



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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### **CERTIFICATION OF THE JUNE 10, 2010 AMENDMENT TO THE MONMOUTH 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 August 31, 1981, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Monmouth 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 Monmouth County Board of Chosen Freeholders (County Freeholders) completed such a review and on June 10, 2010 adopted an amendment to its approved County Plan.

The June 10, 2010 amendment proposes the County Plan inclusion of Caruso Excavating Inc. Class B recycling center to be located at Block 233, Lots 13, 14, 22 and 24 in Howell Township for the processing and reuse of concrete, asphalt, tree parts and clean wood waste generated from company activities, other private contractors and public or private haulers.

The amendment was considered administratively complete for review by the Department on June 25, 2010 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 June 10, 2010 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the June 10, 2010 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 June 10, 2010 amendment which are included below.

**Elements of the June 10, 2010 Amendment**

**Element: Background**

Caruso Excavating Inc. located at Block 233, Lots 13, 14, 22 and 24 in Howell Township has operated at this location since 1992. Caruso Excavating Inc. provides a wide range of earthwork, construction and utilities services through its residential, commercial, and public contracting divisions. The company location includes office and maintenance facilities, as well as a construction yard. This 21 acre site includes significant undeveloped property, a portion of which is being proposed for use as a Class B recycling center.

Caruso Excavating Inc. Class B recycling center proposes to accept up to 3,000 tons per week of concrete, asphalt, tree parts and clean wood waste generated from company activities or other private contractors and public or private haulers, for processing and reuse. Average daily deliveries would be limited to 500 tons per day (tpd), with a peak capacity of 1,000 tpd. Caruso Excavating Inc. is also a NJDEP registered solid waste hauler handling bulky waste materials.

**Element: Regulatory Requirements**

A Class B recycling center must obtain a Class B Recycling Center General Approval prior to commencement of regulated recycling activities and shall also follow all pertinent regulations found at N.J.A.C. 7:26A-3 et seq. and the design and operational standards at N.J.A.C. 7:26A-4.1.

Recycling centers 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. In addition, recycling centers may require an air quality preconstruction permit and operating certificate pursuant to N.J.A.C. 7:27-8.2(c), dependent upon the equipment and type of operations conducted at the facility.

Finally, if the proposed operation has a "stormwater discharge (or stormwater DSW)", a "process wastewater" discharge and/or discharges a "pollutant" as defined in N.J.A.C. 7:14A-1.2, or includes activities that require a New Jersey Pollutant Discharge Elimination System (NJPDDES) Permit as identified in N.J.A.C. 7:14A-2.4, the applicant shall contact the Department's Division

of Water Quality to obtain NJPDES Permit and /or a Treatment Works Approval for discharges prior to operation, if required.

**C. Certification of the Monmouth 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 June 10, 2010 amendment to the approved County Plan and certify to the County Freeholders that the June 10, 2010 amendment is approved as further specified below.

The June 10, 2010 County Plan amendment for the inclusion of Caruso Excavating Inc. as a Class B recycling center for the processing and reuse of concrete, asphalt, tree parts and clean wood waste is approved. Caruso Excavating Inc. Class B recycling center will accept up to 3,000 tons per week of concrete, asphalt, tree parts and clean wood waste.

This certification shall not be construed as an expression of the Department's intent to issue a recycling center approval to any recycling center for Class B recycling materials. A recycling center approval shall only be issued where the applicant has submitted as administratively complete application, as per N.J.A.C. 7:26A-3.5, where all the substantive criteria for approval set forth in N.J.A.C. 7:26A-3.3, 3.3, and 3.4 are satisfied, where a fee has been paid in accordance with N.J.A.C. 7:26A-2, and where none of the criteria for denial of a recycling center approval are met, as per N.J.A.C. 7:26A-3.12.

**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.

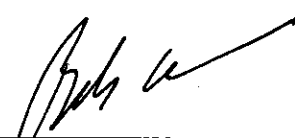
**5. Reservation of Authority**

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 Monmouth County District Solid Waste Management Plan which was adopted by the Monmouth County Board of Chosen Freeholders on June 10, 2010.

11/1/2010  
Date

  
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Bob Martin, Commissioner  
Department of Environmental Protection