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Governor

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Commissioner

**CERTIFICATION
OF THE JANUARY 10, 2008
AMENDMENT TO THE MONMOUTH 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 (now known as the New Jersey Meadowlands Commission) develop comprehensive plans for waste management in their respective districts. On August 31, 1981, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Monmouth 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 Monmouth County Board of Chosen Freeholders (County Freeholders) completed such a review and on January 10, 2008 adopted an amendment to its approved County Plan.

The January 10, 2008 amendment proposes County Plan inclusion of the expansion of the Freehold Cartage Transfer Station/Materials Recovery Facility (TS/MRF) to accept up to 800 tons per day of waste types 10 (up to 60 tons per day included within the 800 tons per day of total capacity), 13, 13C, 23 (up to 50 tons per day included within the 800 tons per day of total capacity), and 27; and the expansion of its Class B Recycling Center to accept up to 800 tons per day of Class B recyclables, as further detailed below.

The amendment was considered administratively complete for review by the Department on January 29, 2008 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 January 10, 2008 is approved as provided in N.J.S.A. 13:1E-24.

B. Findings and Conclusions with Respect to the Monmouth County District Solid Waste Management Plan Amendment

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the January 10, 2008 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 January 10, 2008 amendment which are included below.

Elements of the January 10, 2008 Amendment

Element: Background

On August 9, 1984, the Monmouth County Board of Chosen Freeholders adopted an amendment to their County Solid Waste Management Plan (County Plan) to include the proposed Freehold Cartage Transfer Station located at Block 43, Lot 18 on Route 33 in the Township of Freehold. This amendment was certified as approved by the Department on January 17, 1985.

On August 8, 2001, the Department approved an Administrative Action request to include in the County Plan limitations and conditions for Freehold Cartage, Inc. as both a Class B recycling facility and transfer station. The average daily capacity was limited to 300 tons per day (tpd), Monday through Saturday, with no more than 60 tpd of waste type 10 from truck loads containing significant amounts of recoverable recyclable material. The remaining unused daily allowance would be used for bulky and non-hazardous manufacturing waste types (waste types 27, 13 and 13C). Total waste deliveries received Monday through Saturday was not allowed to exceed 1800 tons and no single day was allowed to exceed 400 tons. Solid waste may be received on Sunday, but the total could not exceed 100 tons.

On November 8, 2001, the Department approved an Administrative Action request to further clarify some of the operational conditions at Freehold Cartage, Inc. Those revised conditions are as follows: a maximum of 360 tons of waste type 10 may be accepted during any one Monday through Saturday period and a maximum of 80 tons of waste type 10 on any one day; a maximum of 60 tons of waste type 10 can be accepted on Sunday; and, the maximum overall capacity for all waste received (10, 13, 13C and 27) will remain 400 tpd (1800 tons per week) for the Monday through Saturday period, and 100 tons on Sunday.

The January 10, 2008 amendment proposes County Plan inclusion of the expansion of the Freehold Cartage Transfer Station/Materials Recovery Facility (TS/MRF). The proposed expansion includes: no change to the allowance to accept limited amounts of waste type 10 (as detailed above); acceptance of up to 50 tpd of vegetative waste (waste type 23); acceptance of Class A recyclables (paper, plastic, bottles and cans); an increase in the overall capacity to 800 tpd of waste types 13, 13C and 27, (reduced by the quantities of waste types 10 and 23, and Class A recyclables accepted); limiting the acceptance of waste to no more than 200 tons on

Sunday (which included a maximum of 60 tons of waste type 10 and a maximum of 50 tons of waste type 23); and overall capacity averaging which allows "peak loads" of up to 1000 tpd (including a maximum of 80 tons of waste type 10 and 75 tons of waste type

23) on any one day Monday through Saturday, provided total waste accepted does not exceed 4800 tons for the six day period (which includes a weekly maximum of 360 tons of waste type 10 and a weekly maximum of 300 tons of waste type 23).

The January 10, 2008 amendment also proposes the expansion of the Freehold Cartage Class B recycling center to accept up to 800 tons per day of Class B recyclables and to accept separated Class A recyclables.

Element: Regulatory Requirements

This certification shall not be construed as an expression of the Department's intent to issue a recycling center approval to any recycling center for Class B materials. A recycling center approval shall only be issued where the applicant has submitted as administratively complete application, as per N.J.A.C. 7:26A-3.5, where all the substantive criteria for approval set forth in N.J.A.C. 7:26A-3.2, 3.3, and 3.4 are satisfied, where a fee has been paid in accordance with N.J.A.C. 7:26A-2, and where none of the criteria for denial of a recycling center approval are met, as per N.J.A.C. 7:26A-11 and 12.

If any operation of a recycling center will discharge pollutants as defined in N.J.A.C. 7:14-1.9, said operation must secure a New Jersey Pollutant Discharge Elimination System Permit and/or a Treatment Works Approval for pollutant discharges prior to operation.

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.

C. Certification of the Monmouth 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 county solid waste management plans, I have reviewed the January 10, 2008 amendment to the approved County Plan and certify to the County Freeholders that the January 10, 2008 amendment is approved as further specified below.

The January 10, 2008 amendment proposes County Plan inclusion of the expansion of the Freehold Cartage Transfer Station/Material Recovery Facility (TS/MRF) as noted in Section B, herein, 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.

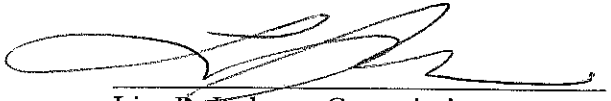
5. Reservation of Authority

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 with 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 Monmouth County District Solid Waste Management Plan which was adopted by the Monmouth County Board of Chosen Freeholders on January 10, 2008.

6/28/08
Date



Lisa P. Jackson, Commissioner
Department of Environmental Protection

