



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION SITE REMEDIATION AND WASTE MANAGEMENT PROGRAM

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PHILIP D. MURPHY

Governor

SHEILA Y. OLIVER

Lt. Governor

SHAWN M. LATOURETTE

Acting Commissioner

The Honorable Ronald G. Rios
Middlesex County Board of County Commissioners
P.O. Box 871
New Brunswick, NJ 08901

Dear Mr. Rios:

I am pleased to inform you that the New Jersey Department of Environmental Protection has approved the Solid Waste Management Plan Amendment ("Amendment") adopted by the Middlesex County Board of County Commissioners on November 16, 2020. The certification is enclosed.

The approved Amendment proposes inclusion of Veolia ES Technical Solutions, LLC Transfer Station to be located at Block 341, Lot 1 with a street address of 172-176 Baekeland Avenue in the Borough of Middlesex to accept, process, and transfer up to 250 tons per day of non-hazardous solid waste types 10 (household hazardous waste only), 27, and 72 and to accept and transfer non-hazardous solid waste types 27A and 27I.

We recognize and appreciate the leadership and commitment that the Board of County Commissioners demonstrated in working collaboratively with the Middlesex County Solid Waste Advisory Council, elected officials, and residents to formulate the Amendment.

Sincerely,

Mark J. Pedersen
Assistant Commissioner

Enclosure



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CERTIFICATION OF THE NOVEMBER 16, 2020 AMENDMENT TO THE MIDDLESEX COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN

BY ORDER OF THE DEPARTMENT:

A. Introduction

The New Jersey Solid Waste Management Act (“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 County Commissioners and the Hackensack Meadowlands Development Commission (previously known as the New Jersey Meadowlands Commission, and now known as New Jersey Sports & Exposition Authority or NJSEA) develop comprehensive plans for waste management in their respective districts. On July 29, 1980, the Department of Environmental Protection (“Department” or “DEP”) approved the Middlesex County District Solid Waste Management Plan (“County Plan”).

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 County Commissioners completed such a review and on November 16, 2020 adopted an amendment to its approved County Plan.

The November 16, 2020 Amendment (“Amendment”) proposes County Plan inclusion of Veolia ES Technical Solutions, LLC Transfer Station to be located at Block 341, Lot 1 with a street address of 172-176 Baekeland Avenue in the Borough of Middlesex for the acceptance, processing, and transfer of up to 250 tons per day of non-hazardous solid waste types 10 (household hazardous waste only), 27, and 72 and the acceptance and transfer (only) of non-hazardous solid waste types 27A and 27I. The promotion for the public hearing indicated that all incoming waste types would be processed, but the Department has since clarified that only non-hazardous solid waste types 10 (household hazardous waste only), 27, and 72 will be processed and non-hazardous solid waste types 27A and 27I will be accepted and transferred only. No processing is included in this County Plan Amendment for non-hazardous solid waste types 27A and 27I.

The Amendment was considered complete for review by the Department on November 30, 2020 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 Commissioners on November 16, 2020 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 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 the Amendment proposing inclusion of Veolia ES Technical Solutions, LLC Transfer Station is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Commissioners are notified of the elements of the Amendment which are included below.

Elements of the November 16, 2020 Amendment

Element: Facility Operations

The Amendment proposes County Plan inclusion of Veolia ES Technical Solutions, LLC Transfer Station to be located at Block 341, Lot 1 with a street address of 172-176 Baekeland Avenue in the Borough of Middlesex to accept, process, and transfer up to 250 tons per day of non-hazardous solid waste types 10 (household hazardous waste only), 27, and 72 and to accept and transfer (only) non-hazardous solid waste types 27A and 27I. No processing is authorized for non-hazardous solid waste types 27A and 27I.

The Plan Amendment originally stated that Veolia proposed to process all solid waste received at the facility. An April 21, 2021 letter from Veolia revised that proposal to state that the facility will only be processing solid waste types 10 (HHW only), 27, and 72. Non-hazardous solid waste types 27A and 27I will be accepted and transferred only.

Element: Regulatory Requirements

The owner or operator of a solid waste TS/MRF must obtain a Solid Waste Facility (SWF) Permit from the Department prior to the commencement of regulated activities and shall also follow all pertinent regulations found at N.J.A.C. 7:26-2 et seq. and the design and operational requirements at N.J.A.C. 7:26-2B.5 and N.J.A.C. 7:26-2B.9, respectively. As per N.J.A.C. 7:26H-1.6(a), Veolia ES Technical Solutions, LLC Transfer Station must seek and be issued a Certificate of Public Convenience and Necessity from the Department prior to engaging in the business of solid waste collection or solid waste disposal as defined at N.J.S.A. 48:13A-3. In addition, no person shall engage in the treatment, storage, transfer, or disposal of solid waste in the State without a license as per N.J.A.C. 7:26-16.3(a) or without complying with all of the provisions of N.J.S.A. 13:1E-126 et seq. and the provisions of N.J.A.C. 7:26-16 and 16A.



Transfer stations/material recovery facilities are subject to the provisions of N.J.A.C. 7:27-8.2(c)17 which requires air pollution control permits for any equipment which vents a solid waste facility directly or indirectly into the outdoor atmosphere.

Finally, if the proposed operation has a "storm water discharge (or storm water DSW)", a "process wastewater" discharge and/or discharges a "pollutant" as defined in N.J.A.C. 7:14A-1.2, or includes activities that require a New Jersey Pollutant Discharge Elimination System (NJPDES) Permit as identified in N.J.A.C. 7:14A-2.4, the applicant shall contact the Department's Division of Water Quality to obtain a NJPDES Permit and/or a Treatment Works Approval for discharges prior to operation, if required.

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 Amendment to the approved County Plan and certify to the County Commissioners that the Amendment is approved as further specified below.

The County Plan inclusion of Veolia ES Technical Solutions, LLC Transfer Station to be located at Block 341, Lot 1 with a street address of 172-176 Baekeland Avenue in the Borough of Middlesex to accept, process, and transfer up to 250 tons per day of non-hazardous solid waste types 10 (household hazardous waste only), 27, and 72 and to accept and transfer (only) non-hazardous solid waste types 27A and 27I is approved. No processing is authorized for non-hazardous solid waste types 27A and 27I.

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

D. Other Provisions Affecting the Plan Amendment

1. Certification to Proceed with Implementation of Amendment

This document shall serve as the Certification by the Department to the County Commissioners and pursuant to N.J.S.A. 13:1E-24c and f., the County Commissioners shall proceed with the implementation of the approved components of the Amendment certified herein.

2. 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 and -2.13, and N.J.A.C. 7:26A-1.3.

3. Effective Date of Amendment

The approved components of this Amendment shall take effect immediately.


4. 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 to the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, and includes the compilation of individual county plans and amendments as they are approved.

E. Certification of Approval of the Amendment by 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 County Commissioners on November 16, 2020.

4/29/2021
Date



Mark J. Pedersen
Assistant Commissioner

