



State of New Jersey
Department of Environmental Protection and Energy

Office of the Commissioner

CN 402

Trenton, NJ 08625-0402

Tel. # 609-292-2885

Fax. # 609-984-3962

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 MAY 26, 1992
AMENDMENTS 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 May 26, 1992 adopted amendments to its approved County Plan.

The proposed amendments included a source reduction plan, strategies to achieve a 60% recycling goal, deletion of the County's previously approved incinerator project in Sayreville, a blanket inclusion policy for compost facilities, designated uses and a disbursement schedule for the County's Resource Recovery Investment Tax fund and the Dauman Recycling, Inc. facility for processing Class B recyclables in the County Plan.

The amendments were received by the Department of Environmental Protection and Energy (Department or DEPE) on June 4, 1992 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed these amendments, as well as the entire County Plan, and has determined that the amendments adopted by the County Freeholders on May 26, 1992 are approved in part and approved with modification in part as provided in N.J.S.A. 13:1E-24. Also, deficiencies in the County Plan have been identified within Section C. of this certification.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the May 26, 1992 amendments 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 approved portions of these plan amendments are consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders and applicant are also notified of issues of concern relative to the May 26, 1992 amendments which are included below.

In conjunction with the review of the amendments, 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:

Office of Energy, DEPE
Land Use Regulation Element, DEPE
Groundwater Quality Management Element, DEPE
Wastewater Facilities Regulation Element, DEPE
Division of Parks and Forestry, DEPE
Division of Fish, Game and Wildlife, DEPE
Division of Solid Waste Management, DEPE
Green Acres Program, 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 May 26, 1992 Amendments

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

Division of Parks and Forestry, DEPE
Green Acres Program, DEPE
New Jersey Turnpike Authority
Department of Agriculture
Department of Transportation
Division of Fish, Game and Wildlife, DEPE

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

Groundwater Quality Management Element, DEPE
Wastewater Facilities Regulation Element, DEPE
New Jersey Advisory Council on Solid Waste Management
Department of Health
Department of Community Affairs
Department of the Public Advocate
U.S. Environmental Protection Agency

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

Office of Energy, DEPE
Division of Solid Waste Management, DEPE
Land Use Regulation Element, DEPE

2. Issues of Concern Regarding the May 26, 1992 Amendments

Issue: Permit Requirements

Recycling centers are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits odors and other air contaminants which interfere with the enjoyment of life or property. Furthermore, recycling centers are considered solid waste facilities, which are subject to N.J.A.C. 7:27-8.2(a)16 which require air pollution control permits for any equipment which vents a solid waste facility directly or indirectly into the outdoor atmosphere. Such vents may require devices to control odors and other air contaminants.

Composting facilities are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits odors and emissions of other air contaminants which interfere with the enjoyment of life or property. Additionally, air pollution control permits are required for equipment used to vent a solid waste facility to the ambient atmosphere (N.J.A.C. 7:27-8.2(a)16). Also, stationary conveying equipment which causes fugitive emissions of air contaminants requires air pollution control permits pursuant to the provisions of N.J.A.C. 7:27-8.2(a)11.

Also, because this recycling center will be handling Class B recyclable materials, as defined at N.J.A.C. 7:26A-1.3, it must obtain a recycling

center approval from the Department pursuant to N.J.A.C. 7:26A-3 prior to operation. Also pursuant to N.J.A.C. 7:26A-4.1(a)1.iii, Class B recyclable materials may be commingled only with other Class B recyclable materials and only to the extent authorized in the general approval.

The construction and operation of all recycling centers which receive, store, process or transfer Class B recyclable materials, as defined at N.J.A.C. 7:26A-1.3, shall be preceded by the acquisition of the necessary approval as per N.J.A.C. 7:26A-3 et seq., and shall be in conformance with Department regulations and guidelines, including N.J.A.C. 7:26A-4 et seq.

With regard to the existing Dauman Recycling, Inc. facility, which processes Class B recyclables, the Department's review indicates that the facility is in violation of the Waterfront Development Act regulations at N.J.A.C. 7:7-2.3, the Stream Encroachment regulations of the Flood Hazard Area Control Act at N.J.A.C. 7:13-1.1 et seq., and the Freshwater Wetlands Protection Act regulations at N.J.A.C. 7:7A-1.1. While it has not yet been determined that these regulations would necessarily prohibit the siting of the Dauman recycling facility at its present location, the facility continues to operate in violation of specific requirements under these regulations. Therefore, as noted in Section C., this facility should be required to come into compliance with all of the noted regulations prior to receiving operating permits. Also, while the DEPE recognizes that this facility is currently operating without the benefit of being included in the Middlesex County Solid Waste Management Plan, approval of this facility in the County Plan will correct a historical planning deficiency as noted in Section C. of this certification.

Issue: Revised Blanket Inclusion Policy for Vegetative Waste Compost Facilities

On December 24, 1991, the Department issued a certification which, among other things, rejected Middlesex County's August 1, 1991 amendment which provided for a blanket inclusion policy to include compost facilities. The certification indicated that the County policy that compost facilities must obtain DEPE approval prior to plan inclusion was inconsistent with N.J.S.A. 13:1E-1 et seq., and N.J.A.C. 7:26-2.4 and did not include public participation procedures. The County was required to submit a subsequent amendment which provided a more detailed and comprehensive blanket inclusion policy.

The purpose of a blanket inclusion policy is to encourage and facilitate the development of vegetative waste compost facilities by eliminating the more complicated and time consuming process of including each and every compost facility in the County Plan pursuant to a formal plan amendment process as set forth in the Act. Although the County may set restrictions on their blanket inclusion policy, such restrictions must be in conformance with uniform criteria established by the Department. The following modifications to the County blanket inclusion policy are necessary to conform to the Department's standard criteria: (1) the owner/operator of a compost facility must submit to the County a more detailed project description including the lot/block and street location, the materials to be composted and a description of the operation, the name of a contact person, and a map of the site which includes the location of the site on a U.S.G.S. quadrangle; (2) all compost facilities are required

to obtain all applicable local permits and approvals; (3) all property owners within 200 feet of the facility site must be notified in writing of the proposal and (4) the County Freeholders must approve by resolution the blanket inclusion of each compost facility and submit the resolution to the Department along with a transmittal letter once the blanket inclusion process has been completed for a particular site(s). Section C. of the certification approves the compost inclusion policy, as modified, in order to ensure uniform implementation of the policy for all counties.

The County Freeholders are hereby notified of these comments and modifications to the County's blanket inclusion policy for vegetative waste compost facilities. Although these modifications are minor and do not require subsequent County Freeholder action, the County may adopt a subsequent plan amendment to include these modifications or make appropriate revisions.

Issue: RRIT Fund Uses and Disbursement

The February 5, 1987 plan amendment proposed the use of the Resource Recovery Investment Tax fund for development, construction and operation of both an incinerator and a materials processing/recycling facility and allocated two percent to the County on an annual basis for administration of the fund. The Plan amendment also contained a disbursement schedule.

The Department initially approved the uses but rejected the disbursement schedule because it lacked sufficient detail to satisfy the Department's criteria for allocation for activities over time. The County was required to submit a revised disbursement schedule as a minor modification which did not require an additional public hearing.

On January 14, 1988, the Department approved the minor modification disbursement schedule for the facilities which allocated \$887,000 for the design, financing and construction of the incinerator facility, and \$2,150,000 for design, finance, construction and operation of the recycling facility. Disbursement was limited to \$3,037,000 plus the annual 2% fund administration fee previously approved.

The subject amendment, which proposes utilization of RRIT funds for the collection, separation, recycling and recovery of materials for reuse, including the purchase and/or construction of new recycling and composting facilities is consistent with the provisions of N.J.S.A. 13:1E-150 et seq. and is approved in Section C. as being consistent with the previously approved use. In this regard, the disbursement schedule which provides \$200,000 for consultant services for a preliminary facilities design and \$100,000 for project management services is also approved in Section C. to the extent that these expenditures are consistent with previous approvals. The County must adopt and receive the Department's approval for a plan amendment for the remaining fund balance. Further, as noted in Section C. amendment 1992-5 deletes the previously approved use of the funding for the County incinerator project consistent with Amendment 1992-1, included herein, which deletes the incinerator from the County Plan.

Issue: Alternate Long-Term Disposal Strategy

Middlesex County's alternate strategy for the long-term disposal of the County's waste as a result of the deletion of the incinerator project includes source reduction, 60% recycling of the total waste stream and, 50% recycling of the municipal waste stream, waste diversion and continued utilization of the Edgeboro Landfill which, according to the amendment, has a projected life of approximately 20 years. However, while Section C of the certification approves the County's alternate long-term disposal strategy, the amendment does not include a quantitative analysis of the total solid waste generated within the county for recycling or disposal to assure the utilization of the maximum practicable use of resource recovery in the district in accordance with N.J.S.A. 13:1E-21b.(2). In this regard, resource recovery means the collection, separation, recycling and recovery of metals, glass, paper and other materials for sale or reuse, including composting. Therefore, within 180 days of this certification, the County is directed to submit a subsequent amendment which provides a mass balance of the total solid waste generated within the County by waste type for recycling and disposal. Also, the detailed analysis should indicate each existing and proposed solid waste facility utilized in Middlesex County for each component of the waste stream.

Issue: Task Force Final Report

The Department's August 16, 1991 Certification of Middlesex County's December 20, 1990 and March 7, 1991 amendments required the County to submit a subsequent amendment which addressed the recommendations of the Emergency Solid Waste Assessment Task Force Final Report. Specifically, the County was directed to determine what source reduction measures could be taken at the County level to eliminate the trend of increased per capita solid waste generation; address what specific measures that would be taken by the district to achieve at least a 50% recycling rate for the municipal waste stream and a 60% recycling rate for the total waste stream by December 31, 1995; and evaluate the potential for long-term regionalization of its solid waste facilities and programs with other districts to provide regional solutions to solid waste management. While the May 26, 1992 amendment addresses source reduction and recycling, the amendment does not address regionalization. Therefore, as noted in Section C., the County is directed to submit this necessary amendment within 180 days.

Further, as noted in Section C. the County is directed to submit a subsequent plan amendment within 180 days of this certification to address the following items, including specific implementation schedules for each item:

Education: The County should indicate its intentions and include specific schedules to expand its public education efforts in the private sector as well as its outreach to the commercial and the multifamily dwelling sectors.

Vegetative Waste: The County should identify specific programs to encourage vegetative and other organic waste composting. Also, the County should provide an inventory of existing and proposed vegetative waste composting facilities and sites including an analysis of the specific impact each facility will have on the county's overall solid waste generation.

Procurement Policies: The County should identify specific procurement guidelines, procurement goals, a method of recordkeeping and enforcement and a timetable for implementation. The County program should include: the details of its education and outreach program to the municipalities; a requirement for the County and municipal governments to adhere to current and future State procurement goals; sample bid specifications for use by municipal governments and private businesses; and the use of recycled materials for road and other construction activities.

Used Motor Oil: The County should identify a strategy to encourage the development of additional municipally sponsored collection sites.

White Goods: The County should address the issue of Chloroflourocarbon (CFC) recovery from "white goods" such as refrigerators, freezers, air conditioners, dehumidifiers, etc.

Blanket Inclusion Policy for Recycling Centers: The County plan should provide a blanket inclusion policy to expedite the development of recycling centers.

Cost for Implementing 60% Recycling Strategy: The County should indicate a projected cost for implementing the many programs necessary to implement the County's recycling strategy.

Finally, as noted in Section C., the County is directed to submit a subsequent amendment within 90 days of this certification to address the need for designating additional materials to meet the Task Force recycling rate goals. In this regard, the County should consider the designation of mixed paper, cardboard, magazines and plastic. In the event that the County does not move forward with the development of the proposed consolidation center, the County should develop an alternative strategy in that amendment as well.

Issue: Other Plan Deficiencies

As noted in the Department's December 24, 1991 certification of Middlesex County's August 1, 1991 amendment, the County was directed to address two outstanding plan deficiencies. These deficiencies which included the lack of truck routes to the Edgeboro Landfill and the method or methods of financing the County's entire solid waste system are further addressed in Section C.

C. Certification of the Middlesex County District Solid Waste Management Plan Amendments

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 May 26, 1992 amendments to the approved County Plan and certify to the County Freeholders that the May 26, 1992 amendments are approved in part and approved with modification in part as further specified below.

1. Dauman Recycling, Inc. (Amendment 1991-4)

The inclusion in the County Plan of the Dauman Recycling, Inc. facility, located at Block 11.01, Lots 20, 23 and 23.01 in Driftway, Borough of

Carteret to handle Class B materials is approved. However, as noted in Section B. this existing facility is in violation of the Waterfront Development Act regulations at N.J.A.C. 7:7-2.3, the Stream Encroachment regulations of the Flood Hazardous Area Control Act at N.J.A.C. 7:13-1.1 et seq., and the Freshwater Wetlands Protection Act regulations at N.J.A.C. 7:7A-1.1. While it has not been determined that these regulations would necessarily prohibit the siting of the Dauman Recycling, Inc. facility at its present location, the facility continues to operate in violation of specific requirements under these regulations.

Therefore, this facility must come into compliance with all of the noted regulations prior to receiving operating permits. Also, while the DEPE recognizes that this facility is currently operating without the benefit of being included in the Middlesex County Solid Waste Management Plan, approval of this facility in the County Plan at this time will correct a historical planning deficiency as noted in Section B.

As indicated in the amendment, the Dauman Recycling, Inc. facility will process all forms of non-chemically treated wood including pallets, tree stumps and demolition wood. The maximum processing capacity is 600 tons per day based on an eight hour day. Also, because this recycling center will be handling Class B recyclable materials, as defined at N.J.A.C. 7:26A-1.3, it must obtain a recycling center approval from the Department pursuant to N.J.A.C. 7:26A-3. Also, pursuant to N.J.A.C. 7:26A-4.1(a)1.iii, Class B recyclable materials may be commingled only with other Class B recyclable materials and only to the extent authorized in the general approval.

The construction and operation of all recycling centers which receive, store, process or transfer Class B recyclable materials, as defined at N.J.A.C. 7:26A-1.3, shall be preceded by the acquisition of the necessary approval as per N.J.A.C. 7:26A-3 et seq., and shall be in conformance with Department regulations and guidelines, including N.J.A.C. 7:26A-4 et seq.

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 recyclable materials. A recycling center approval shall only be granted where the applicant has submitted an administratively complete application, as per N.J.A.C. 7:26A-3.5, where all 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.

2. Incinerator Facility Deletion and Related Issues (Amendment 1992-1)

- a) The deletion from the County Plan of Middlesex County's proposed 2,250 ton/day incinerator facility which was to be located at Block 257A, Lot 1 and Block 257, Lots 3 and 4 in Sayreville to dispose of all processible solid waste types 10, 13, 23, 25 and 27 and other combustible material not suitable for recycling generated in Middlesex County is approved.
- b) The deletion from the County Plan of the Middlesex County Utilities Authority as the designated planning and implementation agency for developing resource recovery capacity is approved.

- c) The inclusion in the County Plan of Middlesex County's alternate strategy for the long-term disposal of the County's waste as a result of the deletion of the incinerator project is approved. This disposal strategy, parts of which are further addressed in Section C., includes source reduction, 60% recycling of the total waste stream and, 50% recycling of the municipal waste stream, waste diversion and continued utilization of the Edgeboro Landfill which, according to the amendment, has a projected life of approximately 20 years. However, while the certification approves the County's alternate long-term disposal strategy, the amendment does not include a quantitative analysis of the total solid waste generated within the county for recycling or disposal to assure the utilization of the maximum practicable use of resource recovery in the district in accordance with N.J.S.A.13:1E-21b.(2). In this regard, resource recovery means the collection, separation, recycling and recovery of metals, glass, paper and other materials for sale or reuse, including composting. Therefore, within 180 days of the certification, the County is directed to submit a subsequent amendment which provides a detailed analysis of the total solid waste generated within the County by waste type for recycling and disposal to each existing and proposed solid waste facility in Middlesex County.

3. Blanket Inclusion Policy for Compost Facilities (Amendment #1992-4)

The blanket inclusion policy for compost facilities for vegetative composting (including leaves, grass and brush), leaf composting and leaf mulching operations (exclusive of non-yard waste composting which must go through the formal plan amendment process) is approved as modified. In order to ensure uniform implementation of such blanket inclusion policies for all counties, the Department has modified the blanket inclusion policy to generally require of the owner and operator a more detailed project description; the receipt of all necessary local permits and approvals; and notifications to property owners within 200 feet of the proposed facility. As noted in Section B., although no other plan amendment is required to include a compost facility or site provided that the following conditions are met, the County Freeholders must approve all compost facilities by resolution. Pursuant to N.J.S.A. 13:1E-24d., these modifications are determined to be minor and do not require subsequent County Freeholder action. However, the County may adopt a subsequent plan amendment to include these modifications or make appropriate revisions.

These conditions include:

- a) The host municipality and the Middlesex County Department of Solid Waste Management shall be notified in writing of the proposed application/filing package and each receive a full copy of the complete application/filing package, that will later be submitted to the DEPE, following plan inclusion. This shall include all engineering designs, reports, maps, etc. which the DEPE requires of the applicant. For leaf mulching operations seeking to operate pursuant to N.J.A.C. 7:26-1.12, the proposed owner or operator shall issue a notice to the above entities prior to operation. At a minimum, a project description containing the following information shall be submitted to the host municipality and the County:

- (1) The corporate name, address and telephone number of the person seeking to own and operate the proposed vegetative waste compost facility;
 - (2) The name of the individual serving as the contact person for the compost facility;
 - (3) The location of the proposed vegetative waste compost facility, including lot and block, and generally recognized address of the site;
 - (4) The acreage of the site and/or square footage of the vegetative waste compost facility;
 - (5) The zoning of the site;
 - (6) A description of the material(s) to be composted;
 - (7) A description of the compost operation in narrative form;
 - (8) A map(s) delineating the actual location of the facility in relationship to the host municipality and neighboring communities including wetlands designation of site on U.S.G.S. quadrangle;
 - (9) A description of major equipment to be used at the compost facility;
 - (10) A description of the methods to be used to address environmental impacts such as odors, noise, dust and visual impacts; and
 - (11) A full copy of the complete application as submitted to the DEPE including all engineering design reports, maps, etc.
- b) The applicant shall publish two (2) notices of the proposed application, once each week for two (2) consecutive weeks, in the Home News and the News Tribune.
- A notice shall set forth:
- (1) The nature of the project;
 - (2) The block and lot numbers of the site location;
 - (3) The generally recognized address of the site;
 - (4) The location of the depositories for inspection of the complete application and supporting documents which in all cases shall be the municipal building and the County Division of Solid Waste Management), and,
 - (5) A statement that written comments on the proposed application will be accepted by the Middlesex County Department of Solid Waste Management for a period of 30 days from the date of the first notice. This notice shall state that this is the only opportunity for public comment prior to permitting.
- c) The applicant shall submit written documentation that all applicable local approvals and permits have been secured.
- d) The applicant shall notify by way of certified, return receipt mail all property owners within 200 feet of the property proposed for use in the compost facility.
- e) If no substantive objections to the site location are raised by the host municipality, the County Division of Solid Waste Management, or any other person, the facility shall be deemed consistent with the County Solid Waste Management Plan.

- f) If, however, any such substantive objection is raised, as determined by the County, the proposed site and facility must be subject to the formal plan amendment process pursuant to N.J.S.A. 13:1E-23 and 24 including notice, public hearing, and freeholder board approval prior to submission of a filing/application package, whichever the case may be, for DEPE approval.
- g) The County Freeholders shall approve the vegetative waste compost facility to be included in the County plan under the blanket inclusion policy by duly adopted resolution and such resolution shall be submitted to the Department along with a transmittal letter, once the blanket inclusion process has been completed for a particular site(s), and include the detailed project description set forth in a) above.

The freeholder board's determination to subject a compost facility application to a formal review process, or to consider the application consistent and included within the Middlesex County Plan must be forwarded to the Department of Environmental Protection and Energy, Division of Solid Waste Management, 840 Bear Tavern Road, CN 414, Trenton, New Jersey 08625. The Department cannot officially accept and begin the formal review process without the determination by the freeholder board of the plan inclusion status of the proposed compost application.

The DEPE requires all such composting facilities addressed herein to meet all existing environmental design and operational standards and that the host municipality and solid waste management district will have the opportunity to comment on applications submitted pursuant to N.J.A.C 7:26-2.4 prior to DEPE issuance of a Solid Waste Facility Permit.

For any facility proposing in-vessel technology, the formal plan amendment process shall be followed pursuant to N.J.S.A. 13:1E-1 et seq., including notice, public hearing, County Freeholder approval, and subsequent DEPE approval prior to construction of the facility.

The approval of this blanket plan inclusion policy for vegetative waste compost facilities applies only to future compost facilities and does not affect the existing plan inclusion status of any vegetative waste compost facilities.

The construction or operation of any solid waste facility shall be preceded by the obtainment of all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq., and all other applicable laws. The issuance of construction and/or operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the Department and the Attorney General be deserving of licensing under the provisions of N.J.S.A. 13:1E-126 et seq.

4. Resource Recovery Investment Tax Fund (Amendment #1992-5)

The amendment which proposes utilization of RRIT funds for the collection, separation, recycling and recovery of materials for reuse, including the purchase and or construction of new recycling and composting facilities is

approved as being consistent with the provisions of N.J.S.A. 13:1E-150 et seq. and is also consistent with the previously approved use as noted in Section B. Also, the disbursement schedule is approved to the extent that these expenditures are consistent with previous approvals. The County must adopt and receive the Department's approval for a plan amendment for the remaining fund balance. As indicated in the amendment the projected drawdown of the \$300,000 includes \$200,000 for consultant services for a preliminary facilities design and \$100,000 for project management services. The amendment also indicates that Amendment 1992-5 deletes the previously approved use of the funding for the County incinerator project consistent with Amendment 1992-1, included herein, which deletes the incinerator from the County Plan.

5. Source Reduction (Amendment #1992-2)

Middlesex County's goal to decrease the 1990 per capita rate of 12.01 pounds/person/day in order to cap the total waste generation in five years and further reduce the per capita rate after 1995 is approved in order to reduce the total waste generation in the County. Also, the source reduction measures and implementation schedule which are more specifically detailed in the County amendment are approved. These include:

- a) A yard waste management initiative involving an education campaign to leave cut grass on lawns to be initiated in the Spring and Summer of 1992. The implementation schedule provides for the planning and preparation of materials for this program, enlistment of municipal support and media/publicity blitz including handouts, press releases and related events. The County plans to continue presenting this program through a new series of educational messages every Spring.
- b) Development of an education program to promote source reduction measures including decreasing junk mail, reducing packaging, using less toxic materials, reusing shopping bags, etc. by the end of 1992. This program is designed to target school children, shoppers, senior citizens and small business owners as well as the general public through involvement with Boards of Education, senior citizen groups and environmental commissions/groups. Also, the program will educate shoppers to recognize "environmentally friendly" items and educate homeowners on how to conduct their own environmental waste audit.
- c) Preparation of an inventory of small quantity generators in the Spring of 1992 through survey forms mailed to possible generators identified from an existing list of businesses in the county and promotion of waste exchanges in November 1993;
- d) Expansion of the County's household hazardous waste collections from two to three collections in 1992 and four in 1993, including planning for a permanent household hazardous waste facility by the end of 1992 and development and implementation of a program of public education for household hazardous waste including household batteries;
- e) Completion of waste audits in County buildings by January 1993, municipal buildings and institutions by July 1993, all industries with 250-500 people by December 1993, all office buildings with more

than 500 people by July 1994, and all other industries with more than 500 people by July 1995. In addition, the County is directed to consider adopting a program for waste audits for industries with 100 to 250 employees by 1994. Discussions with County representatives, following submission of the subject amendment, indicate that the omission was an oversight. Also, for purposes of clarification, companies, institutions, government agencies or industries which occupy more than one building in the same county and perform similar functions and/or activities are considered a single unit for purposes of determining the number of employees in that business and, thus, developing a schedule for completing the waste audit.

- f) Assistance to municipalities on various waste collection strategies, including a per container system pilot program to one or more municipalities for six months starting in January 1993 to determine the effectiveness of the program relative to illegal dumping and public acceptance;
- g) Encourage purchasing policies in all county departments and offices, municipalities, school districts, independent public authorities and public institutions in the County to purchase recycled products, bulk products and two sided copiers; and,
- h) Undertake legislative initiatives through interaction with state and federal representatives and provide support and assistance in developing legislation to reduce waste generation through unnecessary packaging and reduce toxicity levels in certain waste types.

6. 60% Recycling Goal (Amendment #1992-3)

Designated Recovery Target:

Middlesex County's goal to recycle 50% of the municipal waste stream (types 10 and 23) in conjunction with their previously approved 60% goal for the total waste stream by December 31, 1995 is approved. Also approved is the County's table entitled "1995 Anticipated Recycled Amounts" which shows the amounts of each material anticipated to be generated, recycled and disposed of in the County for 1995 to obtain a target goal of 60%. In this regard, however, a similar table should be submitted in a subsequent amendment within 180 days of the certification which addresses the County's goal to recycle 50% of the municipal waste stream.

County Recycling Strategy:

The County's strategy to reach these recycling goals is approved. Also, the recycling programs which are more specifically detailed in the County's amendment are approved. These include:

- a) The purchase of two more regional yard waste compost sites for leaves, grass and brush by January 1993;
- b) Additional education and reporting requirements for food waste;

- c) Further education and enforcement programs for newspaper, office paper and cardboard;
- d) Consideration of a consolidation center or materials recovery facility (MRF) for other paper products including mandatory recycling of magazines and mixed paper for residents, commercial establishments and institutions. However, the County should not limit itself to the development of one such facility and should consider the use of existing private facilities first and develop a procurement strategy that maximizes competition in the procurement of these services;
- e) Development of a MRF or expansion of the existing Woodbridge Township operation for glass, aluminum, tin and plastic including additional education and enforcement. Also, the County should not limit itself to the development of one such facility and should consider the use of existing private facilities first and develop a procurement strategy that maximizes competition in the procurement of these services;
- f) Development of a bulky waste recycling facility transfer station to accept type 13 waste in an effort to separate wood and concrete for recycling. Again, the County should not limit itself to the development of one such facility and should consider the use of existing private facilities first and develop a procurement strategy that maximizes competition in the procurement of these services;
- g) Development of an additional facility to handle other materials such as textiles, white goods, scrap metal and tires; and
- h) Additional education and market research to encourage recycling of textiles, metal, white goods, tires and other industrial scrap.

While the above programs are approved, the County is directed to submit a subsequent amendment within 180 days of this certification which provides specific implementation schedules for each of the above programs as well as address the following items, also including specific implementation schedules for each item:

Education: The County should indicate its intentions and provide specific schedules to expand its public education efforts in the private sector as well as its outreach to the commercial and the multifamily dwelling sectors.

Vegetative Waste: The County should identify specific programs to encourage vegetative waste composting. Also, the County should provide an inventory of existing and proposed vegetative waste composting facilities and sites including an analysis of the specific impact each facility will have on the county's overall solid waste generation.

Procurement Policies: The County should identify specific procurement guidelines, procurement goals, a method of record keeping and enforcement and a timetable for implementation. The County program should include:

the details of its education and outreach program to the municipalities; a requirement for the County and municipal governments to adhere to current and future State procurement goals; sample bid specifications for use by municipal governments and private businesses; and the use of recycled materials for road and other construction activities.

Used Motor Oil: The County should identify a strategy to encourage the development of additional municipally sponsored collection sites.

White Goods: The County should address the issue of CFC recovery from "white goods", such as refrigerators, freezers, air conditioners, dehumidifiers, etc.

Blanket Inclusion Policy for Recycling Centers: The County plan should provide a blanket inclusion policy to expedite the development of recycling centers.

Cost for Implementing 60% Recycling Strategy: The County should indicate a projected cost for implementing the many programs necessary to implement the County's recycling strategy.

Additional Designated Materials: In order to obtain the 60% recycling goal, the County's amendment to mandate the following additional materials is also approved.

- a) Magazines, mixed paper and residentially generated cardboard, beginning 6 months following the opening of the consolidation center. However, as noted in Section B., the County is directed to submit a subsequent amendment within 90 days of this certification to designate additional materials to meet the Task Force recycling goals. In this regard, the County should consider the designation of mixed paper, cardboard, magazines and plastic. In the event that the County does move forward with the development of the proposed consolidation center, the County should develop an alternative strategy in that amendment as well.
- b) Grass, beginning 6 months following the acceptance of this material at the proposed County compost site which is conceptually included as part of the long-term disposal strategy.
- c) White goods mandated 6 months following the acceptance of this material at the proposed County bulky waste site included herein.

Previously Designated Materials:

- a) Residential: Newspapers, glass, food and beverage containers, aluminum beverage containers, used motor oil and leaves.
- b) Commercial, Industrial and Institutional: All of the above residential designated materials in addition to corrugated cardboard and high grade office paper.

In addition, the County's recommendation that municipalities consider adding the following materials to their program is also approved.

- a) Tin/bimetallic containers

- b) Plastic PET and HDPE beverage and laundry containers
- c) Brush

Enforcement: Middlesex County's policy to expand its recycling enforcement effort in conjunction with the County Health Department, development of an inspection facility at the Edgeboro Landfill to exclude recyclables from the landfill and a program to encourage and assist municipalities to perform residential inspection is approved. However, the County should describe in a subsequent plan amendment, the enforcement program in detail, including the methods and frequency of enforcement and resources needed to implement and maintain a proper enforcement program.

7. Regionalization

The Department's August 16, 1991 certification of Middlesex County's December 20, 1990 and March 7, 1991 Plan Amendments states that the County shall submit a subsequent amendment by February 11, 1992 to provide for long-term regionalization of its solid waste facilities and programs with other districts to provide regional solutions to solid waste management. Also, consideration should be given to regional plans for materials processing, recycling, and disposal facilities. To date, Middlesex County has not submitted the required amendment. Therefore, the County is directed to submit this necessary amendment within 180 days of this certification. In this regard, the County should consider regionalization alternatives which include, among others, regional recycling facilities, bulky waste facilities, compost facilities, etc. The Department will be available to discuss the preceding comment and to work with the county to structure future plan amendment submissions.

8. Middlesex County District Solid Waste Management Plan Deficiencies

I have reviewed the entire County Plan, including these amendments, to determine whether the plan fulfills the requirements set forth in N.J.S.A. 13:1E-21. As noted in Section B., the result of that review is as follows:

1. N.J.S.A. 13:1E-21b(4) requires a survey of proposed collection districts and transportation routes with projected transportation costs from collection districts to existing or available suitable sites for solid waste disposal facilities.

The County Plan does not include truck routes to the Edgeboro Landfill. Therefore, the County Plan remains deficient with respect to the requirements of N.J.S.A. 13:1E-21b(4). The County is hereby directed to submit a subsequent plan amendment, as previously directed, addressing the truck routes to the district's landfill.

2. N.J.S.A. 13:1E-21b(6) requires a method or methods of financing solid waste management in the Solid Waste Management District pursuant to the Statewide Solid Waste Management Plan.

Although the March 7, 1991 plan amendment provided the method of financing for the construction of Edgeboro Landfill Phase II Expansion, the County Plan still does not include the method of

financing for other components of the County's solid waste system. Therefore, the County Plan remains deficient with respect to the requirements of N.J.S.A. 13:1E-21b(6).

The County is hereby directed to submit a subsequent plan amendment, within 120 days of the issuance of this certification, addressing the above noted deficiencies.

D. Other Provisions Affecting the Plan Amendments

1. Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with these amendments to the County Plan and which was executed prior to the approval of these amendments 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 these amendments 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 these amendments contained herein shall operate in compliance with these amendments 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 Amendments

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 amendments certified herein.

5. Definitions

For the purpose of these amendments 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 and -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of the Amendments

The amendments 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 in Part and Approval with Modification in Part of the Amendments and Notification of Deficiencies 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 in part and approve with modification in part the amendments, 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 May 26, 1992. I hereby also require, as noted in Section C., the Middlesex County Board of Chosen Freeholders to address the noted deficiencies within the timeframes specified.

DATE

10/28/92


SCOTT A. WEINER
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND ENERGY