



State of New Jersey

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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 JUNE 1, 2000
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 (Department or DEP) 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.

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 Middlesex County Board of Chosen Freeholders (County Freeholders) completed such a review and on June 1, 2000 adopted an amendment to its approved County Plan. The June 1, 2000 amendment proposes County Plan inclusion of the (1) Manzo Contracting Company, Inc. recycling center for Class B materials located in Old Bridge Township, Middlesex County and (2) the Coffman Tree Service recycling

center for Class B materials also located in Old Bridge Township, Middlesex County.

The amendment was determined to be administratively complete for review by the Department on June 28, 2000 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 June 1, 2000 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 June 1, 2000 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 this regard, the County Freeholders and the applicants are notified of the issues of concern relative to the June 1, 2000 amendment which are included in Section B.2. below.

In conjunction with the review of the amendment, the Department circulated copies to fifteen 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. All agencies contacted are as follows:

Division of Water Quality Management, DEP
Division of Parks and Forestry, DEP
Division of Fish and Wildlife, DEP
Division of Compliance and Enforcement, DEP
Division of Solid and Hazardous Waste, DEP
Office of Air Quality Management, DEP
Green Acres Program, DEP
Land Use Regulation Element, DEP
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Health and Senior Services
Department of Transportation
Department of Community Affairs
U.S. Environmental Protection Agency

1. Agency Participation in the Review of the June 1, 2000 Amendment

The following agencies did not object to the proposed amendment:

Division of Compliance and Enforcement, DEP

Division of Fish and Wildlife, DEP
Green Acres Program, DEP
Department of Agriculture
Department of Community Affairs
New Jersey Turnpike Authority

The following agencies did not respond to our requests for comment:

Division of Water Quality, DEP
Division of Parks and Forestry, DEP
Land Use Regulation Element, DEP
Office of Air Quality Management, DEP
Department of Transportation
Department of Health and Senior Services
New Jersey Advisory Council on Solid Waste Management
U.S. Environmental Protection Agency

The following agency provided substantive comments as shown in Section B. of the certification document:

Division of Solid and Hazardous Waste, DEP

2. Issues of Concern Regarding the June 1, 2000 Amendment

Issue: Historical Background for Manzo Contracting Company Facility

The site of the Manzo Contracting Company, Inc. recycling center for Class B materials was initially proposed for County Plan inclusion in 1996. However, personal/business difficulties within the Manzo Company delayed the County from adopting for County Plan inclusion the facility until June 1, 2000.

Issue: Capacity Change for Manzo Recycling Center

Subsequent to the adoption of and during the DEP's review of the June 1, 2000 amendment, the Department received Administrative Action 010-00 from Middlesex County. This administrative action reduces the capacity of the proposed Manzo Contracting Company, Inc. recycling center for Class B materials from 2,400 tons per day to 1,200 tons per day. This action was taken to be consistent with the Old Bridge Township Planning Board Resolution of March 7, 2000 which noted that the capacity of the subject facility would be 1,200 tons per day. The resolution notes that this lesser capacity was based on a representation of the applicant's attorney. Therefore, within Section C. of this certification, the Manzo Contracting Company, Inc. recycling center for Class B materials is approved for inclusion within the County Plan at the corrected capacity of 1,200 tons per day.

Issue: Old Bridge Township Zoning Board Operational Conditions for Coffman Tree Service Facility

The Coffman Tree Service recycling center for Class B materials has been included within the County Plan subject to compliance with certain Old Bridge Township Zoning Board operational conditions. In the past the Department has rejected within a certification those operational conditions imposed by a county which conflict with regulations adopted by DEP for the operation of a recycling center for Class B materials (N.J.S.A. 7:26A-1.1 et seq.). Conditions imposed upon Coffman Tree Service by the Old Bridge Township Zoning Board include subdivision approval, hours of operation, location of machinery, installation of chain link fencing, ingress/egress, parking, location of natural buffer, and lighting. The operational conditions imposed by Old Bridge Township are present because of various complaints expressed to Old Bridge Township and Middlesex County officials by concerned neighbors of the facility. (Coffman Tree Service has been operating pursuant to N.J.A.C. 7:26A-3.7 under a limited approval issued by the DEP to operate a recycling center for Class B materials). The Division of Solid and Hazardous Waste will review each condition contained within the amendment as a part of its technical review process prior to issuance of a general approval to operate a recycling center for Class B materials. Specifically, the Division will cross-reference each condition with the applicable rule contained within the recycling regulations for Class B recycling centers, and determine the relevancy of each condition at that time. Therefore, the Department will not be rejecting within the certification of the June 1, 2000 amendment any of the operating conditions imposed by the Old Bridge Township Zoning Board.

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 June 1, 2000 amendment to the approved County Plan and certify to the County Freeholders that the June 1, 2000 amendment is approved as further specified below.

The County Plan inclusion of the Manzo Contracting Company, Inc. recycling center for Class B materials located at Block 5001, Lots 11, 12.11, and 13 on Water Works Road in Old Bridge Township, Middlesex County is approved. The facility may accept up to 1,200 tons per day of concrete, block, pipe and brick, and red brick.

The County Plan inclusion of the Coffman Tree Service recycling center for Class B materials located at Block 20000, Lots 21 and 22.11 on 72 Pleasant Valley Road in Old Bridge Township, Middlesex County is approved. The facility may accept up to 400 tons per day of wood (stumps, tree limbs, branches, and brush) and clean wood waste, as well as up to 25 tons per day of leaves. The facility has been included within the County Plan subject to compliance with specific Old Bridge Township Zoning Board conditions. As noted within Section B., the Department will address this issue in reviewing the relevancy of each condition as part of its technical review process prior to issuance of a general approval to operate a recycling center for Class B materials.

This certification approval 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 issued where the applicant has submitted an administratively complete application, as per N.J.A.C. 7:26A-3.5, where all the 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.

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 Department's general approval.

Any residue generated as a result of the operation of these recycling centers shall be disposed of pursuant to the County Plan.

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 including waste types 10, 13, 23, 25, and 27 and all applicable subcategories and shall not apply to liquid and hazardous wastes. All nonhazardous materials separated at the point of generation for sale or reuse 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 approved amendment to the County Plan contained herein shall take effect immediately.

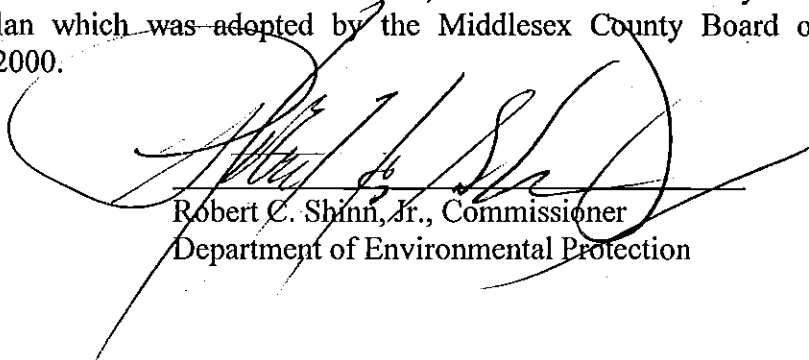
7. Reservation of Authority

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, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the DEP, 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 Middlesex County District Solid Waste Management Plan which was adopted by the Middlesex County Board of Chosen Freeholders on June 1, 2000.

Date


Robert C. Shinn, Jr., Commissioner
Department of Environmental Protection