



State of New Jersey  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF SOLID WASTE MANAGEMENT

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ACTING DIRECTOR

(IN THE MATTER OF CERTAIN AMENDMENTS)  
(TO THE ADOPTED AND APPROVED SOLID)  
(WASTE MANAGEMENT PLAN OF THE)  
(SOMERSET COUNTY SOLID WASTE)  
(MANAGEMENT DISTRICT)

CERTIFICATION  
OF THE NOVEMBER 19, 1986  
AMENDMENT TO 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.) 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 Board of Chosen Freeholders and the Hackensack Meadowlands Development Commission develop comprehensive plans for waste management in their respective districts. On July 12, 1980, the Department approved, with modifications, the Somerset County District Solid Waste Management Plan.

The Act requires that all district plans be based on and accompanied by a report detailing the existing waste disposal situation in the district, and a plan which includes the strategy to be followed by the district in meeting the solid waste management needs of the district for the ten-year planning period. The report must detail the current and projected waste generation for the district, inventory and appraise all facilities in the district, and analyze the waste collection and transportation systems which serve the district. The disposal strategy must include the maximum practicable use of resource recovery techniques. In addition to this strategy, the plan must designate sufficient available suitable sites for the disposal of the district's waste for the ten-year period; which sites may be in the district or, if none are available, in another district. (The Act provides procedures for reaching any necessary interdistrict agreements.)

The Act further provides that a district may review its plan at any time and, if found inadequate, a new plan must be adopted. Under the New Jersey Solid Waste Management Act, counties are given the primary role in solid waste management planning. Counties are required to develop comprehensive plans which, among other things, describe a strategy for handling waste generated in the county, designate the facilities and activities to implement the strategy, and describe the financial and institutional arrangements for implementation of the required facilities and activities.

It is the policy of the Department of Environmental Protection to affirm the primacy of the counties in this process. The Department has provided advice and support for the required decisions but, until recently, hasn't found it necessary to directly intervene in the basic decisions regarding strategy and siting, except as required to ensure that county activities conform to the requirements of the Act. However, the Act does provide that the Commissioner may propose and adopt amendments to solid waste management plans to remedy any deficiencies.

On January 17, 1986, the Department proposed an amendment to the Somerset County District Solid Waste Management Plan. Primarily, the amendment proposed the incorporation of a short-term disposal strategy to provide for the development of a transfer station(s) to prepare the county's waste for transport to out-of-district disposal facilities.

The Department approved the January 17, 1986 proposed amendment on May 13, 1986, with those modifications specified in the Certification of Approval document. On May 23, 1986, the Department issued a Request For Proposals (RFP) document which solicited proposals from private entities for siting, design, construction, and operation of an in-county transfer station(s) for Somerset County for the purpose of out-of-district waste disposal. Two proposals from the private sector were received by the Department on July 30, 1986. Bridgewater Resources, Inc. (BRI) submitted a proposal which provided for construction of a single 820 ton per day transfer station to be located in Bridgewater Township, Somerset County. This station would transport all of Somerset County's waste to the Keystone Landfill in Dunmore, Pennsylvania. The Somerset Intermediate Recycling Center (SIRC) submitted a proposal which would utilize two transfer stations, one 568 ton per day facility to be located in Branchburg and one 250 ton per day facility already sited in Franklin Township. Both the SIRC stations proposed to transfer all of Somerset County's waste to the West Side Sanitary Landfill, Plymouth, Pennsylvania.

On November 19, 1986, the Department proposed an amendment to the Somerset County Plan to select the Bridgewater Resources, Inc. proposal noted above. The committee found that the proposal by Bridgewater Resources, Inc., included the lowest tipping fees for both the three (3) and five (5) year periods, and was the most technically responsive and responsible of the two proposals. However, the Department also proposed utilization of the Somerset Intermediate Recycling Center's SIRC Franklin Township facility within the overall transfer station program. The SIRC facility had been previously sited by the county, adopted in the district plan, and hosted an operational facility. The Somerville site proposed by SIRC failed to meet the RFP siting requirements. The Department's amendment proposed to include operational plans, transportation routes and waste flow directives to both the BRI and SIRC sites. In order to receive public comment, the Department followed the public notice procedures outlined in the Solid Waste Management Act, specifically N.J.S.A. 13:1E-23d. In doing so, each mayor in Somerset County, the Somerset County Board of Chosen Freeholders, the county solid waste coordinator and the Somerset County Solid Waste Advisory Council chairperson, were sent copies of the proposed amendment along with the notice of a public hearing via express mail on November 20, 1986. The proposed amendment, together with the same public hearing notification, was also distributed via standard mail to other elected officials in Somerset

County and all solid waste facility operators and collector/haulers in Somerset, Middlesex, Hunterdon, Mercer and Union Counties during the period between November 19th and 25th, 1986. Publication of the hearing notice appeared in The Newark Star Ledger on November 21 and November 28, 1986, and in The Courier News on November 22 and November 29, 1986. The proposed amendment was also available for public inspection during this period at the municipal offices of each municipality in Somerset County, at the county offices and at the Division of Solid Waste Management Offices, 32 East Hanover Street, Trenton, New Jersey. The public hearing to receive testimony on the proposed amendment was held at the Bridgewater-Raritan High School West in Bridgewater Township on December 9, 1986. Copies of the proposed amendment were also distributed to various state level agencies for review and comment as required by law.

The Department has reviewed all testimony received at the public hearing and during the comment period, as well as those comments generated by the state level review process, and has determined that the amendment proposed by the Department of Environmental Protection on November 19, 1986, as modified below, is approved as outlined in Section C. of this document.

B. Findings and Conclusions with Respect to the Department's Proposed Amendment to the Somerset County Solid Waste Management Plan

1. Context of Current Disposal Crisis

The Department of Environmental Protection has determined that the solid waste management situation in Somerset County has reached a critical stage, and that contingency measures are necessary to provide interim disposal in the absence of any short or long-term strategies or operational facilities.

Since the original Somerset County Plan was adopted in July, 1980, the county has primarily relied upon disposal capacity at the Edgeboro Landfill in Middlesex County. This disposal trend has been further exacerbated by the failure of the county to implement its approved plan and by the closure of several other major landfill facilities within Middlesex County. Somerset County, in pursuit of a long-term strategy, amended its plan to include a baler/balefill (a type of landfill) at Stravola Quarry, Bridgewater Township, in July, 1983. Two years later it adopted an amendment to delete the baler/balefill which amendment was rejected by the Department. More recently, in October, 1986, as a result of legal action by the Department, the Superior Court ordered the county to expeditiously implement the baler/balefill by submitting an environmental impact statement for the approved facility. The suit is presently on appeal. To date, the Department has yet to receive such a document and there has been no progress in developing the baler/balefill project. Currently, the county is in the process of conducting landfill and resource recovery facility siting studies, but this process has not yet resulted in the designation of any sites for either solid waste facility.

The county's existing solid waste management program has relied on a total dependence on the Edgeboro Landfill for solid waste disposal, without benefit of an interdistrict agreement with Middlesex County. Future use of Edgeboro by the county is, at best, problematic for the short-term and unrealistic for the long-term. No plans for expansion of the landfill have been submitted to the Department, and Edgeboro is expected to reach its permitted capacity in mid 1987.

Therefore, in the absence of a short-term disposal strategy in the county's plan and, in the absence of any operational solid waste disposal facilities in the county, the Department has undertaken to provide a strategy to meet the county's interim disposal needs. However, the incorporation of the Department's transfer station program into the county's solid waste management plan in no way minimizes the need for development of the long-term county baler/balefill or resource recovery facilities.

## 2. State Agency Review Process

The Division of Solid Waste Management circulated the proposed Somerset County plan amendment to sixteen review agencies and solicited their review and recommendations. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various agencies, bureaus, and divisions within the Department of Environmental Protection, as well as the Board of Public Utilities. Also among these agencies were the Departments of Community Affairs, Agriculture, the Public Advocate, Health, and Transportation; the Office of Recycling, and the New Jersey Turnpike Authority. Of these agencies the following did not object to the proposed plan amendment: the N.J.D.E.P. Divisions of Water Resources and Parks and Forestry; the State Departments of Community Affairs and Agriculture; the Board of Public Utilities; the New Jersey Turnpike Authority and the New Jersey Advisory Council on Solid Waste Management. The following agencies failed to respond to our requests for comment: the N.J.D.E.P. Division of Coastal Resources and the Green Acres Program; the State Department of the Public Advocate; and the United States Environmental Protection Agency. The N.J.D.E.P. Divisions of Solid Waste Management, Fish, Game and Wildlife, and Environmental Quality, the Office of Recycling and the State Department of Transportation submitted substantive comments which are further addressed below.

The New Jersey Department of Transportation (NJDOT) noted that while the amendment suggests a dependency upon the existing interstate highway system for transporting waste material, no mention is made concerning vehicular compliance with Federal Highway Administration (FHA) regulations. The NJDOT also expressed the need for a traffic impact analysis consisting of a brief exposition of the existing Level of Service (LOS) along the local roadway system and the potential for a decrease in the Level of Service, which might occur from the transfer station program. Such an analysis, DOT believes, would be valuable in promoting citizen comprehension of the traffic ramifications of this project. With respect to DOT's request, the Department's amendment will require hauling vehicles to comply with the axle load criteria stipulated in FHA regulations. In addition, a traffic study will be

conducted for the proposed BRI transfer station defining a Level of Service for major transportation routes and key intersections. A similar study was previously undertaken for the SIRC facility. Based on the Department's evaluation of the studies, specific routes and methods of transport for both collection vehicles and transfer trailers will be incorporated into the engineering permits for each facility.

The Division of Solid Waste Management commented that concurrent with the plan amendment review process, the Division is reviewing the Environmental Impact Statement and engineering design for SIRC. Upon the applicant's satisfactory investigative report, an A-901 Disclosure Statement, the Division will issue a final permit which will require the applicant to mitigate any environmental impacts found during the Department's evaluation. Given this facility's proximity to residential dwellings, the Division will require mitigative measures to control noise impacts (i.e. sound barriers). Additionally, if the facility were allowed to take I.D. #10 household waste, the facility would be required to amend their engineering design to provide for the installation of mitigative measures to control odor impacts (i.e. negative induced draft ventilation system with particulate and odor control devices). The Division's review of the Bridgewater Resources, Inc. facility's preliminary plans indicates they satisfy the Division's program siting criteria due to BRI's location within an industrial area with greater than 350 feet to the nearest residential dwelling and close proximity to a major highway system.

While the Division of Fish, Game and Wildlife has no objection to the Somerset Intermediate Recycling Center site, it notes that the National Wetland Inventory Map indicates the presence of three (3) wetland cover types at the Bridgewater Resources, Inc. site. Verification of wetlands and mitigation for wetland losses should be proposed prior as a condition of inclusion of this site into the Plan. The Department responds that there will be no development taking place on the area of the proposed site classified as wetlands by the National Wetlands Inventory Map. Additionally, the Department has established through on-site visits and categorization of site vegetation that the site is not in a wetlands area.

The Division of Environmental Quality noted that transfer stations are subject to control of air pollution, including odors, as required by N.J.A.C. 7:27-5. Also N.J.A.C. 7:27-8.2(a)16 requires air pollution control permits for any equipment which vents a solid waste facility directly or indirectly to the outdoor atmosphere. Control devices to reduce odor causing air contaminants may be required for such vents. They also noted that traffic to and from the facilities should be in compliance with the Federal Highway Administration guidelines for noise. Measures to minimize the idling of trucks at both the BRI and SIRC facilities should be evaluated and implemented. The Department responds that odor control and noise abatement measures and procedures will be incorporated in the permit conditions which will require compliance.

The Office of Recycling commented that the Certificate of Approved Registration and Engineering Design Approval for the transfer stations

should include provisions which would deny solid waste collector/haulers access to these facilities if they are found to be disposing of more than negligible amounts of designated recyclable materials as mandated by the county mandatory recycling ordinance. The Department responds that waste flows directed from specific municipalities and the limits placed on tonnage, particularly to SIRC, will help alleviate the problem of recyclables mixed with waste. Further, the enforcement of such a recommendation would fall under the jurisdiction of Somerset County in the implementation of their county-wide mandatory recycling policy.

### 3. Summary of Public Hearing Process

As noted above, in accordance with the requirements of N.J.S.A. 13:1E-23, a public hearing on the proposed amendment was conducted by the Department on December 9, 1986, at the Bridgewater-Raritan High School West. At the hearing, twenty-four individuals gave testimony. In addition, eight individuals submitted written comments. The questions raised during these proceedings have been specifically addressed in the Response to Public Hearing Document included within this certification as Appendix A.

While Appendix A addresses specific comments, a summary of testimony presented is briefly included herein. Almost unanimously, all who testified were opposed to the siting of the transfer stations, both in Bridgewater Township and Franklin Township. Testimony submitted concerning the Somerset Intermediate Recycling Center (SIRC) site focused, primarily, on the status of the prior siting approval for the transfer station, the ramifications of a transfer station in a residential area, and the impact of traffic in the area surrounding the SIRC site. Testimony submitted concerning the Bridgewater Resources, Inc. (BRI) also focused on the impact of traffic in the BRI area, as well as environmental concerns identified at the site. Testimony common to both sites expressed preference for alternate solutions for waste disposal rather than development of the transfer station program.

#### a. Comments Concerning the Somerset Intermediate Recycling Center (SIRC)

##### (1) Status of Siting Approval

A number of comments indicated that the facility was never included in the Somerset County Solid Waste Management Plan as a waste transfer station. Rather, it was stated that the facility only had approval as a recycling operation. Related to this concern was the issue of what level of government (local, county, or state) had jurisdiction over zoning, land use and site approval for this facility.

As far back as 1976, Franklin Township granted a variance to SIRC (then referred to as the Colgate Paper Company), allowing a paper recycling operation to be conducted at the Churchill Avenue site. Under this variance, the facility was allowed and currently accepts commercial, institutional and

industrial paper and corrugated materials for recycling. After the facility was approved at the township level for recycling, the county adopted a solid waste plan amendment in 1984 to allow the facility to operate both as a recycling and transfer station facility. The Department believes that it was clear from that amendment that the county expected that a certain amount of waste material not amenable to recycling would be landfilled by the facility. The Department had approved the county's plan amendment in January 1985; this proposed amendment merely seeks to provide a direction of waste flow to the SIRC facility. While the county's plan amendment designating the site for a transfer station has already been approved, the facility is still in the permitting phase with respect to receiving a Certificate of Approved Registration and Engineering Design Approval from the Department.

The SIRC application is for a 250 ton per day facility to handle commercial, institutional and dry, non-hazardous industrial waste. A public hearing on an operating permit was held on May 20, 1986. The Department is ready to issue the permit with certain technical conditions when final clearance is obtained on the A-901 disclosure statement application submitted by the applicant.

(2) Impact of Transfer Station on Residential Area

The second major concern expressed regarding SIRC was the potential impact on the nearby residential area including the potential for odor, noise, aesthetic impairment, safety (related to truck traffic) and health (related to alleged problems of flies and vermin). Associated with such alleged impacts would be a negative effect on property values.

The Department recognizes that the surrounding land use in the area in which SIRC is located is a mixed use, residential and industrial area. However, this recycling operation has existed at the location for many years under local approval. In addition, the decision to allow a waste transfer operation was made later at the county level. The permit for this facility will require compliance with all substantive environmental requirements. The Department is satisfied that the impact on the surrounding area will not be significant. However, recognizing the historical existence of the facility as a recycling operation and the fact that the county proposed the waste transfer designation for the facility in concert with continued operation as a recycling facility, the Department has modified its proposed plan amendment in two ways. First, the Department will direct only those waste types to the facility that are most amenable to recycling (type #27 industrial, and portions of type #10 municipal that represents non-putrescible commercial and institutional waste) and will not direct household municipal waste to the facility. This will allow the facility to accept waste and

contribute to solving the imminent waste management crisis facing the county while restricting the waste to types from which significant portions can be separated for purposes of recycling. Secondly, because the Department is sensitive to the question of the total impact of the facility on the residential area including total traffic flow to the facility, the Department will restrict the waste flow directed to the facility to Franklin Township's share of the total waste flow of Somerset County. Based on the latest 1986 Origin and Destination reports to the Department, Franklin Township generates approximately 240 to 270 tons per day of solid waste that requires disposal. Accordingly, the SIRC facility in Franklin Township will process 250 tons per day. Some of this waste will have to originate outside of Franklin Township since SIRC will only handle non-putrescible wastes. In summary, the Department has modified its proposal so that Franklin Township will only be expected to process a fair share of Somerset County's recyclable waste at the SIRC facility located in the township.

Finally, concerning the impact of the existing recycling/transfer station, it was noted that such use and expansion had occurred under the exercise of the township's zoning and planning powers. Any new construction in that area had taken place with full knowledge of the existence of the facility.

### (3) Impact of Traffic in Site Area

A third major issue concerned the existing traffic impact created by the transfer station, and the potential increase in truck traffic that could be generated by granting approval to an expansion of the facility.

In response to a request by the DEP, as part of the engineering permit process, the applicant conducted a traffic study to determine the numbers of trucks passing through two key intersections in the area neighboring the site. The study indicated that approximately four percent of all traffic at those locations would fall into the truck/bus category, and of that four percent, a lesser percentage constituted waste haulage vehicles.

The potential increase in collection and haulage truck traffic due to the approval of the plan amendment was also analyzed. The Department concludes that the present waste vehicle traffic averages three to four vehicles/hour and would increase to an average of four to seven vehicles/hour. The existing road network is capable of absorbing this small increase without adverse effect on the existing Level of Service. The Department acknowledges that it is desirable to minimize the impact of the truck traffic on residential streets. Accordingly, a traffic flow pattern both into and



out of the facility will be incorporated into the engineering permit conditions.

b. Comments concerning Bridgewater Resources, Inc. (BRI)

(1) Impact of Traffic in BRI Area

Objections were raised over the establishment of another industry that would create increased truck traffic on a road system already extensively used due to existing residential and commercial development. New commercial, industrial and housing projects are planned for the Finderne area near the BRI site.

While the Department acknowledges that significant development may be planned for the Finderne area, there has actually been a decline in industrial activity in the area of the Bridgewater Resources, Inc. site due to the reduction of manufacturing operations at American Cyanamid.

Operation of the transfer station will generate additional truck traffic in the area. However, based on the Department's preliminary assessment, the traffic increase is not expected to degrade the Level of Service of area roads. In order to minimize the impact of the truck traffic on residential areas, this plan certification includes specific traffic routes. Similarly, the Department's review of the engineering design and environmental impact statement will also reflect the required routes.

(2) Environmental Concerns

A second issue involved environmental factors at the site such as wetlands, 100-year flood plain, noise and odor control, and the appropriate agency that would be responsible for monitoring control of these potential impacts.

Through the use of wetlands maps and site visitation to observe existing topography and vegetation, a preliminary determination has been made that no wetlands or 100-year flood plain areas would be affected by development of the transfer station. Additionally, the BRI site was reviewed according to environmental criteria established by the DEP and included in the Request for Proposal. The site met both the exclusionary criteria for siting and scored very well on the overall non-exclusionary siting criteria. Following the site's inclusion in the county solid waste management plan, a detailed environmental impact statement will be submitted.

c. Comments Concerning Alternatives to the Transfer Station Program for Somerset County

Other alternatives were recommended by commentators to cope with the county's disposal needs in preference to development of the transfer station program. These options included use of the Edgeboro Landfill in Middlesex County, the selection of locations other than the BRI and SIRC sites, and recycling seventy percent of the total waste stream to reduce the amount of waste to be disposed.

The continued utilization of the Edgeboro Landfill, through expansion of the facility, is not feasible at this time. Expansion of Edgeboro would not be consistent with the Middlesex County Solid Waste Management Plan, nor has the operator proposed to DEP the expansion of the Edgeboro Landfill. Moreover, Somerset County has failed to secure an interdistrict agreement with Middlesex County that would provide for Somerset County to use the Edgeboro Landfill for three or more years, the timeframe needed for development of an in-county landfill. Further, Edgeboro cannot continue to absorb its current voluminous waste flows (1200 trucks per day) for such a period. With regard to the selection of other sites, since only the proposals discussed herein were submitted in response to the RFP, designation of other locations for transfer station development is no longer an available option. Finally, recycling seventy percent of the waste stream is an unrealistic goal, inasmuch as the state is presently recycling only twelve to thirteen percent of the municipal solid waste stream. Achievement of the state's optimistic goal to recycle twenty-five percent of the waste stream is unlikely for at least several years.

In summary, the county has failed to implement its baler/balefill site, has not formally designated any other landfill or resource recovery sites, has not defined any long-term strategy for solid waste disposal, and has no operating waste disposal facilities. Further, the Edgeboro Landfill, on which the county is now totally dependent, will soon be unavailable, according to the Department's surveys. In acknowledgement of the county's lack of disposal opportunities, the only option presently available to Somerset County is the proposed transfer station program.

Please refer to Appendix A for detailed questions and responses resulting from the Public Hearing and during the comment period.

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

I, Richard T. Dewling, Commissioner of the Department of Environmental Protection, pursuant to N.J.S.A. 13:1E-1 et seq. and N.J.S.A. 13:1E-21, which established specific requirements regarding the contents of the district solid waste management plans and the Department's powers regarding approval, rejection or modification of district plans, hereby declare that the portion of the Somerset County Solid Waste Management Plan which

pertains to the interim disposal arrangement (hereinafter referred to as "interim plan") is deficient. The county's current "interim plan" relies upon continued utilization of the Edgeboro Landfill in Middlesex County in the absence of an interdistrict agreement. As noted in the Department's proposed amendment, this strategy is no longer feasible and is amended herein to provide for contingency measures that are necessary since landfilling privileges at the Edgeboro Landfill shall soon terminate.

Based on the foregoing, I hereby adopt the following plan amendments based upon the November 19, 1986 proposed amendment to the Somerset County District Solid Waste Management Plan and certify that the November 19, 1986 amendment is approved as further specified below:

1. Inclusion of Transfer Station Facilities Into District Plan.

- a. The Bridgewater Resources, Inc. proposal utilizes a single transfer station site. The transfer station site located adjacent to Polhemus Lane on Block 6103, Lot 1, and Block 6101, Lot 3-B (or 3-2) in the Township of Bridgewater as designated in the BRI proposal and Department's proposed amendment of November 19, 1986, is hereby included in the Somerset County District Solid Waste Management Plan. (It is noted that an apparent discrepancy exists between local tax maps and other official documents regarding the specific boundaries for Block 6101, Lot 3-B and/or Lot 3-2.)
- b. The Somerset Intermediate Recycling Center transfer station facility located on Block 101, Lots 63-68, 74-75, 77-84, in Franklin Township was proposed by the freeholders on August 7, 1984 and was included in the district plan through DEP certification of approval on January 24, 1985.

The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq. Issuance of the initial construction and operation permit pursuant to the Solid Waste Management Act is limited to those applicants found by the Department to be fit and competent to manage such facilities.

2. Operational Plan

- a. The transfer arrangements specified in the Department's proposed amendment of November 19, 1986 for a minimum of three (3) years service and a maximum of five (5) years service are approved for inclusion within the Somerset County Solid Waste Management Plan. These transfer arrangements shall commence on or before December 1, 1987 depending upon the operational status of the two (2) transfer facilities.
- b. The solid waste transfer program approved herein will service all of Somerset County through the operation of two transfer stations and the transportation and disposal at out-of-district landfills. The Somerset Intermediate Recycling Center, Inc. transfer station will be designed to process 250 tons per day. The Bridgewater

Resources, Inc. transfer station will be designed to process the remainder of the waste stream, or approximately 820 tons per day, based on the latest estimates of Somerset County's total waste generation for 1986. However, these figures are subject to change due to seasonal, economic and development fluctuations.

c. Solid waste will be collected in the Somerset County municipalities and delivered to the appropriate transfer stations as identified in the proposed redirection of waste flow listed below. The proposed transfer of solid waste from collection vehicles to transfer trailers will be accomplished through the use of a compactor/baler at the SIRC transfer station. Transfer trailers will be loaded at the SIRC transfer station and will transport the solid waste to the West Side Landfill in Plymouth, Pennsylvania or the designated backup landfill which is the CID landfill in Chaffee, New York. The proposed mode of transfer from the Bridgewater Resources, Inc. transfer station will be via top loaded transfer trailers. Transfer trailers will be loaded at the BRI transfer station and will transport the solid waste to the Empire Landfill in Taylor, Pennsylvania. In the event that Empire Landfill is unavailable, the designated backup landfills are the Grand Central Landfill, Pen Argyl, Pennsylvania and/or the Keystone Landfill, Dunmore, Pennsylvania.

d. Routes and methods of transport will be specified for both collection vehicles and transfer trailers as conditions of the facilities' permits from the Department's Division of Solid Waste Management. The routes and methods will be based on the Department's detailed review of the environmental impact statements for the individual facilities prior to issuance of a permit. The public will be given the opportunity to comment on the selected routes at a public hearing.

### 3. Designation of Waste Flow to Transfer Station Sites

The Department herein approves plan inclusion of the following redirection of waste flow to the two transfer stations to be effective upon operation of the transfer station program. As a result of testimony received at the public hearing on December 9, 1986, and a pending solid waste permit to be issued to SIRC, the original waste flow directions contained within the proposed plan amendment of November 19, 1986, were modified. This modification was deemed necessary by the Department since the SIRC transfer station facility's pending solid waste permit will allow the facility to accept type #10 institutional and commercial, only, and type #27 solid waste.

a. Waste types #10 commercial and institutional only, and #27, which include only those waste types which are readily recyclable, generated from within the Somerset County municipalities of Franklin, Millstone, Montgomery, Rocky Hill, Somerville, Manville\*, Bound Brook, South Bound Brook and Raritan shall be directed to the Somerset Intermediate Recycling Center Transfer Station located in Franklin Township, Somerset County, New Jersey, for transportation to out-of-state disposal facilities.

- b. Waste types #10 (excluding commercial, institutional and any other recyclable wastes), #13, 23, and 25 generated from within the Somerset County municipalities of Franklin, Millstone, Montgomery, Rocky Hill, Somerville, Manville\*, Bound Brook, South Bound Brook and Raritan shall be directed to the Bridgewater Resources, Inc. Transfer Station located in Bridgewater Township, Somerset County, New Jersey, for transportation to out-of-state disposal facilities.

\*All waste types #10, 13, 23, and 27 currently collected by Manville collection vehicles and disposed of at the Johns-Manville Landfill will continue to be disposed of at the Johns-Manville Landfill until its closure, at which time it will be redirected as indicated on 3.a. and 3.b.

- c. All waste types #10, 13, 23, 25, and 27 generated from within the Somerset County municipalities of Bedminster, Bernards, Bernardsville, Branchburg, Bridgewater, Far Hills, Green Brook, Hillsborough, North Plainfield, Peapack-Gladstone, Warren, and Watchung shall be directed to the Bridgewater Resources, Inc. Transfer Station located in Bridgewater Township, Somerset County, New Jersey, for transportation to out-of-state disposal facilities.

The above redirection of the waste flow may be revised after the start-up of the transfer station program if the waste loadings at the transfer stations so warrant.

4. The Department has reviewed the entire Somerset County District Solid Waste Management Plan, including this amendment, to determine whether the plan fulfills the requirements set forth in N.J.S.A. 13:1E-21. The results of that review are as follows:

- a. N.J.S.A. 13:1E-21b(1) requires the designation of a Department, unit or committee of county government. . . to supervise the implementation of the county's Solid Waste Management Plan.

Somerset County has complied with the requirements of N.J.S.A. 13:1E-21b(1) by designating the Somerset County Planning Board to supervise the implementation of the district solid waste management plan. The DEP approves the inclusion in the plan of the two private sector firms to implement the transfer station project and will coordinate the project development until such time as Somerset County undertakes the implementation responsibilities for the transfer station project components identified herein.

- b. N.J.S.A. 13:1E-21b(3) requires a site plan which shall include all existing solid waste disposal facilities located within the Solid Waste Management District. . . and sufficient additional available, suitable sites to provide solid waste facilities to treat and dispose of the actual and projected amounts of solid waste contained in the report accompanying the plan.

Due to the failure of the Somerset County Board of Chosen Freeholders to include within the plan additional available suitable sites to dispose of the projected amounts of solid waste generated within Somerset County, the Department has amended the Somerset County Solid Waste Management Plan to include the transfer station program contained in this amendment as an interim measure pending the development of long-term in-county disposal facilities.

Somerset County has failed to implement the provisions of an amendment adopted on July 7, 1983, and certified on November 14, 1983, designating a specific site in Bridgewater Township for a regional baler/balefill disposal facility. On October 15, 1985, the county adopted a separate amendment to delete this proposed facility without identifying a suitable, alternate site. On January 23, 1986, the Department rejected the proposed amendment of October 15, 1985. On October 10, 1986, as a result of legal action by the Department, the Superior Court ordered the county to expeditiously initiate implementation of the baler/balefill with submission of an environmental impact statement for the facility. Although landfill and resource recovery siting studies are presently being conducted by the county, no sites have been designated as yet. While the inclusion in the plan of the transfer station program provides the county with an interim, disposal strategy, in no way does it diminish the need for implementation of a landfill and a resource recovery facility. The Somerset County District Solid Waste Management Plan is therefore deficient with respect to N.J.S.A. 13:1E-21b(3).

- c. 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 Somerset County District Solid Waste Management Plan does not contain an updated survey of transportation routes with projected transportation costs from collection districts to the proposed baler/balefill site or any suitable alternate site. Therefore, the Somerset County District Solid Waste Management Plan is deficient with respect to the requirements of N.J.S.A. 13:1E-21b(4).

- d. N.J.S.A. 13:1E-21b(5) requires procedures for coordinating all activities related to the collection and disposal . . . within the Solid Waste Management District, which procedures shall include the agreements entered into as provided herein between the Board of Chosen Freeholders . . . and every such person, and the procedures for furnishing the solid waste facilities contained in the Solid Waste Management Plan.

Somerset County's past and continued use of the Edgeboro Landfill for the disposal of all county waste has occurred without an interdistrict agreement between Somerset County and Middlesex County, pursuant to the Solid Waste Management Act. Therefore,

the Somerset County District Solid Waste Management Plan is deficient with respect to the requirements of N.J.S.A. 13:1E-21b(5).

The transfer station program, as included in this amendment, does not require the execution of interdistrict agreements. However, both Bridgewater Resources, Inc. and the Somerset Intermediate Recycling Center have contractual arrangements with out-of-state solid waste disposal facilities.

- e. 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 Solid Waste Management Plan.

In the absence of a developed baler/balefill site, or any designated resource recovery site, no solid waste financial plan has been submitted by the county. Therefore, the Somerset County Solid Waste Management Plan is deficient with respect to the requirements of N.J.S.A. 13:1E-21b(6).

Regarding the transfer station program, the initial costs to finance development and construction of the transfer station project will be borne by private investment, with disposal rates established by the Board of Public Utilities. While the transfer station will, undoubtedly, increase the disposal costs presently incurred by Somerset County residents, such costs are consistent with recent trends in disposal costs where no in-state facilities are available to an individual district.

#### D. Other Provisions Affecting the Plan Amendment

##### 1. Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with the amendment to the Somerset County District Solid Waste Management Plan and which was executed prior to the approval of this amendment and subsequent to the effective date of the Solid Waste Management Act (July 29, 1977), and which shall further be for a term in excess of one year, shall immediately be renegotiated in order to bring same into conformance with the terms and provisions herein set forth. Any solid waste collection, operation or disposal facility registered by the Department of Environmental Protection and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the Somerset County District Solid Waste Management Plan if such renegotiation is not completed within ninety (90) days of the effective date of this amendment; provided, however, that any such registrant may, upon application to the Department of Environmental Protection, and for good cause shown, obtain an extension of time to complete such renegotiation.

2. Compliance

All solid waste facility operators and collector/haulers registered with the Department of Environmental Protection and operating within Somerset County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Somerset County District Solid Waste Management Plan. Any facility operator or collector/hauler who fails to comply with the provisions contained herein shall be deemed to be in violation of N.J.S.A. 13:1E-1 et seq. in violation of N.J.A.C. 7:26-1 et seq., and in violation of their registration to operate a solid waste facility or a collection system issued thereunder by the Department of Environmental Protection and shall be subject to the provisions and penalties of N.J.S.A. 13:1E-9, 10, and 12 and all other applicable laws.

3. Types of Solid Wastes Covered by the District Solid Waste Management Plans

The provisions of the Somerset County District Solid Waste Management Plan shall apply to all solid wastes defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-2.13 and shall not apply to liquid wastes, sewage sludge, septage, and hazardous wastes. Also, all non-hazardous materials separated at the point of generation for sale or reuse are excluded from the waste flows designated in the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6).

4. Certification to Proceed with the Implementation of The Plan Amendment

This document shall serve as the certification of the Commissioner of the Department of Environmental Protection and pursuant to N.J.S.A. 13:1E-24c. and f., implementation of the approved amendment contained herein shall proceed in accordance with all specified timeframes.

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 N.J.A.C. 7:26-1.4 and N.J.A.C. 7:26-2.13.

6. Effective Date of Amendment

The amendment to the Somerset County District Solid Waste Management 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 of Environmental Protection pursuant to its authority under the law. The Somerset County District Solid Waste Management Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan. The

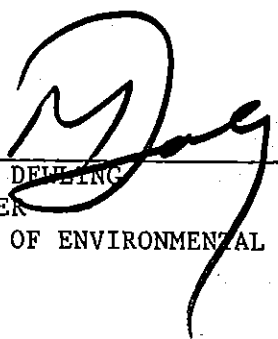


Department has published a Statewide Solid Waste Management Plan with appendices which includes the Department's planning guidelines and rules, regulations, and orders of the Department, including the interdistrict and intradistrict waste flow rules, and also includes the compilation of individual district plans and amendments as they are approved.

E. Certification of Approval of the Amendment And Notification of Deficiencies 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 Somerset County District Solid Waste Management Plan which was proposed by the Department on November 19, 1986, and further direct the Somerset County freeholders to remedy those deficiencies outlined in Section C. of this certification as soon as possible.

4-3-87  
DATE

  
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RICHARD T. DEWLING  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

SOMERSET COUNTY  
RESPONSE TO PUBLIC HEARING DOCUMENT

A. Issues Related to Somerset Intermediate Recycling Center (SIRC)

1. What documentation establishes the Somerset Intermediate Recycling Center as a component of the Somerset County District Solid Waste Management Plan?

1a. Comment: What documentation do you have that the Franklin Township SIRC site was included as a transfer station in the county plan?

Response: On August 7, 1984, the Somerset County Board of Chosen Freeholders adopted a plan amendment with a prefatory statement which read: "the Plan Amendment contained herein seeks to establish the SIRC (Somerset Intermediate Recycling Center) as a combined recycling center/transfer station. Presently, there exists a paper recycling center on the property in question for which an expansion is now being contemplated. With an increase in the recycling effort, the facility owners will be receiving a greater amount of non-recyclable materials mixed with those being recycled. The installation of a compactor will allow for the transfer of non-processible waste to a designated solid waste disposal facility in a more economical manner, hence the need for the designation of this facility as a transfer station." The resolution concluded with a paragraph which stated that the Board "does hereby approve a plan amendment to the Solid Waste Management Plan to include the Somerset Intermediate Recycling Center, Inc. transfer recycling operation, subject to satisfying all requirements of the NJDEP and any pertinent local requirements." This plan amendment was then submitted to the Department and received certification of approval on January 24, 1985, thereby becoming part of the district solid waste management plan.

1b. Comment: It was and is the understanding and intention of the freeholders and Franklin Township representatives that the Township approval of the SIRC operation was limited to a paper goods recycling center.

Response: County and Departmental siting authority, pursuant to the Solid Waste Management Act, preempts local zoning and planning jurisdiction, therefore the Township's intentions are a moot point. With regard to the freeholders, the following record does not support the comment. Both the language of the plan amendment, as indicated in the previous answer, and the permit application submitted to the DEP engineering program indicated that a certain amount of putrescible waste would be included as a residual portion of the recycling effort. In its permit application SIRC indicated the facility could process a waste flow of two hundred and fifty (250) tons of commercial, institutional and industrial waste. A percentage of this material is non-recyclable, thus leading to the county's prior determination that a transfer station designation was appropriate through formal plan amendment as noted above.

1c. Comment: A zoning variance was granted for the SIRC site to process forty tons per day of recyclable material. At no point in time was this site ever approved by the Township, by virtue of a variance, for anything other than recycling.

Response: According to the information reviewed by our Department SIRC was approved by the Township for this variance. However, on August 7, 1984, the

Somerset County Board of Chosen Freeholders adopted a plan amendment, designating the SIRC facility as a transfer station as well as a recycling center. A transfer station is considered a solid waste facility, and was included as such, in the county's waste management plan. To operate as a waste facility, it must submit an engineering design and application to the engineering element of DEP for review and approval. Such approval carries with it designated tonnage as authorized for the facility. A hearing was held on a tentative decision to permit the SIRC facility in July, 1986, at which time no opposition testimony was expressed. This proposed plan amendment does not in any way change the nature of the permit previously applied for. Township zoning requirements do not govern solid waste facilities, pursuant to the Solid Waste Management Act.

## 2. Residential Character of the Neighborhood

2a. Comment: The Department is more concerned about negative impacts on wildlife and wetlands, as established in the exclusionary criteria of the Request for Proposals (RFP) for the transfer station program, than in the program's negative impact on people and their needs.

Response: The SIRC site was not reviewed in accordance with the criteria established by the Department's RFP with respect to new transfer stations because the site had already been designated by the county as part of the county Solid Waste Management Plan. The SIRC site, therefore, had already been assessed, reviewed and approved by the Somerset County Freeholders prior to freeholder adoption. At the public hearing held by the county on August 7, 1984, the Solid Waste Coordinator presented the Solid Waste Advisory Council recommendation to support an increased utilization of the facility. The SIRC consultant noted that with increased utilization more material would come in that could not be recycled and would require final disposal. The need to dispose of the non-recyclables, or waste materials, would require inclusion of the facility in the plan, a DEP permit, and the need for SIRC to be redefined as a recycling/transfer station. No one else spoke either favorably or unfavorably concerning the expansion of the facility. The DEP issued a certification of approval to the plan amendment on January 24, 1985. It was not the intention of the DEP, in its RFP process, to apply detailed siting criteria to sites already adopted, approved and part of the county plan. Had this been a facility not already included in the district plan, it would have been reviewed according to the siting criteria pursuant to the RFP published on June 4, 1986, by the DEP. The RFP did include factors that directly or indirectly evaluated impact on residential areas, such as compatibility with existing zoning and existing land use access via nonresidential streets.

2b. Comment: A number of comments dealt with the concern that a transfer station had no place in a residential (R-10) neighborhood. Speakers noted that the efforts of a local Neighborhood Preservation Group to upgrade and improve the area would be diminished and negated by the expansion of the recycling/transfer station.

Response: Under the Franklin Township Zoning Ordinance, adopted December 30, 1976, lots 63 through 68 of the DiNardi property, referenced now as SIRC, were in an M-2 Zone (light industrial). Lots 63 through 68 were the land on which the facility operations were housed. Lots 74, 75 and 77 through 84, which held no structures, were located in an R-10 Zone (10,000 square foot housing lots). The Zoning Ordinance adopted July 12, 1984 placed all the parcels of this property in an R-10 Zone, many years after the recycling operation had been established. In

September, 1983, SIRC filed an application with the Franklin Township Zoning Board of Adjustment for a use variance to expand a nonconforming use. That application encompassed lots 65 through 70, 76 and 77 through 84. On October 6, 1983, a variance was granted by the Board to enclose an area with walls and roof to be used for compacting purposes. The Franklin Township Zoning Board of Adjustment, through its own hearings and site review process, granted the necessary variances for SIRC to operate in a residential neighborhood. Whereas the Department appreciates the potential for negative impact presented by differing, adjacent land uses and zones, it has merely proposed use of an existing facility as part of an overall operational plan to provide transfer of waste, after recycling, to meet the critical, short-term needs of Somerset County.

It must be reiterated and emphasized that the Department of Environmental Protection is relying on the county planning process which, through the Solid Waste Management Act, sited the facilities. The Department must also rely on private vendors who are able to secure property through their own financial initiatives to develop this program.

In the case of the Bridgewater Resources Inc. site, a private vendor came forth with a specific proposal based on a site which he owns, and which met the criteria of the Department's RFP. In the case of the Franklin Township site, the Department proposes use of a site which Somerset County has already included as a transfer station in their solid waste plan. Other sites could have been used if the Department had received proposals that were viable and that met the mandatory criteria established by the RFP. In response to the Department's RFP, these two proposals were received (one from Bridgewater Resources Inc. and one from Somerset Intermediate Recycling Center) and were found acceptable by the Department.

2c. Comment: The Department did not consider the detrimental economic impact on real estate values that would occur in the surrounding residential area when making the judgment to include the SIRC facility in the plan.

Response: As noted in the prior answers, as far back as 1976, Franklin Township granted the necessary variance permitting a paper recycling facility in a residential area; in 1984, it was Somerset County which included the site as a transfer station in their county solid waste management plan. Economic impact, as well as the solid waste management needs of the county, would have been a factor in the county's review process. Any new construction in the site area that has taken place over the past decade has been with full knowledge of the existence of the facility. Inclusion of the SIRC facility in the transfer station program is based on a policy enunciated by the Department whereby transfer stations, already in a county plan, could be included in the county-wide transfer arrangements. The plan amendment, prepared in response to the comments received at the public hearing, will restrict the types of waste allowable at the facility to non-putrescible wastes and will designate a waste flow of those materials which are most readily recyclable (i.e., commercial, institutional and industrial waste). Since the Franklin Township transfer station site had been previously designated and included in the county plan by the county freeholders, the Department had to recommend a specific waste flow to SIRC in order not to jeopardize the existing business. The permitting requirements stipulated in the solid waste permit granted to the facility are designed to constrain and limit tonnage and traffic in the area.

2d. Comment: There are nearly 140 homes located in the immediate area, three directly across the street from the facility, and over 150 children living in the area surrounding the transfer station site. Truck traffic has created numerous accidents, endangering lives and property. The Neighborhood Preservation group is looking into trying to cancel the existing facility's permit approval.

Response: Revocation of planning and zoning permission for a preexisting, nonconforming use variance is a legal matter to be dealt with by Franklin Township. The existing conditions of traffic and environmental concerns can best be addressed through the Department's engineering design and permitting process, limiting traffic and placing requirements on the facility owner to address potential, negative impacts of the facility operations. A public hearing was held on the facility's permit application in May, 1986. Permit approval is being withheld pending SIRC's A-901 disclosure which was filed recently. Concerns regarding violations of the permit conditions should be directed to the Department's Enforcement Bureau and to the Franklin Township authorities.

2e. Comment: Can the SIRC expand onto residential property?

Response: Such expansion of a commercial venture on a residential site can occur under two conditions. It can occur if a variance is granted on the local governmental level through the township's planning and zoning procedures, or; it can occur if the site has been included in the county's solid waste management plan through freeholder adoption and State approval. In the case of SIRC, both conditions have been met. Franklin Township had previously granted several variances to the firm granting it permission to exist and expand in a residential zone. Somerset County had incorporated the recycling center and transfer station site into the county's solid waste management plan.

### 3. Traffic at the SIRC site

3a. Comment: Regarding total traffic to the facility, speakers asked how many trucks are currently using the SIRC facility and expressed concern with the potential growth of truck traffic in the area. Comments were made estimating that traffic could triple in the area and result in 75 to 100 trucks stacked up on the feeder streets.

Response: Presently, there are about 30 to 40 trucks entering and leaving the facility daily. Under the application pending for a solid waste permit the station is expected to process about 250 tons of solid waste per day. SIRC's consultants expect total daily truck traffic to and from the transfer station will be approximately 35 to 65 vehicle trips incoming and outgoing, per day, or an increase of up to approximately 25 trucks entering and leaving per day. On an hourly basis, based upon a 10 hour day, this would translate into an average of 4 to 7 incoming trips and 4 to 7 outgoing trips per hour, or an increase of up to 3 trucks per hour. The truck routing can be designated in the engineering permit and/or this plan amendment. The design for the expanded facility demonstrates there is sufficient space on site to queue (line up) the trucks that have to wait before they are weighed without having any trucks having to be lined up on Churchill Avenue. The facility must have sufficient space on site in order for the plan to be approved.

3b. Comment: Does the amendment limit the number of incoming trucks?

Response: While the amendment does not limit the number of trucks, the tonnage permitted at the site is limited by this amendment. SIRC will be permitted for 250 tons per day of commercial and institutional #10 waste and industrial #27 waste. That tonnage translates into the approximately 35 to 65 trucks daily to the facility which could represent some increase in the present truck traffic of 30 to 40 trucks per day. The tonnage capacity places a practical limit on the number of incoming trucks since it would not be cost effective for a hauler to bring in only partially loaded trucks.

3c. Comment: Another concern related to traffic mentioned by a number of speakers dealt with truck routes both into and out of the facility and their impact on the neighborhood and local traffic impacts. There was concern that some vehicles may use residential streets in the area of the facility.

Response: Truck routes into and out of the station can and will be designated as part of the engineering permit and/or the plan amendment. An Environmental Impact Statement (EIS), including a detailed traffic study, must be submitted for a transfer station as part of the permit application process. Before a permit is issued, this traffic study is reviewed and must demonstrate that the access routes to the facility will not experience significant adverse traffic impacts and that the existing Level of Service (LOS) on these routes will not be degraded as a result of the station's operation. The traffic study typically analyzes traffic flows and determines the Level of Service (LOS) at key intersections on the access routes to the station. These key intersections are those identified in the permit application through which collection vehicles and transfer trailers will travel. Actual (existing) traffic counts are taken during anticipated peak hours of station operation to determine the existing LOS. Operation of the transfer station is then analyzed and estimated peak traffic flows and patterns for vehicles using the facility are determined. This information is then transposed onto existing traffic flows to determine what impact (if any) the facility will have on traffic in the area. If the situation warrants, the Department will require mitigative measures such as redesign or expansion of the impacted roadway/intersection, restricting the number of vehicles that will use the facility during peak traffic hours or rerouting traffic to the station. In addition, the Department requires that all trucks utilizing the station be in conformance with all existing roadway height and weight limit restrictions. This information is then used to designate access routes for vehicles using the facility, and if necessary, designate a schedule for vehicles using the facility to mitigate peak traffic impacts.

A traffic study for the SIRC facility was prepared by Donald A. Stires and Associates of Somerville, New Jersey in July, 1986. This study was prepared from information obtained from traffic counts taken during June and July, 1986 at key locations in the vicinity of station. These key locations were at the intersections of Churchill Avenue/Route 27 and Annapolis Street/Hamilton Avenue. Both intersections will receive collection vehicle traffic and the Churchill Avenue/Route 27 intersection will also receive transfer trailer traffic. Existing LOS's for both intersections were determined. Proposed traffic flows that would result from the operation of the station were then calculated. As a result of the study, it was determined that there is enough reserve capacity at the two intersections to handle the additional truck traffic that will be generated at the SIRC station without degrading the existing LOS. The truck

traffic generated at the facility should not create significant traffic problems in the area.

3d. Comment: The traffic study assumed that the waste would come only from Somerset (Franklin Township). It did not consider waste routes coming in from various municipalities.

Response: The traffic study analyzed the intersection of Annapolis Street/Hamilton Avenue located north-west of the station and at the intersection of Churchill Avenue/Route 27 located east of the station. All truck traffic utilizing this facility will pass through these two intersections irregardless from which direction they originate. (Please refer to Response A.3.c.)

3e. Comment: Concerns were voiced about the truck traffic on a number of collector streets in the growing residential neighborhoods surrounding the SIRC facility.

Response: All residential streets sustain a certain amount of garbage truck traffic in general pickup schedules. The streets which tie directly into routes leading to the transfer station will carry heavier truck traffic due to their proximity to the facility. The routing into and out of the facility is one of the considerations in the permitting process and can be designated as part of the permit and/or the plan amendment, itself. As the zoning and SIRC site area has changed over the years the number of residential streets has increased. However, the facility represents a preexisting industrial usage as do a number of other similar facilities on the same road. The zoning changes and residential growth activity in the area are the result of Franklin Township's development program, not activity by the DEP.

3f. Comment: How can a traffic study be done without knowledge of specific waste flow origins?

Response: The traffic study is conducted on those intersections in close proximity to the facility. No matter where the waste comes from in the county, it must eventually funnel through a certain area, and it is those areas which are studied to determine if they can maintain the existing Level of Service. (Those intersections are defined in Response A.3.c.)

3g. Comment: The truck traffic will damage the neighborhood roads.

Response: The New Jersey Department of Transportation establishes truck weight limits on various types of roadways, including those used for access to the facility. The permittee must offer tangible evidence that he is in compliance with these road weight regulations.

3h. Comment: The recommended route from Route 27 north to I-287 was considered an inefficient route, taking the haulers out of the way.

Response: All transport routes will be reviewed and evaluated. Although a waste flow pattern was identified in the proposed amendment, the pattern is flexible and open to change. The peak hours of hauler truck and transfer trailer movement, as well as the use of specific routes, can be specified by permit conditions. The adopted plan amendment will include revised traffic flow requirements to minimize impact on residential areas in Franklin Township.

4. General Issues Related to the SIRC Site

4a. Comment: The SIRC site is three and one half acres and is much smaller than the Bridgewater Township site.

Response: It is the size of the building, the type of equipment used and the distribution or profile of the traffic coming to the facility, that is significant in the overall design of the facility. In another part of the state, there is an 800 ton per day facility which is suitably designed for a three acre site. Site acreage alone is not a determinant factor of whether the site is appropriate.

4b. Comment: Is there any review process that can analyze the appropriateness of a site after it has been established?

Response: If a permit is issued, there must be compliance with the specific constraints and limits defined in the permit. There is continued surveillance and inspections of the facility by the DEP enforcement bureau. A permit is issued for a specific term, usually five years. At the termination of that period, the Department reviews the situation to determine if a renewal would be issued, whether an upgrading of conditions is warranted, and whether the facility is in compliance with the Department's rules and regulations. If regulations governing transfer stations have been changed, the facility is required to upgrade its permit to be in compliance with the current regulations. If, after the expiration of a facility's registration, it is determined that no amount of design upgrading will mitigate an intolerable, adverse impact on an area, the Department, after providing an adversarial hearing, may refuse to renew a facility's registration.

4c. Comment: One speaker commented that this site was a poor selection with poor access and felt other sites would have been more desirable. One such site named was a quarry on Route 202 in Bernardsville.

Response: Site selection is possibly the most difficult factor in solid waste management. In New Jersey, the authority to site a facility has been delegated to county government. The county is presently in the process of conducting landfill and resource recovery facility siting studies. However, no sites have been designated, as yet, for either facility. It must be reiterated and emphasized that the Department of Environmental Protection cannot acquire land itself for these projects, nor can it directly implement the projects. It must rely on the county's planning process which, through the Solid Waste Management Act, does have the authority to site facilities. The Department must also rely on private vendors who are able to secure property through their own financial initiatives to develop this program. In the case of the Bridgewater transfer station site, a private vendor came forth with a specific proposal based on a site which he owns, and which met the criteria of the Department's RFP. In the case of the Franklin Township site, the Department, according to their established policy to utilize previously sited or pending transfer stations, included the SIRC site in their operational plan for Somerset County. Other sites could have been selected elsewhere if the Department had received proposals that were viable and met criteria established by the RFP. With regard to Somerset County, these two proposals were submitted. These proposals were found preliminarily acceptable to the Department.



4d. Comment: Why can't NJDEP use some of the several thousand acres it owns in rural Somerset County instead of the Franklin Township site?

Response: SIRC has already been included in the plan as identified by Somerset County. In addition, while it is true that DEP owns a large tract of land in Franklin Township, that land was acquired and legislatively mandated to be used for other purposes.

4e. Comment: The Franklin Township attorney requested an extension beyond the December 23, 1986 comment period cutoff to respond to issues raised at this hearing.

Response: The Department notified Franklin Township that it would not grant the request for a time extension. The transfer station plan amendment strategy was proposed in January, 1986. The SIRC application for a permit to expand their operations was submitted in early 1986, and the draft permit hearing was held in July, 1986. The plan and the issues raised concerning its implementation have been public knowledge for the past year. Furthermore, the transfer station program has been motivated by the need for action to secure necessary disposal capacity on an expedited basis in light of the extreme shortage of remaining disposal capacity at the Edgeboro Landfill which currently serves all of Somerset County. Further delay, in achieving this goal will only exacerbate the situation.

#### 5. Powers of the State

5a. Comment: If the Department can supplant or supersede the powers of the Board of Freeholders to amend the county plan for a transfer station, it can also determine whether or not the SIRC is an appropriate location for a transfer station.

Response: In the case of Somerset County, the State has acted due to the county's failure to act. The State is empowered to act when county government fails to act in a situation of crisis dimensions. It has done so in the case of Somerset County due to the potential disposal crisis created by the decreasing capacity at the Edgeboro Landfill in Middlesex County. The Department reached a policy decision in four counties with similar disposal problems, to utilize, to the extent possible, existing and operational transfer stations to transfer the county's waste to out-of-state disposal sites. The State does not plan to reevaluate former, county level decision-making which authorized development of a transfer station.

5b. Comment: Does the DEP have the power to rezone a residential site into a commercial site?

Response: The DEP only has powers granted to it under the Solid Waste Management Act. Such zoning changes do not constitute one of those powers. However, solid waste facilities included in approved county solid waste management plans may not be subject to certain local zoning and planning requirements. As indicated in prior responses, under the Franklin Township Zoning Ordinance, adopted December 30, 1976, lots 63 through 68 of the DiNardi property, referenced now as SIRC, were in an M-2 Zone (light industrial). Lots 63 through 68 were the land on which the facility operations were housed. Lots 74, 75 and 77 through 84, which held no structures, were located in an R-10 Zone (10,000 square feet

housing lots). The Zoning Ordinance adopted July 12, 1984, placed all the parcels of this property in an R-10 Zone many years after the recycling operation had been established. In September, 1983, SIRC filed an application with the Board of Adjustment for a use variance to expand a nonconforming use. That application encompassed lots 65 through 70, 76 and 77 through 84. On October 6, 1983, a variance was granted to enclose an area with walls and roof to be used for compacting purposes. The Franklin Township Zoning Board of Adjustment, through its own hearings and site review process, granted the necessary variances for SIRC to operate in a residential neighborhood. Siting solid waste facilities pursuant to the Solid Waste Management Act is not pursuant to local zoning.

#### 6. Environmental Concerns at the SIRC

6a. Comment: A number of comments centered on alleged unfavorable environmental conditions which existed on the present site such as litter, odors, rats and vermin, and the potential for well contamination.

Response: Environmental controls over factors such as these are dealt with in the permit process. In order to receive approval by the Department as a waste management facility, SIRC is required to submit an engineering design and environmental impact statement (EIS) both of which require approval from the Department. These documents, which are also submitted to the municipality and the county, are then the subject of a public hearing. Comments from the public hearing, together with those of all review agencies, the county and the municipality, are considered prior to development of final permit conditions. SIRC did submit such documents which were the subject of a public hearing held in July, 1986. Permit approval is anticipated shortly. As part of the permit to operate as a solid waste facility, a number of operating and maintenance conditions are established with which the firm has to comply. Such conditions as litter, odor and rodent control become part of the permit requirements. Additionally, the transfer station continues to be subject to local permitting requirements. There is no groundwater discharge from this type of facility. A transfer station does not allow placement of wastes exposed to the elements. All transfer of the waste occurs in a totally enclosed building on a slab. The waste is never in or on the ground. The Division of Water Resources, Bureau of Ground Water Management, will be given a copy of the engineering design and Final Environmental Health Impact Statement (FEHIS) for review. They will determine whether a groundwater monitoring system is required or not, in accordance with the New Jersey Pollution Discharge and Elimination System Regulations.

6b. Comment: What is the distance between residences and the facility in terms of noise impact?

Response: The applicant must demonstrate that he is within the noise code at the facility boundary for an industrial facility in a residential area. A level of 65 decibels for the day time standard is permissible, with lower decibel levels required for a night time standard. Such standards are embodied within the permit requirements for the facility. As part of the engineering review, DEP looks at noise generation and noise attenuation measures to assure compliance with an established code.

6c. Comment: Did you consider that there is a park one block away from this facility when it was sited?

Response: As has been stated previously, (please see Response A.2.b.), the land use considerations of including this site in the county plan were to be evaluated by the county in the planning process. The authority to site is delegated to county government by the Solid Waste Management Act. If the county has acted, the State then only builds upon those county decisions. The Department did not reevaluate the county's prior siting approval, but does consider the surroundings of the facility as part of its technical review in the Department's permit process. Conditions to mitigate a negative impact on such land uses will be embodied in the engineering permit.

B. Issues Related to the Bridgewater Resources, Inc. Site

1. Traffic

1a. Comment: In the plan amendment description of the waste flows you have the waste of Branchburg Township moved through Bridgewater, Bound Brook, South Bound Brook into Franklin Township passing right past the proposed Bridgewater site.

Response: Although a waste flow pattern was identified in the proposed amendment, the pattern is open to change and flexibility dependent upon transportation routes and municipal tonnage. Since both facilities are fairly closely aligned, there may be some crossover of routing. The Department is restudying the 1986 waste figures to reasonably allocate specific tonnages to both facilities with the hope of improving the transportation routes.

1b. Comment: A number of speakers, including the Finderne Fire Company, expressed concern and opposition to the development of the transfer station on this site due to the already heavy traffic in this populated area, and the future traffic that will result from many other commercial and housing projects planned for the same area.

Response: Zoning and planning are local governmental functions. The number and type of commercial, industrial and housing projects planned for the Finderne area of Bridgewater Township requires action by appropriate agencies of the Township itself. The proposed transfer station is to be sited in an industrially zoned area, adjacent to other similar facilities. It has the same legal rights to use of the traffic arteries as the other planned developments. In terms of traffic impact and road usage during peak hours, the proposed transfer station represents much less impact than traffic generated by the other development projects being considered in the area. The peak hours of hauler truck and transfer trailer movement, as well as the use of specific routes, is conditioned by permit restraints. No such controls are imposed on general automobile traffic.

1c. Comment: The existing weight limits on the roadways are not enforced. One commenter was concerned about compliance of the collector trucks with the mandated weight limits on the road system, noting that her house shook from the adjacent traffic.

Response: The New Jersey Department of Transportation regulates and conditions truck weight limits on different types of roadways. Those conditions, as well as restraints on specific transport routes, can be incorporated into the transfer station permit approval. All New Jersey solid waste facilities and haulers must be registered with the New Jersey Department of Environmental Protection, ensuring an organized tracking and enforcement system.

ld. Comment: Several commenters questioned what the impact on the Township's roads and bridges would be, and what agency would be responsible for their upkeep and maintenance.

Response: All municipalities are faced with the problems of maintenance and expenditures in the development of their roadways. The establishment of a transfer station and presence of truck traffic does not constitute a situation different from any other industrial development. If commercial, industrial, institutional and residential development zones are called for in a municipal master plan and zoning ordinance, then the accompanying impacts of infrastructure maintenance and necessary municipal services, as well as the benefits of tax revenues, must be expected. To the extent that a transfer station results in particular impacts on transportation systems requiring additional upkeep and/or repair, it is possible for the municipality to seek negotiated host community benefits included in the approval of a BPU tariff rate for use of the facility.

le. Comment: Won't the trucks be lined up double to get into the facility?

Response: No, as part of the facility permit, trucks will be prohibited from lining up double. The ability to provide adequate queueing (lining up) of trucks into and out of the facility is a key factor in transfer station design which is a component of the permitting phase of the program. No on-street queueing is permissible. Time management of collection, transportation, and distribution to out-of-state disposal sites must be taken into consideration to minimize traffic and congestion impacts.

lf. Comment: What will Bridgewater Resources, Inc. (BRI) do with 24 tractor trailers they plan to use.

Response: The site design, including the trailer staging (storage) area, will be addressed in the engineering design phase of development. The applicant must be able to provide adequate storage of the empty and/or non-working trailer fleet either on or off site. However, from preliminary plans furnished by the applicant it has been determined that the BRI site has sufficient acreage to accommodate on-site storage.

lg. Comment: Instead of using tractor trailers to haul all that refuse, we would like someone to address the issue of using railroad cars to bring the trash to Scranton.

Response: The Department will ask the proposer to examine the possibility and financial ramifications of utilizing rail rather than truck trailer transport for waste disposal. The proposer is actively considering such approaches. The location of the proposed facility adjacent to an active rail line makes this option worthy of consideration.

## 2. Environmental Concerns at the BRI Site

2a. Comment: Several individuals, as well as township officials, questioned whether or not the site is located within a 100 year floodplain and/or whether or not it contains wetlands.

Response: The Department has established through the use of wetlands maps, on-site visitation, and categorization of site vegetation, that the site is not

in a wetlands area. The only area that exhibited any potential to be wetlands is across Cuckholds Brook on a small portion of the property that would not be touched in any way as part of the site development. The area in question is somewhat low lying but did not exhibit forest or scrub wetlands vegetation. The remainder of the site is definitely uplands as far as vegetation. The entire area of the site south of Cuckholds Brook is characterized by 20-40 year growth of saplings or open field reverting to forest vegetation. Most common tree species noted were black cherry, sassafras, red cedar, pin oak and red oak. Since the site south of Cuckholds Brook lies almost twenty feet higher than the brook itself, there is also very good drainage. Therefore, based upon the mapping previously reviewed, the vegetation and topography on the site, there is no concern that the site area to be developed, or affected by site improvements, are wetlands. Also examination of flood insurance was prepared by the Federal Emergency Management Agency (FEMA) clearly indicates that no development will occur within the 100-year flood plain.

2b. Comment: There is a prohibitive aspect to this site with the presence of the historic Van Horn House, which is about two thousand feet away on the American Cyanamid Circle.

Response: The criterion contained in the RFP prohibited construction on a site, that was itself, considered of historic value. The BRI site having no historic significance, is not conditioned by this criterion.

2c. Comment: Why hasn't an environmental impact statement already been filed?

Response: BRI conformed to a specific process laid out in DEP's RFP which first established exclusionary environmental criteria to which the site had to conform. Prohibited sites were those within the following areas: floodway and flood fringe areas, wetlands, historic sites, publicly owned recreational or open space areas, critical habitats of endangered species, those designated as wild, scenic or developed recreational rivers, and agricultural development areas. In addition, sites were judged as to site access, drainage, land use compatibility, zoning compliance, distance to nearest receptors, setbacks and use of abandoned industrial/commercial facilities. After being subjected to this preliminary environmental assessment, a numerical ranking was established to determine whether or not the site met the overall environmental criteria called for, and did not exhibit conditions detrimental to development. By meeting the standards established by these environmental criteria the site could be selected and included into the county plan through a plan amendment. It is at that point that an environmental impact statement and engineering design would be submitted to the Department. As part of the documents review process, copies then would be sent to twenty-five different agencies within the Department and other state agencies. A copy would also be sent to all municipalities within one mile of the site, to the host county and all counties within one mile of the site. All these entities have opportunity for review, comment and make recommendations that could result in changes to the final permit.

2d. Comment: Is the issue of reclamation of the land going to be addressed? What will happen to the site after the three to five year period as a transfer station?

Response: The site will remain viable for other uses after it is not needed as a transfer station. The landowner will then be free to manage as he wishes, within

the limits of the law. Because the type of structure to be built on the site could serve other purposes and the equipment sold for other purposes, alternate uses will be available after the transfer station project is not needed.

2e. Comment: Will a RCRA permit be necessary for Bridgewater Resources as might be necessary for a hazardous waste generator?

Response: This station will not be permitted to receive hazardous waste. The fact that a transfer station could conceivably receive waste that may turn out to be classified as hazardous does not obligate the operator to apply for a RCRA permit. If hazardous wastes are received, inadvertently, it would have to be manifested (identified and tracked) as a hazardous waste and transported to an approved facility.

2f. Comment: Has Bridgewater Resources Inc. (BRI) applied for a recycling permit?

Response: There is no such permit for recycling facilities. However, BRI has met with the Department's engineering element to discuss submission of their engineering design application and Final Environmental Health Impact Statement (FEHIS). The recycling component of the company's operation will be incorporated as part of the total permit submission, review and permitting process.

2g. Comment: Are there going to be any groundwater monitoring wells associated with this property?

Response: There is no groundwater discharge from this type of facility. A transfer station does not allow placement of wastes exposed to the elements. All transfer of the waste occurs in a totally enclosed building on a slab. The waste is never in or on the ground. The Division of Water Resources, Bureau of Ground Water Management, will be given a copy of the engineering design and Final Environmental Health Impact Statement (FEHIS) for review. They will determine whether a groundwater monitoring system is required or not, in accordance with the New Jersey Pollution Discharge and Elimination System Regulations.

2h. Comment: How are odor and noise control going to be addressed?

Response: During the review of the engineering design, proximity to the nearest sensitive receptors (homes, schools, etc.) are considered in terms of building structure and placement. Odor impacts at about two thousand feet will be non-detectable. The operation of the facility involves bringing the waste in and transporting it out as quickly as possible. The waste is not to remain stored on the facility floor, but placed as soon as possible into the larger transport trailers. The facility is required to build in a certain amount of redundancy in case of equipment breakdown, to prevent on-site storage of the waste. These conditions are all incorporated into the permit approval. Since a transfer station is defined as a solid waste facility, both an engineering design permit application and environmental impact statement must be submitted to the Department and both are given a rigorous review. A public hearing is then conducted on the draft permit after which time specific concerns not addressed in the draft permit may be added, including constraints on operational procedures, maintenance and environmental controls monitoring odor, noise and rodents.

21. Comment: One commenter called for a fund to police the traffic routes to the Bridgewater Township site, noting that Route 18 to Edgeboro Landfill is a mess with excessive litter. Concern was expressed that the same kind of extensive litter problem would exist along the routes to the BRI site.

Response: The design capacity of this facility, will result in truck traffic into and out of the facility that will be within enforceable limits. The litter problem that exists on Route 18 toward Edgeboro Landfill is primarily a function of complete overloading and excessive traffic. Approximately 1,200 trucks a day are traveling from Somerset, Union and Morris counties' as well as Middlesex County and others. Normal mitigation measures that could be used are not necessarily feasible for Route 18 in view of the unusually heavy traffic situation. The situation in Bridgewater, however, will not be comparable. Only a portion of the waste from one county, rather than four, will be transported in the BRI transfer station. At the greatly reduced level of traffic, litter will be much easier to control and mitigate.

2j. Comment: We would like to see some kind of advisory group created, an Advisory Board of Directors that would consist of representatives of different groups which will work together and review an EIS when it is submitted.

Response: The Department supports the creation of such a group once the site is incorporated into the district plan.

### 3. Cost Factors at the BRI Transfer Station

3a. Comment: With this transfer station, by the end of a five year period, the municipality will have a one hundred per cent increase in the cost per ton for hauling waste out of Somerset County. The Town of Raritan made a quick calculation and will have to allocate something in excess of a quarter of a million dollars because of this move.

Response: Several factors must be considered when a cost evaluation is made. First, it will be the BPU which will make the final determination whether the costs are reasonable and can be approved under the BPU rate setting structure. Secondly, the escalation for disposal cost is limited to twenty percent over the term of the contracts with the out-of-state disposal site. Third, and most importantly, it must be understood that new state-of-the-art facilities now under construction, as well as older facilities which are being modernized and upgraded, are going to be more expensive than existing solid waste facilities. The present cost of garbage collection and disposal cannot be expected to remain constant. Whatever new options are implemented, the costs will be higher. In the case of the transfer station cost increase, (at this time) the figures demonstrate that the cost will increase by approximately one dollar per capita, per week, in Somerset County. Waste disposal in the past never paid its own way. Poor design meant environmental pollution with the cleanup costs to be paid later. Today's modern facilities are more costly because they are designed to minimize environmental pollution. By paying for pollution avoidance by state-of-the-art design the costs are incurred during the facilities operational life and paid by the facility users.

3b. Comment: Why can some operators offer their operations for \$55 a ton, and others, such as BRI, can't?

Response: Anyone can quote any price they wish. Until a substantive proposal is offered for evaluation there is no way to compare their costs or the technical responsiveness of their program. Thus far, since the promulgation of this program in January, 1986, despite numerous rumors and allusions to a vendor who can dispose of the waste at \$50 to \$55 a ton, no other proposals have been submitted to the Department for Somerset County.

### C. General Issues Raised Concerning Both the SIRC and BRI Sites

1. Comment: Will Somerset County ever be forced to take other counties' waste? Can you categorically promise that there will never be waste from another county sent into Somerset at these transfer station sites?

Response: This proposal for a transfer station project is not being made in isolation for Somerset County alone. The Department is evaluating the disposal capacity for the entire State. The Department has determined that three other counties, Passaic, Union and Morris, require the same kind of transfer program to be developed in the absence of any solid waste management options being developed on their part. In fact, one of those counties has come out in support of the Department's program because they recognize it as a reasonable method of providing interim disposal. Some of these counties already have in-county transfer facilities that could be expanded if they so choose. The Department cannot categorically promise that there will be no incoming waste from another county, because we can not predict, with total certainty, that no emergency would force us to take that step. But the Department can offer assurance that it is developing the same type of transfer program where there is a need for interim disposal capacity. Additionally, over the past several years there has been a very strong DEP policy not to redirect county waste to any other county's facility, or impose one county's problems on another.

2. Comment: What is the Department's history in permitting transfer stations? Is it possible and/or has the Department permitted facilities in the time frame in which you are proposing? Won't the EIS processing and the time consumed in lawsuits hold up the program.

Response: While the Department has never permitted a transfer station in the time frame anticipated for this project, it has experience in permitting landfills and other types of solid waste facilities on an expedited basis. The Warren County Resource Recovery Facility, which is a much more complex type of waste facility, was permitted within a ten month time frame. Additionally, the work that has gone into the preparation of these proposals in response to the RFP, including the preliminary engineering designs, has accomplished much of the work that ordinarily would have to be done as part of the permit process.

3. Comment: The transfer station program is designed for a three to five year period, with mandatory delivery periods contracted for at the out-of-state disposal sites. What will happen if the county finds itself in a position to handle its own waste before the contracts of the Bridgewater operation run out? Will the Department tell the operator to take its losses and shut down? Or, will the Department bring in out-of-county waste to sustain the vendor until his contract(s) with the out-of-state disposal facility expire?

Response: It is certainly not the intention of the DEP to create such a situation. It is somewhat difficult to anticipate the exact time that new, major in



county facilities will come on line. The Department would be pleased to work with the county to examine, in detail, the type of contractual commitments made for disposal and find a reasonable approach to phasing out the use of the transfer station project. The Department does not see the 'timing' issue as a deterrent to the project, but another one of the details that must be worked out in the further development of the project.

4. Comment: It's a waste of time to come to this hearing. DEP's mind is made up, it is going to put a transfer station in Bridgewater and that is it!

Response: Although a public hearing is mandated by law and is sometimes discounted as insignificant, it does not have to be simply an empty gesture. It is never possible to know all the facts and areas of concern about an issue before taking action. A public hearing affords the planning body another, larger opportunity to secure new knowledge and approach the issue from different perspectives as represented by those who testify. Many of the recommendations noted in the arguments and testimony offered at a public hearing are incorporated into the final engineering designs and FEHIS. With regard to the hearing on this proposal, the Department has altered its original proposal in a number of ways by limiting the waste types to be handled by SIRC, designating traffic routes to minimize impact on residential areas and agreeing to set up a coordination mechanism for the project with elected local officials.

#### D. Alternate Solutions to the Transfer Station Project

1. Comment: Now that the Department has the attention and understanding of Somerset County that there is going to be a shortfall in disposal capacity, let the county get on with their own plan, not one imposed by the State.

Response: The Department wholeheartedly supports action by the county and continues to look to Somerset to provide the necessary leadership. In pursuit of a long-term disposal strategy, the county, in July 1983, had amended its plan to include a baler/balefill at Stavola Quarry, Bridgewater Township. Following the Department's state level review, a Certification of Approval was issued on November 14, 1983. Two years later, in October, 1985, the county adopted another amendment, this time to delete the approved baler/balefill site from the plan. On January 23, 1986, the Department rejected the proposed amendment for reasons including the county's failure to provide an alternative disposal site or execution of any interdistrict waste flow agreement for disposal capacity in adjacent districts. On October 10, 1986, as a result of legal action by the Department, the Superior Court ordered the county to expeditiously implement the baler/balefill and submit an environmental impact statement for the facility. With respect to resource recovery development, on July 28, 1986, the county issued a Request for Qualifications (RFQ) for a vendor to design, construct and operate a resource recovery facility. The Somerset County Solid Waste Advisory Council (SCSWAC) is conducting discussions on potential resource recovery facility sites based on an earlier study prepared by Kupper Associates in June, 1984. Also under discussion by the SCSWAC are possible landfill sites recommended in a study conducted by county consultants. The Department is encouraged by the county's movement toward development of a long-term strategy. However, implementation of these facilities will not occur in the near future. Accordingly, some short-term strategy is necessary to cope with Somerset's impending disposal needs.

2. Comment: Edgeboro can and wants to expand. They can provide the county's interim relief until its own facilities are on-line.

Response: No proposal for expansion has been submitted by Edgeboro Landfill. Even assuming that Edgeboro Landfill does apply for a size increase, the facility must also serve the district plan needs of Middlesex County. There is absolutely no indication of an interdistrict agreement being developed that would allow continued use of Edgeboro by Somerset County for the next three or more years.

3. Comment: It is most practical to recycle as much as 70 percent of the municipal waste stream, mandating separation into four components--garbage, paper goods, cans and bottles, and all other items.

Response: The Department is very supportive of recycling. We are in support of the mandatory recycling legislation now in the State Legislature and enthusiastically support Somerset County's active program of mandatory recycling. Our research and experience indicate that, at present, the optimum goal for recycling is twenty five percent of the municipal waste stream (this includes residential, commercial and institutional waste). With regard to a greater than 25% reduction, the programs implemented elsewhere in New Jersey and the nation, demonstrated it is not presently realistic to achieve the high percentage levels that would be necessary to obtain a 70% reduction. Statewide, we are presently recycling about 13.2% of the MSW.