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Scott A. Weiner
Commissioner

IN THE MATTER OF CERTAIN AMENDMENTS
TO THE ADOPTED AND APPROVED SOLID
WASTE MANAGEMENT PLAN OF THE
MIDDLESEX COUNTY SOLID WASTE
MANAGEMENT DISTRICT

CERTIFICATION
OF THE JANUARY 14, 1992
AMENDMENT TO THE MIDDLESEX 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 29, 1980, the Department of Environmental Protection approved, with modifications, the Middlesex County District Solid Waste Management Plan (County 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 a 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 a 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 Middlesex County Board of Chosen Freeholders (County Freeholders) completed such a review and on January 14, 1992, adopted an amendment to its approved County Plan. The amendment proposed inclusion of a microwave medical waste unit at JFK Medical Center in Edison Township into the Middlesex County Plan.

The amendment was received by the Department of Environmental Protection and Energy (Department or DEPE) on January 28, 1992 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 14, 1992 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the January 14, 1992 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 this plan amendment is consistent with the Statewide Solid Waste Management Plan.

In conjunction with the review of the amendment, the Department circulated copies to sixteen administrative review agencies and solicited their review and comment. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various bureaus, divisions, and agencies within the Department. These agencies are the following:

Division of Environmental Quality, DEPE
Division of Coastal Resources, DEPE
Division of Parks and Forestry, DEPE
Division of Fish, Game and Wildlife, DEPE
Division of Solid Waste Management, DEPE
Green Acres Program, DEPE
Groundwater Quality Management Element, DEPE
Wastewater Facilities Regulation Element, DEPE
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Health
Department of Transportation
Department of Community Affairs
Department of the Public Advocate
U.S. Environmental Protection Agency

1. Agency Participation in the Review of the January 14, 1992 Amendment

The following agencies did not object to the proposed plan amendment:

Division of Parks and Forestry, DEPE
Division of Fish, Game and Wildlife, DEPE
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Health
Department of Transportation
Department of Community Affairs
U.S. Environmental Protection Agency

The following agencies did not respond to the Department's requests for comments:

Division of Environmental Quality, DEPE
Division of Coastal Resources, DEPE
Green Acres Program, DEPE
Groundwater Quality Management Element, DEPE
Wastewater Facilities Regulation Element, DEPE
Department of the Public Advocate

The following agency submitted substantive comments which are further addressed below:

Division of Solid Waste Management, DEPE

2. Issues of Concern Regarding the January 14, 1992 Amendment

Issue: Permitting Requirements for the Proposed Microwave Disinfection System

The JFK Medical Center proposes to install a new system for handling its regulated medical waste. The unit will require registration as a medical waste destination facility pursuant to N.J.A.C. 7:26-3A.8. Also, an air pollution control permit from the Department will be required pursuant to N.J.A.C. 7:27-8.2(a)16. Additionally, for such a system, the Department of Health has established efficacy standards which are now required as part of the Department's permitting process.

Further, on March 6, 1989, the "Comprehensive Regulated Medical Waste Management Act," P.L. 1989, c. 34, was signed into law. This legislation provides a distinction between a commercial facility and a noncommercial facility and defines a noncommercial facility as one "which accepts regulated medical waste from other generators for a cost-based fee not in excess of the costs actually incurred by the facility or on site generator for the treatment or disposal of the regulated medical waste." The Act also grandfathered all existing medical waste disposal facilities in their respective district solid waste management plans. Unless a facility was acting as a commercial facility prior to March 6, 1989 and was therefore grandfathered in the district plan, approval of a medical waste incinerator must be limited to a noncommercial facility only.

Finally, if the proposed operation will discharge pollutants as defined in N.J.A.C. 7:14A-1.9, said operation must secure a treatment works approval for pollutant discharges from the Department prior to operation.

The County Freeholders and JFK Medical Center are hereby notified of these requirements.

C. Certification of the Middlesex 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 district solid waste management plans, I have reviewed the January 14, 1992 amendment to the approved County Plan and certify to the County Freeholders that the January 14, 1991 amendment is approved as further specified below.

The installation of a microwave medical waste treatment unit at JFK Medical Center, 98 James Street, Suite 400, Edison Township, New Jersey located on Block 643-EE, Lot 17U4 is approved. More specifically, the microwave medical waste disinfection unit, developed by Vetco Sanitec, has the processing capability of 700 pounds per hour. All waste is to be generated only at JFK Medical Center.

Materials to be processed shall be restricted to medical and hospital waste as defined at N.J.A.C. 7:26-3A, exclusive of carcasses or body parts. Under no circumstances may the hospital use the microwave to process recyclable materials mandated by Edison Township or Middlesex County, and the company must submit quarterly recycling reports to both entities. JFK Medical Center shall dispose of its nonmedical hospital waste pursuant to the Middlesex County District Solid Waste Management Plan and furnish proof of said disposal to Middlesex County.

Under the Comprehensive Regulated Medical Waste Management Act (P.L. 1989, c. 34) a moratorium is imposed on DEPE approval or consideration of any new commercial medical waste incinerator until the new state plan is completed. Therefore, the plan inclusion approval of new facilities which were not in operation and accepting regulated medical waste on or prior to March 6, 1989 is restricted to facilities limited to noncommercial use.

Although the microwave system proposed for the JFK Medical center will treat only on site generated waste, JFK Medical center must submit to the Department a certified affidavit verifying the noncommercial status of the facility. This affidavit, a sample of which may be obtained by contacting the DEPE, Division of Solid Waste Management (DSWM), Bureau of Medical Waste and Residuals Planning, must be submitted within 45 days of the date of this certification. In addition, the applicant is hereby directed to contact the DEPE, DSWM, Bureau of Registration to register as a medical waste destination facility, to contact the DEPE, Division of Environmental Quality, Bureau of New Source Review, concerning the need for a permit to construct, install or alter control apparatus or equipment, to contact the DEPE, Wastewater Facilities Regulation Element, concerning the need for a treatment works approval, and to contact the Department of Health, Division of Epidemiology and Communicable Disease Control, Public Health Sanitation and Safety Program, regarding its efficacy standards.

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 Department and the Attorney General to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126.

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 this amendment to the County 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 and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the County 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, and for good cause shown, obtain an extension of time to complete such renegotiation.

2. 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.

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

The provisions of the County 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. All nonhazardous 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 set forth at N.J.A.C. 7:26-6, but are subject to regulation in accordance with N.J.A.C. 7:26A-1 et seq.

4. Certification to Proceed with the Implementation of the Plan 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 shall proceed with the implementation of the approved amendment certified 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 -99.12, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of the Amendment

The amendment to the County 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 pursuant to its authority under the law. The County 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, rules, regulations, orders of the Department, 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 and Energy

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 Middlesex County District Solid Waste Management Plan which was adopted by the Middlesex County Board of Chosen Freeholders on January 14, 1992.

5/19/92

DATE



SCOTT A. WEINER
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND ENERGY