



STATE OF NEW JERSEY
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 ROBERT E. HUGHEY, COMMISSIONER
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 TRENTON, N.J. 08625
 609 - 292 - 2885

(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
 APRIL 19, 1984 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 approved, with modification, the Middlesex 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 Middlesex County Board of Chosen Freeholders completed such a review and on April 19, 1984, adopted an amendment to its approved District Solid Waste Management Plan. The amendment was received by the Department of Environmental Protection on April 27, 1984 and copies were distributed to various state level agencies for review and comment, as required by law.

The Department has reviewed this amendment and has determined that the amendment adopted by the Middlesex County Board of Chosen Freeholders is approved in part, and rejected in part, in accordance with N.J.S.A. 13:1E-24.

B. Approved Middlesex 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 Plans, have reviewed the April 19, 1984 amendment to the approved Middlesex County Solid Waste Management Plan and certify to the Middlesex County Board of Chosen Freeholders that, except as noted below, the April 19, 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 Middlesex County District Solid Waste Management Plan as follows:

Inclusion within the plan of a redirection of waste flows generated from within the Middlesex County municipalities of Carteret, Perth Amboy, Woodbridge, South Amboy, Sayreville, Old Bridge, Monroe, and Jamesburg, formerly disposed of at the Global landfill, Old Bridge Township, Middlesex County, to the Edgeboro landfill, East Brunswick Township, Middlesex County.

Inclusion within the plan of a February 16, 1984 Interdistrict Waste Flow Agreement between Middlesex and Somerset Counties is rejected. This agreement provided for disposal of Somerset County waste at the Industrial Land Reclaiming (ILR) landfill which was ordered closed on September 15, 1984 as a result of litigation filed by the Department against this facility. In addition, the agreement specified that Somerset County would seek a redirection of its waste flows from the Department and the Board of Public Utilities if and when ILR closed. This is inconsistent with current legislation and regulations which require Counties to provide for disposal of their waste either within their own borders or pursuant to an interdistrict agreement with another County.

Despite the closure of the ILR site, Middlesex County has substantial remaining permitted disposal capacity, in contrast to the lack of landfill space in surrounding counties. Middlesex County is directed to reach meaningful interdistrict agreements with Somerset, Union, and Morris Counties for the equitable use of disposal capacity within the Middlesex District. If good faith negotiations fail to establish such agreements, Middlesex County may propose reasonable schedules for the phasing out of disposal in Middlesex County wastes from these other districts.

All other waste flows to the ILR landfill proposed by Middlesex County are similarly rejected because of the September 15 closure date previously noted.

The approval and rejection of such waste flow redirections is made with respect to their inclusion in the County Plan. Final disposition of such proposed changes in the State waste flow rules will be determined pursuant

to formal rulemaking by the Department and the Board of Public Utilities in accordance with N.J.A.C. 7:26-6.6.

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 Middlesex 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 Middlesex 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 show, 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 Middlesex County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Middlesex 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 Middlesex 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 and infectious waste.

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 Interdistrict Solid Waste Flow Rules (N.J.A.C.

7:26-6) which are part of the Middlesex County District Solid Waste Management Plan.

4. 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.

5. Effective Date of Amendment

The approved amendment to the Middlesex County District Solid Waste Management Plan contained herein shall take effect immediately.

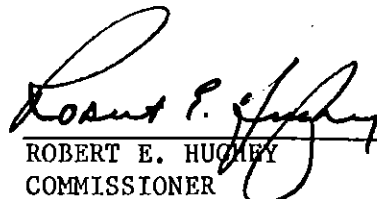
6. Reservation of Authority

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 Middlesex 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 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 in part and reject in part, as outlined in Section B of this Certification, the amendment to the Middlesex County District Solid Waste Management Plan which was adopted by the Middlesex County Board of Chosen Freeholders on April 19, 1984.

9/19/84
DATE



ROBERT E. HUGHEY
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION