

Let's protect our earth



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
RICHARD T. DEWLING, Ph.D., P.E., COMMISSIONER
CN 402
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 MAY 21, 1987
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 modifications, 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 May 21, 1987 adopted an amendment to its approved district solid waste management plan. The amendment proposes to delete from plan inclusion the following transfer

stations: J.I.S. Industrial Service in South Brunswick Township; Metpac Industries in Woodbridge Township; and B.F.I. in Cranbury Township.

The amendment was received by the Department of Environmental Protection on June 1, 1987, 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 Middlesex County District Solid Waste Management Plan, and has determined that the amendment adopted by the Middlesex County Board of Chosen Freeholders on May 21, 1987 is rejected as provided in N.J.S.A. 13:1E-24. With regard to the district plan, while the requirements of the Act concerning the report have been met, the district's plan remains deficient in some important ways.

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, Richard T. Dewling, Commissioner of the Department of Environmental Protection have studied and reviewed the May 21, 1987 amendment to the Middlesex County District Solid Waste Management 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 inconsistent with the Statewide Solid Waste Management Plan.

In addition, the Division of Solid Waste Management circulated the plan amendment to sixteen review agencies and solicited their review and recommendations. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various agencies, bureaus, and divisions within the Department of Environmental Protection as well as the Board of Public Utilities. Also among these agencies were the Department of Community Affairs, the Department of the Public Advocate, the Department of Health, the Office of Recycling, the Department of Agriculture, the Department of Transportation, and the New Jersey Turnpike Authority. Of these agencies, the following did not object to the proposed plan amendment: the N.J.D.E.P. Divisions of Environmental Quality, Fish, Game and Wildlife, Parks and Forestry, and Coastal Resources; the State Departments of Agriculture, Health, Community Affairs, and Transportation; the Board of Public Utilities, the Green Acres Program, the Office of Recycling, the New Jersey Turnpike Authority, and the New Jersey Advisory Council on Solid Waste Management. The following agencies failed to respond to our requests for comments: the N.J.D.E.P. Division of Water Resources; the State Department of the Public Advocate; and the U.S. Environmental Protection Agency. None of the agencies submitted substantive comments.

However, the Division of Solid Waste Management notes that each of the transfer stations which are the subject of this amendment were included at various times within the district plan. Specifically:

The J.I.S. Industrial Service Company Transfer Station, located on Block 17.01, Lots 9.05 and 9.06, in the Township of South Brunswick, was included within the Middlesex County Plan on September 1, 1983. This amendment was certified by the Commissioner of the Department on February 14, 1984.

The Metpac Industries Transfer Station, located on Block 57, Lots 1-b, 2 and 3, in the Township of Woodbridge, was included within the Middlesex

County Plan on December 29, 1983. This amendment was certified by the Commissioner of the Department on May 23, 1984.

The Browning Ferris Industries Transfer Station, located on Block 16, Lot 6, in the Township of Cranbury, was included within the Middlesex County Plan on September 16, 1982. This amendment was certified by the Commissioner of the Department on March 8, 1983.

The May 21, 1987 amendment was embodied within a resolution adopted by the Middlesex County Board of Chosen Freeholders on that date. The county's rationale for deleting the three transfer stations as indicated in the resolution was that "it is in the best interests of the county to approve said plan amendment." No further explanation was provided to the Department. Middlesex County presently has six transfer stations operating within the district. These facilities may be utilized in an emergency to facilitate out-of-state solid waste disposal should in-county disposal facilities be unavailable. However, additional transfer stations may be needed to accommodate all the solid waste generated within Middlesex County to facilitate out-of-state disposal should such a disposal option be needed. Therefore, in light of the fact that more transfer stations may be needed in Middlesex County and that no rationale was provided by Middlesex County to justify this deletion action, the Department rejects, within Section C. below, the deletion action proposed by this plan amendment.

C. Certification of Middlesex County District Solid Waste Management Plan Amendment

I, Richard T. Dewling, 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 May 21, 1987 amendment to the approved Middlesex County District Solid Waste Management Plan and certify to the Middlesex County Board of Chosen Freeholders that the May 21, 1987 amendment is rejected as further specified below.

The deletion from the district plan of the following transfer stations is rejected for the reasons specified in Section B. above:

The J.I.S. Industrial Service Company Transfer Station, located on Block 17.01, Lots 9.05 and 9.06, in the Township of South Brunswick.

The Metpac Industries Transfer Station, located on Block 57, Lots 1-b, 2 and 3, in the Township of Woodbridge.

The Browning Ferris Industries Transfer Station, located on Block 16, Lot 6, in the Township of Cranbury.

The Department has reviewed the entire Middlesex County District Solid Waste Management Plan, including this 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:

The certification of the December 4, 1986 amendment to the Middlesex County District Solid Waste Management Plan, which I issued on May 8, 1987, noted

that the Middlesex Plan remained deficient with respect to certain mandated requirements. Paramount of these was the lack of sufficient additional available suitable sites to provide for the disposal of Middlesex County generated solid waste. On September 8, 1987, the Department received a plan amendment which proposes for plan inclusion the designation of a resource recovery facility site in Sayreville, the designation of that portion of the Edgeboro Landfill located within the cut-off wall to provide district landfill disposal capacity, and the designation of the Middlesex County Utilities Authority as the district's implementing agency for these projects. Since the amendment is presently under review by the Department, the Department will defer until certification of that amendment any further determination of whether the adopted Middlesex County District Solid Waste Management Plan now fulfills the requirements as set forth in N.J.S.A. 13:1E-21.

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 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 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 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, 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, 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).

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 N.J.A.C. 7:26-2.13.

5. Effective Date of Amendment

The 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.

E. Certification of Rejection 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 reject the amendment as outlined in Sections B. and 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 May 21, 1987.

October 28, 1987

DATE



RICHARD T. DEWLING
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION