



State of New Jersey

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Commissioner

**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 MARCH 23, 2000
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, 1980, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Monmouth 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 Monmouth County Board of Chosen Freeholders (County Freeholders) completed such a review and on March 23, 2000 adopted an amendment to its approved County Plan. The March 23, 2000 amendment proposes County Plan inclusion of the Republic Services of New Jersey transfer station/materials recovery facility

located in Tinton Falls Borough and the Recycling Technology Center transfer station/materials recovery facility also located in Tinton Falls Borough.

The amendment was received by the Department on April 3, 2000 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 March 23, 2000 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 March 23, 2000 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 this plan amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders and the applicants are notified of the issues of concern relative to the March 23, 2000 amendment which are included in Section B.2. below.

In conjunction with the review of the amendment, the Department circulated copies to fifteen 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 Management, 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
 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

1. Agency Participation in the Review of the March 23, 2000 Amendment

The following agencies did not object to the proposed amendment:

Division of Fish and Wildlife, DEP
Green Acres Program, DEP
Department of Agriculture
New Jersey Turnpike Authority

The following agencies did not respond to our requests for comment:

Division of Water Quality, DEP
Division of Parks and Forestry, DEP
Land Use Regulation Element, DEP
Office of Air Quality Management, DEP
Department of Transportation
Department of Health and Senior Services
New Jersey Advisory Council on Solid Waste Management
Department of Community Affairs
U.S. Environmental Protection Agency

The following agencies provided substantive comments as shown in Section B. of the certification document:

Division of Solid and Hazardous Waste, DEP
Division of Compliance and Enforcement, DEP

2. Issues of Concern Regarding the March 23, 2000 Amendment

Issue: Historical Background for Republic Services

Marpal Company has operated a garage and maintenance facility at a site on Wayside Road in Tinton Falls Borough (Block 113, Lots 1.01 and 2) since the 1950s. In 1988 the Marpal Company added Class A recycling operations at this site. Marpal Company has previously received County Plan inclusion and DEP permit approval to operate a 500 ton per day Class B recycling center at this same site. However, Marpal never developed the Class B operation. Marpal Company has been acquired by Republic Services of New Jersey. Republic Services has decided not to develop the Class B operation but, instead, proceed with development of a 450 ton per day transfer station/materials recovery facility. This new facility would only accept type 13 bulky waste, source separated Class B recyclables, or mixed loads of bulky waste and Class B recyclables, and the company would continue to operate a Class A recycling center.

Issue: Historical Background for Recycling Technology Center

Mazza and Sons, Inc. has operated a scrap metal yard at a site in Tinton Falls Borough (Block 145, Lots 12, 14, 26, and 26A) since the 1980s. In 1992 Mazza and Sons received DEP approval to operate a Class B recycling center. Mazza and Sons, Inc. has been acquired by Recycling Technology Center, Inc. The new owner has decided to develop a 600 ton per day transfer

station/materials recovery facility at this Tinton Falls site. This new facility would only accept type 13 bulky waste and the company would continue to operate a Class B recycling center. Finally, County Plan inclusion of the materials recovery facility limits the Class B operation to the DEP permitted capacity of 2,577 tons per day.

Issue: Tire Storage at Recycling Technology Site

The Department's Office of Local Environmental Management commented that significant tire piles exist on a parcel of land owned by Tinton Falls Borough which is adjacent to the Mazza and Sons site in Tinton Falls Borough. The Department responds to this comment by noting that although tires are stored on this adjacent site, discussions continue between the company, the Department, and Tinton Falls Borough to remediate this site.

Issue: Change in Lot/Block Designation at Recycling Technology Site

The Department has been notified that the site comprising the Recycling Technology Center in Tinton Falls Borough is to be subdivided and reconfigured to comprise Block 145, Lots 12.01, 13.01, 14.01, and 26.01.

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 district solid waste management plans, I have reviewed the March 23, 2000 amendment to the approved County Plan and certify to the County Freeholders that the March 23, 2000 amendment is approved as further specified below.

The County Plan inclusion of the Republic Services of New Jersey (formerly Marpal Company) transfer station/materials recovery facility located on Wayside Road, Block 113, Lots 1.01 and 2 in Tinton Falls Borough, Monmouth County is approved. The facility may accept up to 450 tons per day of type 13 bulky waste, source separated Class B recyclables, or any combination thereof, and the company may continue to operate a Class A recycling center.

The County Plan inclusion of the Recycling Technology Center, Inc. (formerly Mazza and Sons, Inc.) transfer station/materials recovery facility located on Shafto Road, Block 145, Lots 12, 14, 26, and 26A in Tinton Falls Borough, Monmouth County is approved. The facility may accept up to 600 tons per day of type 13 bulky waste and the company may continue to operate a Class B recycling center with a DEP permitted capacity of 2,577 tons per day.

The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary 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 New Jersey Solid Waste Management Act is limited to those applicants found by the Department 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. 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 District Solid Waste Management 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 the Implementation of the Plan 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 shall proceed with the implementation of the approved 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 the Amendment

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

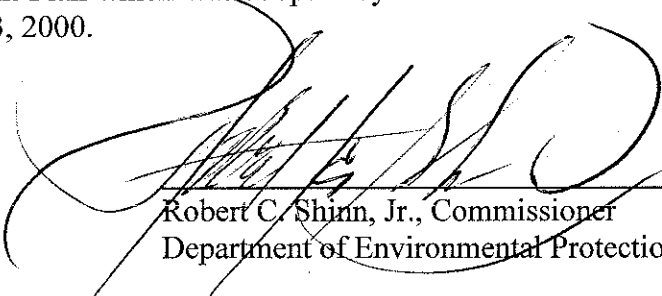
7. Reservation of Authority

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 Monmouth County District Solid Waste Management Plan which was adopted by the Monmouth County Board of Chosen Freeholders on March 23, 2000.

7/17/00
Date


Robert C. Shinn, Jr., Commissioner
Department of Environmental Protection