

**CERTIFICATION  
OF THE FEBRUARY 7, 2008  
AMENDMENT TO THE MIDDLESEX COUNTY  
DISTRICT SOLID WASTE MANAGEMENT PLAN**

**BY ORDER OF THE COMMISSIONER:**

**A. Introduction**

The New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) established a comprehensive system for the management of solid waste in New Jersey. The Act designated all twenty-one (21) of the state's counties, and the Hackensack Meadowlands District, as Solid Waste Management Districts, and mandated that the Boards of Chosen Freeholders and the Hackensack Meadowlands Development Commission (now known as the New Jersey Meadowlands Commission) develop comprehensive plans for waste management in their respective districts. On July 29, 1980, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Middlesex County District Solid Waste Management Plan (County Plan).

The Act further provides that a district may review its County Plan at any time and, if found inadequate, a new County Plan must be adopted. The Middlesex County Board of Chosen Freeholders (County Freeholders) completed such a review and on February 7, 2008 adopted an amendment to its approved County Plan. The February 7, 2008 amendment proposes County Plan inclusion of a capacity increase at the Montecalvo Disposal Services Transfer Station/Materials Recovery Facility (TS/MRF), located at 75 Crows Mill Road in the Township of Woodbridge. The proposed capacity increase of 3,000 tons per day (tpd) would bring the subject facility's County Plan capacity to a maximum of 4,000 tpd of solid waste types 13, 13C, and 27. The subject amendment also proposes County Plan inclusion of additional parcels of land to the facility footprint and revised operating hours for the acceptance of solid waste.

The amendment was considered administratively complete for review by the Department on February 15, 2008 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this amendment, and has determined that the amendment adopted by the County Freeholders on February 7, 2008 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the February 7, 2008 amendment to the County Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that the amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the elements relative to the February 7, 2008 amendment which are included below.

**Elements of the February 7, 2008 Amendment**

**Element: Facility History**

On March 20, 2003, the Middlesex County Board of Chosen Freeholders adopted an amendment to the County Plan, which proposed County Plan inclusion of the Montecalvo Disposal Services TS/MRF, to be located on Block 51, Lots 1, 1R, 2, 2B, and 2C at 75 Crows Mill Road in the Township of Woodbridge. The March 20, 2003 County Plan amendment identified the subject facility's capacity as 1,000 tpd of solid waste types 13, 13C, and 27 and the operating hours for the acceptance of solid waste and processing of solid waste as 7:00 am – 10:00 pm, Monday through Sunday and 24 hours per day, Monday through Sunday, respectively. This County Plan amendment was certified as approved by the Department on June 25, 2003.

The February 7, 2008 amendment to the County Plan proposes County Plan inclusion of:

- a capacity increase of 3,000 tpd, bringing the subject facility's County Plan capacity to a maximum of 4,000 tpd of solid waste types 13, 13C, and 27;
- Block 41C, Lots 3B, 3R, and 4B; Block 51, Lot 1B; and Block 52, Lot 1 to the facility footprint; and
- revised operating hours, specifically, 6:00 am – 10:00 pm, Monday through Sunday, for the acceptance of solid waste.

The hours for processing solid waste at the subject facility will remain identified in the County Plan as 24 hours per day, Monday through Sunday.

**Element: Regulatory Requirements**

Transfer stations/material recovery facilities are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits the release of odors and other air contaminants which interfere with the enjoyment of life and property. Further, transfer stations/material recovery facilities are also subject to N.J.A.C. 7:27-8.2(a)16 which requires air pollution control permits for any equipment which vents a solid waste facility directly or indirectly into the outdoor atmosphere. Such vents may require devices to control odors and other air contaminants. Finally, if the proposed operation will discharge pollutants as defined in N.J.A.C. 7:14-1.9, said operation must secure a New Jersey Pollutant Discharge Elimination

System Permit and/or a Treatment Works Approval for pollutant discharges prior to operation.

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

In accordance with N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-21, which establishes specific requirements regarding the contents of the county solid waste management plans, I have reviewed the February 7, 2008 amendment to the approved County Plan and certify to the County Freeholders that the February 7, 2008 amendment is approved as further specified below.

The February 7, 2008 amendment proposing County Plan inclusion of:

- a capacity increase of 3,000 tpd, bringing the Montecalvo Disposal Services TS/MRF's County Plan capacity to a maximum of 4,000 tpd of solid waste types 13, 13C, and 27;
- Block 41C, Lots 3B, 3R, and 4B; Block 51, Lot 1B; and Block 52, Lot 1 to the subject facility footprint; and
- revised operating hours for the acceptance of solid waste at the subject facility is approved.

This certification shall not be construed as an expression of the DEP's intent to issue a solid waste facility permit or permit modification for any proposed facility or operation.

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

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

**1. Compliance**

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

**2. Certification to Proceed with Implementation of Amendment**

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

**3. Definitions**

For the purpose of this amendment and unless the context clearly requires a different meaning, the definitions of terms shall be the same as those found at N.J.S.A. 13:1E-3 and -99.12, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

**4. Effective Date of Amendment**

The approved components of the amendment to the County Plan contained herein shall take effect immediately.

**5. Reservation of Authority**

Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, and also includes the compilation of individual district plans and amendments as they are approved.

**E. Certification of Approval of the Amendment by the Commissioner of the Department of Environmental Protection**

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve the amendment, as outlined in Section C. of this certification, to the Middlesex County District Solid Waste Management Plan which was adopted by the Middlesex County Board of Chosen Freeholders on February 7, 2008.

June 18, 2008

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Date

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Lisa P. Jackson, Commissioner  
Department of Environmental Protection