



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER
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(IN THE MATTER OF CERTAIN AMENDMENTS)
(TO THE ADOPTED AND APPROVED SOLID)
(WASTE MANAGEMENT PLAN OF THE)
(MONMOUTH COUNTY SOLID WASTE)
(MANAGEMENT DISTRICT)

CERTIFICATION
OF THE AUGUST 9, 1984 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 develop comprehensive plans for waste management in their respective Districts. On August 31, 1981, the Department approved, with modifications, the Monmouth 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. The Monmouth County Board of Chosen Freeholders completed such a review and on August 9, 1984, adopted an amendment to its approved District Solid Waste Management Plan. The amendment was received by the Department of Environmental Protection on August 17, 1984 and copies were distributed to various state level agencies for review and comment, as required by law.

The Department has reviewed this amendment, as well as the entire Monmouth County District Solid Waste Management Plan, and has determined that the

amendment adopted by the Monmouth County Board of Chosen Freeholders on August 9, 1984 is approved in part and rejected in part as provided in N.J.S.A. 13:1E-24. While the requirements of the Act concerning the report have been met, the District's Plan remains deficient in several important ways.

B. Certification of Monmouth County District Solid Waste Management Plan Amendment

I, Robert E. Hughey, Commissioner of the Department of Environmental Protection, in accordance with 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, have reviewed the August 9, 1984 amendment to the approved Monmouth County District Solid Waste Management Plan and certify to the Monmouth County Board of Chosen Freeholders that the August 9, 1984 amendment is approved in part and rejected in part as further specified below.

1. The inclusion in the plan of the specific site of the Monmouth County Reclamation Center Phase II landfill expansion on Block 133, Lots 1 and 2.01 and Block 132, Lots 15 and 16, located in Tinton Falls Borough, is approved. A Certification of Registration and Approved Engineering Design was issued earlier this year, based on the general reliance of the Monmouth District Plan on this facility for medium-term disposal. The present amendment formally recognizes the specific location (by tax block and lot) of the expansion. All solid waste disposed at this facility must be in conformance with the Interdistrict and Intradistrict Waste Flow Rules (N.J.A.C. 7:26-6 et seq.).
2. The inclusion in the Plan of the proposed Freehold Cartage transfer station on their property in Freehold Township is approved. However, the facility must be restricted to property now utilized by the firm. Any expansions must be included in the district plan. The construction or operation of this facility shall be preceded by the obtaining of all necessary permits and approvals under N.J.S.A. 13:1E-1 et seq. and all other applicable laws. Issuance of construction and/or operating permits 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. Also, all solid waste handled through this facility must be in conformance with the Interdistrict and Intradistrict Waste Flow Rules (N.J.A.C. 7:26-6 et seq.).
3. The general policy of Monmouth County to develop a transfer station in the Bayshore region of the County is approved in concept. Also, as recommended in the plan amendment, proposed development of a transfer station/operation in the more rural western section of the County should also be investigated further for economic feasibility of collection/haul. A future plan amendment providing designation of a proposed facility location by block and lot must be adopted prior to certification of a specific site for inclusion in the plan.
4. The inclusion in the plan of the waste flow redirection of Asbury Park

and Wall Township solid waste from the Waste Disposal Inc. landfill in Howell Township to the Monmouth County Reclamation Center shredder and landfill in Tinton Falls is rejected. According to the New Jersey Statewide Solid Waste Management Plan, key principles to be considered in developing waste flow modifications include: a) facilities should not suffer undue loss of business, b) facilities should not be overloaded relative to access and operation, c) transportation distances should be minimized, d) wastes should be disposed of within the generation district, and e) solutions should provide long term stability. The redirection would reduce the waste receipts at the WDI facility by about one-half, and since no compelling rationale has been provided, the redirection is not approved.

5. The inclusion in the plan of a policy by which all municipal compost facilities are assumed to be consistent with the plan provided they meet existing engineering, environmental, and operational standards of the New Jersey Department of Environmental Protection, and that prior review and assessment of compost facilities by the County is not necessary before Departmental permit review and approval, is approved. Since this policy covers only municipal vegetative compost facilities, adequate review of both land use (at the municipal level) and environmental (Department of Environmental Protection) aspects of such facilities will be ensured. However, the District shall include any such facilities approved by the Department in the next regular plan review and update.
6. The inclusion in the plan of a landfill siting procedure consisting of a five step process leading to site selection, is approved with the understanding that exclusionary and ranking criteria to be developed and utilized in landfill siting may be reviewed by the Department.
7. The Department has reviewed the entire Monmouth 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 result of that review is 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.

While the Monmouth County Planning Board provides staff assistance to the County Solid Waste Advisory Council and Board of Chosen Freeholders, the County Solid Waste Plan states that "Monmouth County has not specifically assigned responsibility and authority for implementing the recommendations of the approved Solid Waste Management Plan to any individual County Agency." Therefore, the Monmouth County District Solid Waste Management Plan is deficient due to non-compliance with the requirements of N.J.S.A. 13:1E-21b.(1).

- b) N.J.S.A. 13:1E-21b.(2) requires a statement of the solid waste disposal strategy to be applied . . . which strategy shall include the maximum practicable use of resource recovery procedures and a plan for using terminated landfill disposal sites . . . in the Solid Waste Management District.

Monmouth County has developed a solid waste disposal strategy which includes expansion of the Monmouth County Reclamation Center (MCRC) for disposal of the majority of the County's waste through 1990; utilization of the Waste Disposal Inc. landfill through 1987 provided it is upgraded and reopened; possible development of transfer stations in the northern and western sections of the County; potential development of material and energy recovery systems, including production of refuse derived fuel at MCRC shredder operation and possible methane recovery at MCRC landfill; and expansion of source separation/recycling programs.

The Office of Recycling has reviewed the August 9, 1984 amendment and prepared recommendations concerning recycling which, if implemented by the Monmouth District, could enhance recycling efforts throughout the County. In light of the critical shortage of remaining disposal capacity, the District should utilize its authority to ensure that the maximum amount of recyclable material is recovered prior to disposal. Therefore, the Monmouth District shall review and consider for inclusion in its plan, the Office of Recycling's recommendations. The Statewide Solid Waste Management Plan, which incorporates the State Recycling Plan, states that a goal of 25% recycling shall be achieved by 1986 for all Districts.

While the Monmouth County plan designates terminated landfill disposal sites as open space, limited recreation use or leaf composting sites, the plan also states that until more site specific studies are completed, the County will not recommend specific uses for each site.

Therefore, the Monmouth County District Solid Waste Management Plan is deficient in that the District has not developed a specific schedule of activities leading to the timely implementation of resource recovery; adequately addressed its role in recycling, or developed specific plans for using terminated landfill disposal sites as required by N.J.S.A. 13:1E-21b.(2).

- c) N.J.A.C. 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.

- 1) The Monmouth County Reclamation Center landfill and shredder (#1336B and #1336D), Tinton Falls, and the Waste Disposal Inc. landfill (#1319B), Howell Township are an approved part of the Monmouth County District Solid Waste Management Plan and are required to operate in conformance with the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6 et seq.).

- 2) The Benoit landfill (#1336C), Tinton Falls and the Lertch landfill (#1352A), Wall Township are operating facilities in Monmouth County which accept only demolition (type 13) solid wastes. Since these facilities are only permitted to accept wastes generated from their own businesses, they have not been included in the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6 et seq.).
- 3) The following solid waste compost facilities are an approved part of the Monmouth County District Solid Waste Management Plan.

These compost facilities include the Eatontown facility (#1311A), Monmouth Battlefield State Park facility (#1326B), Middletown Township facility (#1331B), Ocean Township facility (#1337C), Faggia Florist Inc. facility (#1338A), Shrewsbury Borough facility (#1345A), Spring Lake Borough facility (#1348A), Allaire Park facility (#1352A), West Long Branch facility (#1353A), Tinton Falls facility (#1353B), Howell Township facility (#1319C), Brielle Borough facility (#1308A), Sea Girt facility (#1344A), Englishtown Borough facility (permit pending), Manasquan Borough facility (#1327A).

- 4) While the Monmouth County amendment proposes development of resource recovery system(s) in the District for long term disposal and recovery, the plan amendment does not propose a specific site or technology, rather, it calls for further study. In addition, the amendment indicates that, since the County has access to landfill disposal capacity for the medium-term, resource recovery development is of lower priority. This is not the case. Decisions regarding siting and technology should be made on an expedited basis. One option described in the amendment considers development of an energy and material recovery system (including refuse derived fuel) at the Monmouth County Reclamation Center site. A second option proposes development of a mass burning energy recovery facility at an undetermined location within the County. The amendment also proposes development of additional landfill capacity in the western section of the County as well as possible development of several subregional landfills to extend the useful life of the Reclamation Center landfill expansion.

Therefore, since the Monmouth County plan amendment proposes only interim solutions for solid waste disposal through utilization of the Monmouth County Reclamation Center landfill expansion and Waste Disposal Inc. landfill (if upgraded), the Monmouth County District Solid Waste Management Plan is deficient in that the plan has not designated sufficient suitable available resource recovery sites for long term disposal capacity.

- d) 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 sites for solid waste disposal facilities.

Recognizing that the Monmouth District has surveyed collection districts and transportation routes and costs, and will be required to complete more detailed studies of proposed collection districts and transportation routes and costs as necessary for facility development and financing, this section of the August 9, 1984 amendment is approved and made part of the Monmouth County District Solid Waste Management Plan.

- e) 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.

Since Monmouth County currently has existing and interim in-county disposal capacity, it is not necessary for the Monmouth District to have interdistrict agreements with its neighboring districts for disposal capacity.

- f) 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.

Since the August 9, 1984 amendments do not provide a detailed plan for financing solid waste management, the Monmouth County District Solid Waste Management Plan deficient with respect to the requirements of N.J.S.A. 13:1E-21 b (6).

C. 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 within amendment to the Monmouth 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 Monmouth 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 Monmouth County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the Monmouth 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 Monmouth 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) which are part of the Monmouth County District Solid Waste Management Plan.

4. Certification to Proceed with the Implementation of Plan Amendment

This document shall serve as the Certification of the Commissioner of the Department of Environmental Protection to the Monmouth County Board of Chosen Freeholders, as provided for by N.J.S.A. 13:1E-24f., to proceed with the implementation of the approved parts of the amendment contained 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 N.J.A.C. 7:26-1.4 and -2.13.

6. Effective Date of Amendment

The approved amendment to the Monmouth County District Solid Waste Management Plan contained herein shall take effect immediately.

7. Reservation of Authority

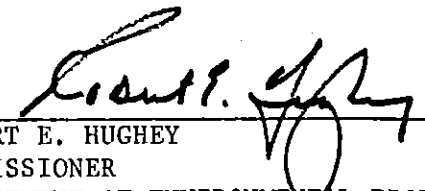
Nothing contained herein shall be construed as a limitation on any other action taken by the Department of Environmental Protection pursuant to its authority under the law. The Monmouth County District Solid Waste Management Plan, including any amendment made thereto, shall conform with the Statewide 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.

D. Certification of Approval in Part and Rejection in Part 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 in part, and reject in part, the amendment, as outlined in Section B of this Certification, to the Monmouth County District Solid Waste Management Plan which was adopted by the Monmouth County Board of Chosen Freeholders on August 9, 1984.

In accordance with N.J.S.A. 13:1E-24, I am directing that a public hearing be conducted by the Monmouth County Board of Chosen Freeholders within forty-five (45) days of the date of this Certification. The hearing shall be conducted pursuant to the procedures contained in N.J.S.A. 13:1E-23. The purpose of the hearing shall be to inform the public of the deficiencies identified in the Plan, and to identify the County's plans for addressing these deficiencies, and to solicit public comment on these matters. Further, Monmouth County is directed to amend its Plan to address the deficiencies identified above. This amendment shall be adopted by the County and submitted to the Department of Environmental Protection within ninety (90) calendar days from the date of this Certification.

DATE

1/17/85
ROBERT E. HUGHEY
COMMISSIONER

DEPARTMENT OF ENVIRONMENTAL PROTECTION