

**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 FEBRUARY 6, 2003
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 the New Jersey Meadowlands Commission) develop comprehensive plans for waste management in their respective districts. On July 28, 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 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 6, 2003, adopted an amendment to its approved County Plan.

The February 6, 2003 amendment, proposes County Plan inclusion of the Montecalvo Disposal Services medical waste facility (microwave/disinfection system), located at Block 51, Lots 1, 1R, 2, 2B and 2C, with a street address of 75 Crows Mill Road, Keasbey (Woodbridge Township).

The amendment was considered administratively complete for review by the Department on March 3, 2003 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 6, 2003 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 6, 2003 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 issues of concern relative to the February 6, 2003 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
Division of Compliance and Enforcement, DEP
Division of Solid and Hazardous Waste, DEP
Office of Air Quality Management, DEP
Office of Local Environmental Management, DEP
Green Acres Program, DEP
Land Use Regulation Element, DEP
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Health and Senior Services
Department of Transportation
Department of Community Affairs
U.S. Environmental Protection Agency

Elements of the February 6, 2003 Amendment

Background

Bayshore Recycling Corporation currently operates a Class B recycling facility located at Block 51, Lots 1, 1R, 2, 2B and 2C, with a street address of 75 Crows Mill Road, Keasbey (Woodbridge Township). The facility was included in the County Plan via a plan amendment dated April 19, 2001, which was certified as approved by the Department on September 10, 2001. The facility is included in the County Plan with a maximum capacity of 2,100 tons per day of source-separated concrete, asphalt, brick and block, tires and waste type 27 (dry industrial waste) soil and slag. The facility is currently permitted to accept up to 2,000 tons per day of Class B recyclables.

The February 6, 2003 amendment proposes County Plan inclusion of the Montecalvo Disposal Services medical waste facility (microwave/disinfection system), to be located at Block 51, Lots 1, 1R, 2, 2B and 2C, with a street address of 75 Crows Mill Road, Keasbey (Woodbridge Township). The facility would be allowed to accept up to 50 tons per day of the following regulated medical wastes: Class 1, cultures and stocks; Class 2, pathological wastes; Class 3, human blood and blood products; class 4, sharps; Class 5, animal waste; Class 6, isolation wastes; and Class 7, unused sharps. The facility would primarily accept regulated medical waste from Middlesex County generators; however, if the tonnage from Middlesex County is less than 50 tons per day, the facility would accept regulated medical waste from other counties.

Rules and Regulations

Pursuant to N.J.A.C. 7:263A.5, the Montecapvo medical waste microwave/disinfection system is a regulated medical waste "Destination facility", that both treats and destroys regulated medical waste.

Furthermore, pursuant to N.J.A.C. 7:26-3A.47, the New Jersey Departments of Health and Senior Services and Environmental Protection jointly evaluate and approve alternate technologies for the treatment and/or destruction of regulated medical waste. These Departments will have substantive comments regarding the proposed facility and its operational requirements when a formal application is submitted subsequent to the certification of the February 6, 2003 amendment.

If any operation of the proposed facility will discharge pollutants as defined in N.J.A.C. 7:14A et seq., said operation must secure a New Jersey Pollutant Discharge Elimination System Permit and/or a Treatment Works Approval for pollutant discharges prior to operation.

The proposed facility may be 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.

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 6, 2003 amendment to the approved County Plan, and certify to the County Freeholders that the February 6, 2003 amendment is approved as further specified below.

The County Plan inclusion of the Montecalvo Disposal Services medical waste facility (microwave/disinfection system), located at Block 51, Lots 1, 1R, 2, 2B and 2C, with a street address of 75 Crows Mill Road, Keasbey (Woodbridge Township) is approved. The facility may accept up to 50 tons per of the following regulated medical wastes: Class 1, cultures and stocks; Class 2, pathological wastes; Class 3, human blood and blood products; class 4, sharps; Class 5, animal waste; Class 6, isolation wastes; and Class 7, unused sharps.

This certification shall not be construed as an expression of the Department's intent to issue an approval to a regulated medical waste destination facility. A regulated medical waste destination facility approval shall only be issued where the applicant has submitted an administratively complete application, as per N.J.A.C. 7:26-3A.40, where all the substantive criteria for approval are satisfied, and where a fee has been paid in accordance with N.J.A.C. 7:26-3A.8.

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, regulated medical waste, 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 February 6, 2003.

Date

Bradley M. Campbell, Commissioner
Department of Environmental Protection