



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER
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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 AUGUST 7, 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 August 7, 1984, adopted an amendment to its approved District Solid Waste Management Plan. The amendment was received by the Department of Environmental Protection on September 4, 1984 and copies were distributed to various state level agencies for review and comment, as required by law.

The Department has reviewed this amendment as well as the entire Somerset District Solid Waste Management Plan, 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. While the requirements of the Act concerning the report have been met, the District's plan remains deficient in several important ways.

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 August 7, 1984 amendment to the approved Somerset County District Solid Waste Management Plan and certify to the Somerset County Board of Chosen Freeholders that the August 7, 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 Somerset Intermediate Recycling Center transfer station facility to be located on Block 101, Lots 63-68, 74, 75, 77, 78, and 84, 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.

As previously noted, the Department has reviewed the entire Somerset County District Solid Waste Management Plan, including the above amendment, to determine whether the Plan fulfills the requirements set forth in N.J.S.A. 13:1E-21. The result of that review is as follows:

- 1) N.J.S.A. 13:1E-21b(2) requires a statement of the solid waste disposal strategy to be applied . . . which strategy shall include the maximum practicable use of resource recovery procedures and a plan for using terminated landfill disposal sites . . . in the Solid Waste Management District.

The Statewide Solid Waste Management Plan, which incorporates the State Recycling Plan, states that a goal of 25% recycling shall be achieved by 1986 for all districts. To date, Somerset County has not amended its plan to include this recycling goal or to propose methods of reaching the goal. Additionally, Somerset County has not amended its plan to include specific uses of terminated landfill disposal sites. While the plan contains a listing of various proposed uses for each land disposal facility, the plan does not include a specific and final use for all of the landfills located within Somerset County.

Therefore, I find the Somerset County District Solid Waste Management Plan deficient in that the District has not adequately addressed its role in recycling or developed specific plans for using terminated landfill disposal sites as required by N.J.S.A. 13:1E-21b(2).

- 2) N.J.S.A. 13:1E-21b(3) requires a site plan which shall include all existing solid waste disposal facilities located within the Solid Waste Management District . . . and sufficient additional available suitable sites to provide solid waste facilities to treat and dispose of the actual and projected amounts of solid waste contained in the report accompanying the Plan.

On July 7, 1983 Somerset County adopted an amendment to the plan to designate a specific site in Bridgewater Township for the regional baler/balefill disposal facility. Following review of that amendment, the Commissioner of DEP issued a Certification of Approval on November 14, 1983 approving the selection of the Bridgewater Township site. To date, Somerset County has failed to implement the provisions of this approved amendment to the County plan, and in correspondence relating to a grant request, has indicated that the project will not be implemented.

The Certification of Approval with Modification of the Somerset County District Solid Waste Management plan issued by the Commissioner of DEP on July 31, 1980 approved the County's schedule for implementation of five decentralized resource recovery facilities. The modular facilities were proposed to handle a total of 650 tons per day of solid waste and be operational by 1985. To date, Somerset County has not implemented the resource recovery element of its plan or amended its plan to include the site(s) of these or other resource recovery facilities.

Therefore, I find the Somerset District Solid Waste Management plan deficient in that the plan has not designated sufficient suitable sites for disposal of Somerset County's solid waste.

- 3) N.J.S.A. 13:1E-21b(5) requires procedures for coordinating all activities related to the collection and disposal . . . within the Solid Waste Management District, which procedures shall include the agreements entered into as provided herein between the Board of Chosen Freeholders . . . and every such person, and the procedures for furnishing the solid waste facilities contained in the Solid Waste Management Plan.

Somerset County does not presently have available existing solid waste disposal facilities within its borders to provide for the solid waste disposal needs of each of its municipalities now or in the near future. Further, despite continued reliance upon disposal facilities in Middlesex County, the Somerset District has not entered into an approved interdistrict agreement with Middlesex County to provide for its disposal needs prior to the development of a regional disposal facility within Somerset County.

Therefore, the Somerset County plan is deficient in that the plan does not include a formal interdistrict waste flow agreement with Middlesex County or some other District in accordance with the requirements of this section.

- 4) N.J.S.A. 13:1E-21b(6) requires a method or methods of financing solid waste management in the Solid Waste Management District pursuant to the Solid Waste Management Plan.

The Somerset County plan does not provide a detailed plan for financing solid waste management, therefore, I find that the plan is deficient in that it does not address the requirements of this section.

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 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 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 Intradistrict 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.

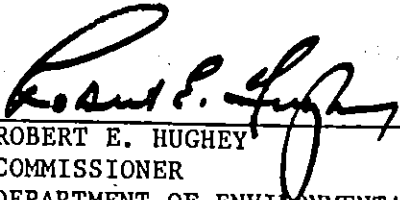
D. Certification of Approval by the Commissioner of the Department of Environmental Protection

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 August 7, 1984.

In accordance with N.J.S.A. 13:1E-24, I am directing that a public hearing be conducted by the Somerset County Board of Chosen Freeholders within forty-five (45) days of the date of this Certification. The hearing shall be conducted pursuant to the procedures contained in N.J.S.A. 12:1E-23. The purpose of the hearing shall be to inform the public of the deficiencies identified in the Plan, and to identify the County's plans for

addressing these deficiencies, and to solicit public comment on these matters. Further, Somerset County is directed to amend its Plan to address the deficiencies identified above. This amendment shall be adopted by the County and submitted to the Department of Environmental Protection within ninety (90) calendar days from the date of this Certification.

1/24/85
DATE


ROBERT E. HUGHEY
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION