



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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CERTIFICATION OF THE AUGUST 18, 2010 AMENDMENT TO THE OCEAN 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 May 13, 1980, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Ocean 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 Ocean County Board of Chosen Freeholders (County Freeholders) completed such a review and on August 18, 2010 adopted an amendment to its approved County Plan.

The August 18, 2010 amendment proposes the County Plan inclusion of MedAssure Services, LLC. medical waste treatment/transfer facility, to be located at Block 1160, Lot 237 at 845 Torbin Avenue in Lakewood Township, Ocean County, New Jersey.

The amendment was considered administratively complete for review by the Department on September 23, 2010 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 August 18, 2010 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the August 18, 2010 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 August 18, 2010 amendment which are included below.

Elements of the August 18, 2010 Amendment

Element: Background

MedAssure Services, LLC. seeks to install a medical waste treatment/transfer facility within the Lakewood Industrial Park which will be located at Block 1160, Lot 237 at 845 Torbin Avenue in Lakewood Township. This facility will collect medical waste and treat the material to produce type 10 municipal solid waste (MSW). The transformation of medical waste to MSW will be accomplished by using a Sanitec Microwave Disinfection Unit (MDU).

The maximum annual quantity of waste to be accepted at the facility shall be 7,500 tons. Two MDU units will be available at the facility to process medical waste. The hours of operation are to be Sunday through Friday from 5am to 10pm.

Element: Regulatory Requirements

The owner or operator of a solid waste transfer station 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), MedAssure Services, LLC. 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 are subject to the provisions of N.J.A.C. 7:27-8.2(c) 17 which may require 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 NJPDES Permit and /or a Treatment Works Approval for discharges prior to operation, if required.

C. Certification of the Ocean 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 August 18, 2010 amendment to the approved County Plan and certify to the County Freeholders that the August 18, 2010 amendment is approved as further specified below.

The August 18, 2010 County Plan amendment for the inclusion of MedAssure Services LLC., to be located at Block 1160, Lot 237 at 845 Torbin Avenue in Lakewood Township as a medical waste treatment/ transfer facility 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.

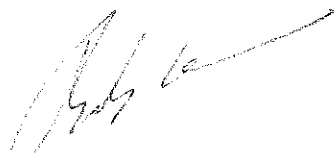
5. **Reservation of Authority**

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 Ocean County District Solid Waste Management Plan which was adopted by the Ocean County Board of Chosen Freeholders on August 18, 2010.

12/30/2010
Date



Bob Martin, Commissioner
Department of Environmental Protection

