: the N.J.D.E.P. Divisions of Water Resources, Fish, Game and Wildlife and Parks and Forestry; the State Departments of Agriculture, Community Affairs and Transportation; the Board of Public Utilities and the New Jersey Turnpike Authority. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Division of Coastal Resources, the State Departments of Health and the Public Advocate, the Green Acres Program, the New Jersey Advisory Council on Solid Waste Management and the U.S. Environmental Protection Agency. The N.J.D.E.P. Divisions of Environmental Quality and Solid Waste Management submitted substantive comments which are further addressed below.

The Division of Environmental Quality commented that recycling facilities 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 property. Recycling facilities are considered solid waste facilities, which 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, the recycling of asphalt may release organic substances to the air. The recycling equipment and any bituminous concrete plant which uses the recycled asphalt may need an air pollution apparatus to control organic substance emissions. Air pollution control permits for existing bituminous concrete plants would have to be revised to include recycled asphalt. Finally, the use of crushers may necessitate the control of particulate emissions to the air. Pursuant to N.J.A.C. 7:27-8.2(a), 7, 11, 15 and 16, air pollution control permits to construct, install or alter control apparatus or equipment may be required.

The Division of Solid Waste Management commented that per the requirements of N.J.S.A. 13:1E-99.34, "no recycling center shall receive, store, process or transfer any waste material other than source separated non-putrescible metal, glass, paper, or plastic containers, and corrugated and other cardboard without the prior approval of the Department." The Department's Office of Recycling has identified tires, wood waste and certain construction/demolition debris as materials which may be accepted at a Department approved recycling facility. A recycling facility accepting source separated non-putrescible tires, wood waste, or construction/demolition debris must have the prior approval of the Department. The approval, in this case, is an approval from the Department's Office of Recycling based on a list of qualifying factors which is available from the Department. A Department solid waste facility permit is not required.

The Division of Solid Waste Management further commented that asphalt and concrete recycling operations have been conducted previously at the Trap Rock Industries, Inc. site under a pilot project sponsored by the New Jersey Department of Transportation. Old asphalt from Route 1 was removed and transported to the facility site for processing and recycling to make new asphalt to pave the shoulders of Route 130. The county is amending their district plan at this time to include the facility in order for the owner/operator to receive Office of Recycling approval as mentioned above.

The Department responds to the comments submitted by the Divisions of Environmental Quality and Solid Waste Management by informing, by way of this certification, Somerset County and Trap Rock Industries, Inc. of the Department's requirements, and directs that all necessary permits or approvals including but not limited to a recycling center, approval must be acquired from the Department prior to operation. This certification, further, does not authorize operations. Operations occurring prior to obtaining the necessary permits and approvals subjects Trap Rock Industries, Inc. to enforcement action.

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

I, Judith A. Yaskin, 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 plans, have reviewed the July 3, 1990 amendment to the approved Somerset County District Solid Waste Management Plan and certify to the Somerset County Board of Chosen Freeholders that the July 3, 1990 amendment is approved as further specified below.

The district plan inclusion of the Trap Rock Industries, Inc. asphalt and concrete recycling center located at Lot 2, Block 1, in Franklin Township, Somerset County, is approved.

The asphalt and concrete recycling system consists of crushing equipment which crushes concrete or asphalt removed from road paving, repair or construction sites, and recycles it into new concrete or asphalt. The entire operation is conducted on-site. The operation of this facility shall be in conformance with Departmental regulations and guidelines. The 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 applicable laws and regulations. The owner/operator of the facility is directed to acquire the necessary permits and/or approvals and is subject to enforcement action should it continue to operate without authorization.

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 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 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 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 and 12 and all other applicable laws.

3. Types of Solid Wastes Covered by the District Solid Waste Management Plan

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 Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6).

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 and pursuant to N.J.S.A. 13:1E-24c. and f., the county shall proceed with the implementation of the approved 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 amendment to the Somerset County District Solid Waste Management Plan contained herein shall take effect immediately.

7. Reservation of Authority

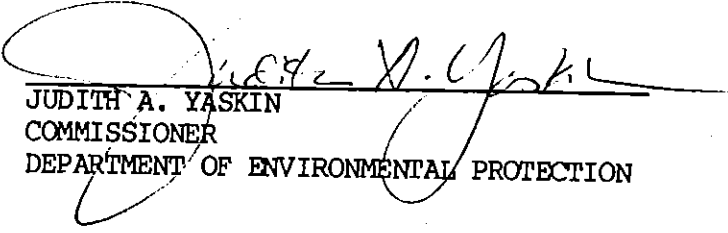
Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Somerset County District Solid Waste Management Plan, including any amendment made thereto, shall conform with the Statewide 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.

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 July 3, 1990. I further direct the owner/operator of Trap Rock Industries, Inc. to acquire all necessary permits or approvals in an expeditious manner.

DATE

12/22/90


JUDITH A. YASKIN
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION