

**IN THE MATTER OF CERTAIN AMENDMENTS  
TO THE ADOPTED AND APPROVED SOLID  
WASTE MANAGEMENT PLAN OF THE  
MIDDLESEX COUNTY SOLID WASTE  
MANAGEMENT DISTRICT**

**CERTIFICATION  
OF THE DECEMBER 21, 2006  
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 requires that all district plans be based on and accompanied by a report detailing the existing waste disposal situation in the district, and a plan which includes the strategy to be followed by the district in meeting the solid waste management needs of the district for a ten-year planning period. The report must detail the current and projected waste generation for the district, inventory and appraise all facilities in the district, and analyze the waste collection and transportation systems which serve the district. The disposal strategy must include the maximum practicable use of resource recovery techniques. In addition to this strategy, the plan must designate sufficient available suitable sites for the disposal of the district's waste for a ten-year period.

The Act further provides that a district may review its District Plan at any time and, if found inadequate, a new District Plan must be adopted. The Middlesex County Board of Chosen Freeholders (County Freeholders) completed such a review and on December 21, 2006 adopted an amendment to its approved District Plan.

The December 21, 2006 amendment proposes County Plan inclusion of the County Plan Update in response to the updated Statewide Solid Waste Management Plan.

The amendment was considered administratively complete for review by the Department on January 3, 2007 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 December 21, 2006 is approved as provided in N.J.S.A. 13:1E-24.

On April 13, 2002, New Jersey Department of Environmental Protection Commissioner Bradley M. Campbell signed Administrative Order No. 2002-10, which requires, among other things, that the Department revise, update and readopt the Statewide Solid Waste Management Plan. On January 3, 2006, New Jersey Department of Environmental Protection Commissioner Lisa P. Jackson formally adopted the updated Statewide Solid Waste Management Plan

The updated Statewide Solid Waste Management Plan reaffirms the state's goal of recycling 50% of the MSW stream. The overall strategy for achieving this ambitious goal starts with a quantification, on a statewide basis, of the increased tonnage of recycled materials needed. This is further calculated on a per county basis, with an analysis of current MSW recycling tonnages by county, and the necessary increases required by each county. The statewide increase needed is also expressed in terms of increased recycling tonnage by material, such as newspaper, corrugated, food waste, etc. Additionally, the plan targets specific classes of generators (schools, multi-family housing complexes, small and medium-sized businesses) that need to be focused on in terms of expanded recycling opportunities for the materials identified.

The state, through this Solid Waste Management Plan update, establishes the overall policy objectives and goals for solid waste management in New Jersey. The counties and the NJMC shall have the responsibility for developing their respective district solid waste management plans consistent with the state's goals and objectives. Therefore, as noted in the State Plan, each district shall, within one year of the adoption of the updated Statewide Solid Waste Management Plan or January 3, 2007, adopt and submit to the Department, an updated district solid waste plan. This district plan update shall demonstrate consistency with the State Plan. Further, the district plans shall reiterate the district plan requirements contained in N.J.S.A. 13:1E-21. Specifically, revised district plan updates shall include, but not be limited to the following components:

- 1) Designation of the department, unit or committee of the county government (or district in the case of the NJMC) to supervise the implementation of the district plan;
- 2) An inventory of the quantity of solid waste generated within the district for the ten-year period commencing with the adoption of updated district solid waste management plan;
- 3) An inventory of all solid waste and recycling facilities (lot and block and street address) including approved waste types and amounts, hours of operation and approved truck routes;
- 4) An outline of the solid waste disposal strategy to be utilized by the district for a ten-year planning period;
- 5) A procedure for the processing of applications for inclusion of solid waste and recycling facilities within the district solid waste management plans. The procedure shall state the applicant requirements for inclusion into the district plan and the specific county review

process/procedures, including time frames for county approvals or rejections and subsequent submittals to the Department. **Note-** the criteria for inclusion shall **not** include a requirement that local zoning or planning board approval(s) be obtained as a condition for inclusion within the district solid waste management plan, nor shall such a requirement be made a condition for subsequent construction or operation of any facility; and

- 6) Identify the additional tonnage of recycled materials in the MSW stream (by material commodity types) required by each county to meet the mandated MSW recycling goal, a strategy for the attainment of the recycling goals as outlined above. The strategy shall include, as necessary:
  - a) the designation of the currently mandated recyclable materials and additional materials, if any, to be source separated in the residential, commercial and institutional sectors;
  - b) a listing of those entities providing recycling collection, processing and marketing services for each of the designated recyclable materials;
  - c) the communication program to be utilized to inform generators of their source separation and recycling responsibilities;
  - d) a comprehensive enforcement program that identifies the county and/or municipal entity(ies) responsible for enforcement of the recycling mandates, specifies the minimum number of recycling inspections that will be undertaken by these entities on an annual basis and details the penalties to be imposed for non-compliance with the municipal source-separation ordinance and county solid waste management plan. Additionally, the updated district plan shall include copies of each municipal source separation ordinance.

**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 December 21, 2006 amendment to the District 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 of the December 21, 2006 amendment which are included below.

In conjunction with the review of the amendment, the Department circulated copies to sixteen administrative review agencies and solicited their review and comment. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various bureaus, divisions, and agencies within the Department. All agencies contacted are as follows:

Division of Water Quality, DEP  
 Division of Parks and Forestry, DEP  
 Division of Fish and Wildlife, DEP  
 Solid and Hazardous Waste Program, DEP  
 Green Acres Program, DEP  
 Land Use Regulation Program, DEP

Office of Local Environmental Management, DEP  
Office of Air Quality Management, DEP  
Bureau of Solid Waste Compliance and Enforcement, DEP  
Department of Community Affairs  
Department of Transportation  
Department of Agriculture  
Department of Health and Senior Services  
New Jersey Turnpike Authority  
New Jersey Advisory Council on Solid Waste Management  
U.S. Environmental Protection Agency

### **Elements of the December 21, 2006 Amendment**

#### **Element: Designation of County Plan Implementation Agency**

The December 21, 2006 amendment to the County Plan does not include the County Plan implementation agency.

#### **Element: Inventory of the Quantity of Solid Waste Generated Within The County for the Next Ten Years**

Using the Department's waste generation data for 2003 and population projection's provided by the Middlesex County Department of Planning, the County Plan includes the total tonnages of solid waste types 10, 13, 13C, 23, 25, and 27 to be generated within Middlesex County in 2010 and 2015 as 2,132,329 and 2,216,923, respectively.

#### **Element: Inventory of Solid Waste and Recycling Facilities**

The December 21, 2006 amendment to the County Plan does not include a list of the solid waste facilities and recycling centers located within the County.

#### **Element: Solid Waste Disposal Strategy to be Utilized by the County for the Next Ten Years**

The December 21, 2006 amendment to the County Plan does not include the disposal strategy to be utilized by the County for the next ten years.

#### **Element: County Plan Inclusion Process**

The December 21, 2006 amendment to the County Plan does not include the County Plan inclusion process.

**Element: Recycling**

In 2003, Middlesex County recycled 34.7% of its municipal solid waste (MSW) and 58.0% of its total solid waste (TSW). Using 2003 Department data, Middlesex County will have to recycle an additional 139,000 tons of MSW to reach a MSW recycling rate of 50%. Since the release of the updated Statewide Solid Waste Management Plan in early 2006, the Department has determined MSW recycling rates of 33.1% and 37.4% and TSW recycling rates of 58.8% and 62.3% for Middlesex County in 2004 and 2005, respectively.

The December 21, 2006 County Plan amendment proposes County Plan inclusion of updates to several sections of the County's recycling strategy, including updated programs, recycling initiatives, source reduction strategies, and enforcement.

Updated Programs – the County through the December 21, 2006 County Plan amendment proposes County Plan inclusion of several new programs which have yet to be included in the Plan. These include recycling programs aimed at increasing the recycling of traditional recyclables and also less traditional recyclables including household batteries, consumer electronics, mercury thermometers, paint, bicycles, chlorofluorocarbons, and propane tanks.

Recycling Initiatives – the County through the December 21, 2006 County Plan amendment proposes County Plan inclusion of: 1) additional designated recyclables; 2) new and/or expanded definitions of recyclable materials; and 3) the County's strategy to attain a recycling rate of 50% for MSW as further specified below:

- 1) Additional designated recyclables for the residential sector (including multi-family), commercial, industrial and institutional, government and office parks include masonry/paving material, rechargeable batteries, tires, and white goods. For the commercial, industrial, institutional, and governmental and office park sectors, electronics, fluorescent bulbs, plastic film (for warehouses, retail establishments, and supermarkets with 25 or more employees), and wood scrap (for new construction sites) were added as designated recyclables.
- 2) The definition of mixed paper is proposed to now include telephone books, paperboard (chipboard and pressboard), non-metallic wrapping paper, soft-cover books, and hard-cover-books with covers removed in addition to glossy inserts, magazines, junk mail, colored paper, computer paper, office paper, and fine paper.
- 3) The County's strategy to attain a recycling rate of 50% MSW is to increase the amount of recycling of currently designated recyclables through increased education and enforcement in the residential, commercial, and institutional sectors. The County proposes target recycling rates of 85%, 50%, 90%, 85%, and 60% for cardboard, office paper, and newsprint, other paper, glass containers and aluminum cans, steel cans, and plastic containers, respectively. Attaining these material target rates will lead to the recycling of an additional 321,000 tons of material based on the County's use of Department solid waste generation data.

Source Reduction Strategies – the County through the December 21, 2006 County Plan amendment proposes County Plan inclusion of the County’s expansion of their consumer electronics drop-off program, plan to set aside monies to provide as a grant to a town that agrees to implement a Pay-As-You-Throw Program, increase in the number of backyard composting events; and revival of its efforts on the “Cut It and Leave It” Program.

Enforcement – the County through the December 21, 2006 County Plan amendment proposes County Plan inclusion of more frequent recycling compliance inspections at the Middlesex County Landfill, private transfer stations, construction and demolition sites, convenience stores, and schools through available grant or fee monies.

**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 county solid waste management plans, I have reviewed the December 21, 2006 amendment to the approved County Plan and certify to the County Freeholders that the December 21, 2006 amendment is approved as further specified below.

The County Plan inclusion of the December 21, 2006 County Plan Update In Response to the updated Statewide Solid Waste Management Plan is approved; however, the County must submit a County Plan amendment to address the deficiencies noted in Section B. of this certification within 180 days of the date of this approval. The County may submit the required amendment as an Administrative Action, pursuant to N.J.A.C. 7:26-6.11 et seq. Please note that the Department is requiring the County to meld the submissions in response to the requirements contained in the State Plan update, as identified above, into one unified document for the purpose of general circulation.

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

**1. Contracts**

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

## **2. Compliance**

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

## **3. Types of Solid Wastes Covered by the County Plan**

The provisions of the County Plan shall apply to all solid wastes defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-2.13 including waste types 10, 13, 23, 25, and 27 and all applicable subcategories and shall not apply to liquid and hazardous wastes. All nonhazardous materials separated at the point of generation for sale or reuse are subject to regulation in accordance with N.J.A.C. 7:26A-1 et seq.

## **4. Certification to Proceed with 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.

## **5. Definitions**

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

## **6. Effective Date of Amendment**

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

## **7. Reservation of Authority**

Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the 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 December 21, 2006.

May 17, 2007

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Date

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Lisa P. Jackson, Commissioner  
Department of Environmental Protection