



# State of New Jersey

## DEPARTMENT OF ENVIRONMENTAL PROTECTION SITE REMEDIATION AND WASTE MANAGEMENT PROGRAM

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*Lt. Governor*

### **CERTIFICATION OF THE DECEMBER 16, 2021 AMENDMENT TO THE MIDDLESEX COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN**

#### **BY ORDER OF THE DEPARTMENT:**

#### **A. Introduction**

The New Jersey Solid Waste Management Act ("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 County Commissioners and the Hackensack Meadowlands Development Commission (previously known as the New Jersey Meadowlands Commission, and now known as New Jersey Sports & Exposition Authority or NJSEA) develop comprehensive plans for waste management in their respective districts. On July 29, 1980, the Department of Environmental Protection ("Department" or "DEP") approved 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 County Commissioners completed such a review and on December 16, 2021 adopted an amendment to its approved County Plan.

The December 16, 2021 Amendment ("Amendment") proposes County Plan inclusion of the vertical expansion of the Middlesex County Landfill ("Landfill") by an increase in height of 55 feet, to an elevation of 275 feet above sea level. The permitted design elevation is currently 220 feet above mean sea level. This height increase will provide for approximately 4.7 million cubic yards of additional capacity which will extend the life of the Landfill until approximately the year 2034. The Landfill is located on Block 834, Lots 3.03, 3.05, 3.07, 3.08, 4.02, 4.05, 4.14, 4.15, 4.16, 4.17, 4.18, 4.19, 4.20, 4.22, 4.23, 4.25, 4.26, 5.03, 7.02, 8.02, 9-17, 18.01, 19.01, 20, 21, 22, 23.01, 34.05, 34.07, 34.08, 34.09, and 34.10 at 53 Edgeboro Road, in the Township of East Brunswick.

The Amendment was considered complete for review by the Department on December 23, 2021 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 Commissioners on December 16, 2021 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 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 proposing inclusion of the vertical expansion of the Middlesex County Landfill is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Commissioners are notified of the elements of the Amendment which are included below.

**Elements of the December 16, 2021 Amendment**

**Element: Historical Background of the Middlesex County Landfill**

The Middlesex County Landfill was initially included in the County Plan via plan amendments dated December 20, 1990 & March 7, 1991. These plan amendments noted the method of financing for the Edgeboro Landfill Phase II Expansion, currently referred to as the Middlesex County Landfill. The amendments were certified as approved by the Department on August 16, 1991.

On July 1, 1993, the County Commissioners adopted a plan amendment to the County Plan which proposed County Plan inclusion of additional parcels of land at the existing Middlesex County Landfill site located in East Brunswick Township. The amendment was certified as approved by the Department on December 29, 1993.

On June 8, 1999, the County Commissioners requested the Department issue an Administrative Action approval to amend the County Plan to include additional block and lot numbers to the Middlesex County Landfill site designated by Minor Amendment 004-96 as Lots 3.07 and 4.23 of Block 834. The Department approved the request on June 30, 1999.

On May 23, 2001, the County Commissioners requested the Department issue an Administrative Action approval to amend the County Plan to provide for the designation and implementation of a permanent yard waste transshipment site to be located within the confines of the Middlesex County Landfill. The Department approved the request on June 20, 2001.

On March 17, 2016, the County Commissioners adopted a plan amendment which proposed County Plan inclusion of the vertical expansion of the Middlesex County Landfill by an increase in height of 55 feet to an elevation of 220 feet above mean sea level. This height increase will provide for an approximate 7.9 million cubic yards of additional capacity which will extend the life of the Landfill until approximately the year 2030. The amendment was certified as approved by the Department on August 16, 2016.

Lastly, this Amendment proposes the vertical expansion of the Middlesex County Landfill by an increase in height of 55 feet, to an elevation of 275 feet above sea level. This height increase will provide for approximately 4.7 million cubic yards of additional capacity which will extend the life of the Landfill until approximately the year 2034.

#### **Element: Regulatory Requirements**

The Amendment to the County Plan calls for no changes to the Landfill footprint, access roads or support facilities as well as no changes to the operations in terms of traffic volume, operating hours, types (10, 13, 13C, 23, 25, 27 (27I & 27A)) and treated regulated medical waste (class 1 through 7) and tonnage of wastes accepted. The Middlesex County Landfill will continue to only accept Middlesex County generated waste. Prior to the commencement of said expansion, a modification to Middlesex County Landfill's Solid Waste Facility Permit is required pursuant to N.J.A.C. 7:26-2.6 et seq.

Solid waste facilities are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This subchapter of regulations prohibits the release of odors and other air contaminants which interfere with the enjoyment of life and property. In addition, the owner or operator of a solid waste facility requires an air quality preconstruction permit and operating certificate in accordance with N.J.A.C. 7:27-8.2.

Finally, if any operation of a solid waste facility will discharge pollutants as defined in N.J.A.C. 7:14A-1.2, the owner or operator of that solid waste facility must secure a New Jersey Pollutant Discharge Elimination System Permit pursuant to N.J.A.C. 7:14A-2.4(b)4. Additionally, as per N.J.A.C. 7:14A-22.3(a)2, if the owner or operator of a solid waste facility will, as part of its operation, build, install, modify, or operate any sewer line, pumping station, or force main which serves more than two buildings or is for the conveyance of 8,000 gallons per day or more of wastewater, a Treatment Works Approval would have to be obtained from the Department prior to construction.

#### **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 district solid waste management plans, I have reviewed the Amendment to the approved County Plan and certify to the County Commissioners that the Amendment is approved as further specified below.

The County Plan inclusion of the vertical expansion of the existing Middlesex County Landfill is approved:

This Certification shall not be construed as an expression of the Department'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. Certification to Proceed with Implementation of Amendment**

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

**2. 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 and -2.13, and N.J.A.C. 7:26A-1.3.

**3. Effective Date of Amendment**

The approved components of this Amendment shall take effect immediately.

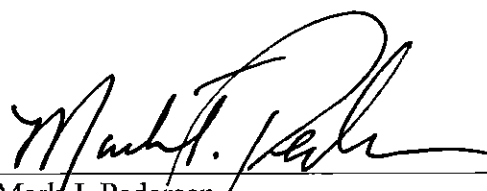
**4. Reservation of Authority**

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 to the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, and includes the compilation of individual county plans and amendments as they are approved.

**E. Certification of Approval of the Amendment by 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 County Commissioners on December 16, 2021.

3/31/2022  
Date

  
Mark J. Pedersen  
Assistant Commissioner