



STATE OF NEW JERSEY  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 OFFICE OF THE COMMISSIONER  
 P. O. BOX 1390  
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(IN THE MATTER OF THE ADOPTED AND )  
 (MODIFIED SOLID WASTE MANAGEMENT )  
 (PLAN OF THE SOMERSET COUNTY SOLID )  
 (WASTE MANAGEMENT DISTRICT )

CERTIFICATION OF APPROVAL  
 WITH MODIFICATION OF THE  
 SOMERSET 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. as amended by C. 326, Laws of 1975) determines, among other things, "...that the management of solid waste in New Jersey consists largely of piecemeal, uncoordinated activities developed to meet the immediate needs of local government with little, if any, regard for regional planning and coordination..." and that "...the solid waste planning and management process is adversely affected by the absence of area-wide structures...." The Act addressed these and other findings by establishing "...a statutory framework within which all solid waste collection, disposal and utilization activity..." in New Jersey would be coordinated. This framework includes the designation of each of New Jersey's twenty-one counties and the Hackensack Meadowlands District as a Solid Waste Management District. Each District is authorized, either singly or jointly with one or more other Districts, to formulate and develop a comprehensive Solid Waste Management Plan. Following development, the resulting Plan is submitted by the District to the public for comment at an informational hearing. Thereafter, the District must adopt or reject, in whole or in part, the Solid Waste Management Plan.

After adoption of a Plan in whole or in part by a District, the Plan is then submitted to the Commissioner of the Department of Environmental Protection for review and final approval. The Commissioner has authority to modify, reject or approve such Plans and, in the final analysis, the Commissioner is authorized to adopt and promulgate any modification or replacement she deems necessary with respect to the Solid Waste Management Plan.

In order to establish a meaningful and responsible role for the State in the solution of solid waste problems, the Act grants broad powers to the Department of Environmental Protection. This includes the power "...to regulate and supervise all solid waste collection and disposal facilities and operations...", "...to register all persons engaged in the collection or disposal of solid waste...", "...to develop through a Statewide solid waste management plan objectives, criteria and procedures to assure the orderly preparation and evaluation of the [district] solid waste management plans...", "...to approve, modify or reject such solid waste management

plans on the basis of their conformity with such objectives, criteria and procedures...", and "...to develop and implement such a plan where none is approved or forthcoming from any solid waste management district...."

Specifically, the solid waste planning process includes five stages. These include the promulgation of guidelines by the Department of Environmental Protection, Plan formulation by the Districts, public hearings on the Plans developed by the Districts, adoption of the Plan by the District, and approval, rejection or modification of the Plan by the Department of Environmental Protection.

At the beginning of the planning process, the Department of Environmental Protection set forth guidelines for the formulation and development of District Solid Waste Management Plans.\* The guidelines contain planning objectives, planning schedules and specific tasks to be addressed in the planning process. The objectives identified in the guidelines include the protection and enhancement of environmental quality and the conservation of natural resources. Through these objectives, the Department encouraged District Plans which would provide for the termination of existing solid waste disposal operations which cannot be upgraded to meet environmental standards, the provision of alternative services and facilities capable of meeting environmental standards and conservation of natural resources by the implementation of waste reduction techniques and resource recovery systems.

In order to achieve these objectives, the Department of Environmental Protection has and continues to encourage the development of a comprehensive regional scheme to ensure recovery systems and environmentally sound disposal facilities. To this end, the Commissioner of the Department of Environmental Protection, after study and review, issued a Certification of Modification to the Adopted Solid Waste Management Plan of the Somerset County Solid Waste Management District on December 20, 1979. The Certification required the Somerset County Solid Waste Management District to, among other things, develop a schedule for resource recovery implementation and negotiate interdistrict agreements with other Solid Waste Management Districts for the use of disposal capacity.

In response to the Certification of Modification, the Somerset County Board of Chosen Freeholders formally adopted modifications to the District's Plan on July 1, 1980. The modifications were received by the Department of Environmental Protection on July 2, 1980. The Department of Environmental Protection has studied and reviewed the Plan and its modifications in accordance with the Solid Waste Management Act. Based on the results of this review and evaluation, I have determined that the Somerset County District Solid Waste Management Plan be granted approval as amended by the modifications adopted herein and promulgated by me (see N.J.S.A. 13:1E-24).

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\*"Guidelines for the Development and Formulation of District Solid Waste Management Plans," New Jersey Department of Environmental Protection, Solid Waste Administration (Trenton, August 1977).

B. Solid Waste Management Plan Accomplishments

The Somerset County District Solid Waste Management Plan has been reviewed by the Department of Environmental Protection and other State-level agencies and, with the District's adopted modifications along with the replacement modifications herein set forth, provides for environmentally sound solid waste management in Somerset County. I am confident that with the implementation of this Plan, a comprehensive solid waste management program will be established in Somerset County.

The Plan provides for the development of a 120 acre County landfill to be operational by 1982. The landfill will be used for resource recovery residuals and non-processables as well as other County wastes prior to resource recovery.

The Plan contains a resource recovery implementation schedule for five modular units capable of handling a total of 650 tons per day of solid waste. The facilities are scheduled to be on line by 1985.

The Plan also contains provisions for the development and expansion of source separation/recycling programs throughout the County. Generally, the Plan recommends mandatory source separation programs in the more urbanized/high density municipalities, with voluntary programs in the less urbanized areas, operation of eight recycling centers County wide and an industrial waste exchange coordinated by the County. Full program implementation is anticipated by July 1981.

In addition, the Plan contains a procedure for the uniform distribution of resource recovery and disposal costs throughout the District, including application to the Board of Public Utilities to be designated as a franchise area when appropriate, a comprehensive public education and participation program, and a schedule for the collection of more accurate solid waste generation and composition data.

The County's Department of Solid Waste Management also provides a technical assistance program to promote source separation/recycling and more effective and efficient solid waste collection and transportation.

The Plan designates the Somerset County Department of Solid Waste as the County's responsible implementation agency.

C. Approved Somerset County District Solid Waste Management Plan

I, Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq., do hereby approve the following key elements of the adopted Somerset County District Solid Waste Management Plan and the Modifications adopted by the Somerset County Board of Chosen Freeholders on July 1, 1980.

1) Data Base

The basic data utilized in the Plan is approved. However, as further data, particularly in the area of solid waste generation and composition, becomes available as part of the District's resource recovery

feasibility studies, such data will supercede existing data, and be made part of any Plan revision or update.

2) Schedule For Resource Recovery Implementation

The Plan's schedule for the implementation of resource recovery is approved. The Department of Environmental Protection will monitor the progress of the District in meeting the milestones of this implementation schedule. The County's Department of Solid Waste Management shall make quarterly status reports to the Department of Environmental Protection concerning the District's progress in meeting these milestones. The first status report shall be submitted to the Department's Solid Waste Administration by January 1, 1981.

3) Recycling/Source Separation Program

The recycling/source separation program outlined in the Plan is approved.

4) Public Participation Program

The Plan's public education and participation program is approved.

5) Sludge and Septage

The Plan's sludge and septage management program is approved subject to the Rules and Regulations of the Department.

6) Schedule For County Landfill Implementation

The Plan's schedule for the implementation of a County landfill is approved. The Department of Environmental Protection will monitor the progress of the District in meeting the milestones of this implementation schedule. The County's Department of Solid Waste Management shall make quarterly status reports to the Department of Environmental Protection concerning the District's progress in meeting these milestones. The first status report shall be submitted to the Department's Solid Waste Administration by January 1, 1981.

D. Modifications Adopted and Promulgated By The Commissioner Pursuant To N.J.S.A. 13:1E-1 et seq. and Made An Approved Part of the Somerset County District Solid Waste Management Plan

I, Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, in accordance with N.J.S.A. 13:1E-1 et seq., do hereby adopt and promulgate the following modifications to the Somerset County District Solid Waste Management Plan and certify to the Somerset County Board of Chosen Freeholders that the modifications contained herein are hereby made a final approved part of the Somerset County District Solid Waste Management Plan.

1) Waste Flow Modifications

a) All solid wastes, with the exception of those noted in Section 2.c. herein, generated from within the Somerset County municipalities of Bedminster, Bernards\*, Bernardsville\*, Far Hills and Peapack-Gladstone shall be disposed of at the Combe Fill Corporation landfill, facility number 1407A, located in Chester Township, Morris County, New Jersey.

*Somerset landfill will close until 1985 for best Somerville of Bernardsville*

b) All solid wastes, with the exception of those noted in Section 2.c. herein, generated from within the Somerset County municipalities of Raritan\* and Somerville shall be disposed of at the Somerville Borough landfill, facility number 1818A, located in Somerville Borough, Somerset County, New Jersey, which according to the modification adopted and promulgated herein shall close by November 1, 1981. Upon termination of the Somerville landfill, all solid waste identified above and generated from within Raritan and Somerville will be disposed of at the Edgeboro Disposal Inc. landfill, facility number 1204A, located in East Brunswick Township, Middlesex County, New Jersey.

c) All solid wastes, with the exception of those noted in Section 2.c. herein, generated from within the Somerset County municipalities of Branchburg, Bridgewater, Green Brook, North Plainfield, Warren and Watchung shall be disposed of at the Industrial Land Reclaiming Inc. landfill, facility number 1205C, located in Edison Township, Middlesex County, New Jersey.

*BUD HILLY AR 1985 only within current plan of 1985 after that the manville goes to the 4 ponds facility*

d) All solid wastes, with the exception of those noted in Section 2.c. herein, generated from within the Somerset County municipalities of Bound Brook, Franklin, Hillsborough, Millstone, Montgomery, Rocky Hill, and South Bound Brook shall be disposed of at the Edgeboro Disposal Inc. landfill, facility number 1204A, located in East Brunswick Township, Middlesex County, New Jersey.

e) All solid wastes, with the exception of those noted in Section 2.c. herein, generated from within the Somerset County municipality of Manville, shall be disposed of at the Johns-Manville Sales Corp. landfill, facility number 1811A, located in Manville Borough, Somerset County, which according to the adopted Plan and its modifications shall close by January 1985. Upon termination of the Johns-Manville landfill, all solid waste identified above and generated from within Manville Borough, will be disposed of at the new Somerset County landfill prior to the operation of the proposed resource recovery facilities in Somerset County, at which time wastes will be re-directed to the designated resource recovery facility.

*Johns Manville spend for 1985*

f) All solid wastes, with the exception of those noted in Section 2.c. herein, generated in every municipality in Somerset County

\*The Bernards (facility number 1802A), Bernardsville (facility number 1803A), Hillsborough (facility number 1810A), and Raritan (facility number 1816A), municipal landfills have been determined by the Solid Waste Administration to have no remaining life and therefore shall not be considered in the Solid Waste Disposal Plan of the Somerset County Solid Waste Management District upon the effective date of these modifications (November 1, 1980).

with the exception of Manville Borough, will be disposed of at the new Somerset County landfill no later than April 1, 1983.

- g) The new County landfill will continue to be utilized for disposal of said wastes until the proposed resource recovery facilities (American Hoechst, Ortho, RCA, Ethicon, and Johnson and Johnson) are on line (projected to be 1985). At such time all processable\* solid wastes shall be re-directed to designated resource recovery facilities. All residue and non-processable\*\* solid wastes, with the exception of those noted in Section 2.c. herein, shall be disposed of at the new County landfill.
- h) The Department recognizes the long term potential problems such as gas buildup, the re-surfacing of previously buried materials, and the instability of the landfill mass that may result in unpredictable settling that may impact the use of terminated landfill sites. Therefore, the Department recommends that terminated landfills be designated as "open space" and that any proposed use of terminated landfill sites be carefully investigated and the results incorporated into any application for a construction permit or site plan approval.

2) Other Provisions Effecting the Plan Modifications

a) Contracts

Nothing contained in these Modifications shall be construed as to interfere with, or in any way modify, the provisions of any contract for solid waste collection or solid waste disposal in force in any solid waste management district upon the effective date of this Act (July 29, 1977); provided, however, as set forth at N.J.S.A. 13:1E-29 no renewal of any such contract upon the expiration or termination of the original term thereof, and no new contract for solid waste collection or solid waste disposal, shall be entered into after the effective date of this act, unless such renewal or such new contract shall conform with the applicable provisions of the approved solid waste management plan, as set forth herein, of the relevant solid waste management district or unless such contract is approved by the Commissioner.

Any contract renewal or new contract for solid waste collection or solid waste disposal which was executed prior to the approval of the within modifications to the Somerset County District Solid Waste Management Plan 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

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\*Processable solid waste is that part of the solid waste stream which can be processed through a resource recovery facility.

\*\*Non-processable solid waste includes that part of the waste stream which cannot be processed through a given resource recovery facility and solid wastes resulting from emergency back-up procedures.

Environmental Protection and operating pursuant to a contract as herein described, shall be deemed to be in violation of these Modifications and of the Somerset County District Solid Waste Management Plan if such renegotiation is not completed by the effective date of these Modifications (November 1, 1980); 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.

b) Compliance

All solid waste facility operators registered with the Department of Environmental Protection and operating within Somerset, Middlesex, Union and Morris Counties and effected by the Modifications contained herein shall operate in compliance with these Modifications and all other approved provisions of the Somerset County District Solid Waste Management Plan. Any facility operator 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 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.

c) Types of Solid Wastes Covered by the Somerset County District Solid Waste Management Plan Modifications

The Modifications contained herein shall apply to all "solid wastes" generated within the identified Somerset County municipalities, as defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-2.5.27 and with the exceptions of liquid wastes, sewage sludge, septage, hazardous wastes, oil spill clean-up waste, infectious waste and those wastes separated and recovered at the point of generation.

d) Certification to Proceed with the Implementation of Plan Modifications

This Document shall serve as the Certification of the Commissioner of the Department of Environmental Protection to the Somerset County Board of Chosen Freeholders, as provided for by N.J.S.A. 13:1E-24f., to proceed with the implementation of the Modifications contained herein.

e) Definitions

For the purpose of these Modifications 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 -2.5.27.

f) Effective Date of Modifications

The adopted and promulgated Modifications to the Somerset County

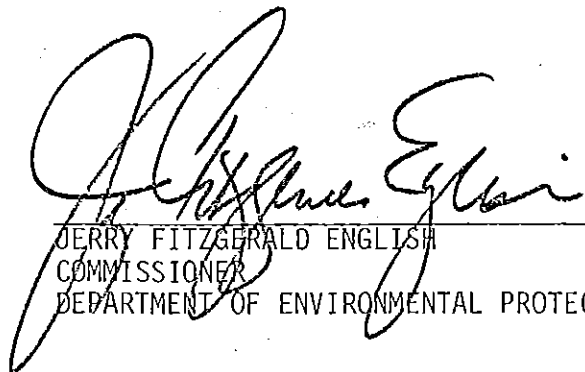
District Solid Waste Management Plan contained herein shall take effect on November 1, 1980.

- g) Nothing contained herein shall be construed as a bar to any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Somerset County District Solid Waste Management Plan shall conform with the Statewide Solid Waste Management Plan. The Statewide Solid Waste Management Plan includes the Department's Planning Guidelines and rules, regulations, and orders of the Department, and will include the compilation of individual District Plans and modifications as they are approved. The Statewide Solid Waste Management Plan for Group I and II Districts will be published this summer.\*

E. Certification of Approval and Adoption and Promulgation of Modifications 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 Somerset County District Solid Waste Management Plan and its adopted modifications, subject to the modifications and replacements contained and adopted herein.

7 / 31 / 80  
Date

  
JERRY FITZGERALD ENGLISH  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

\*The Commissioner may adopt modifications to the approved District Plans in the Statewide Solid Waste Management Plan when it is promulgated.