



## State of New Jersey

James E. McGreevey  
Governor

Department of Environmental Protection

Bradley M. Campbell  
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 NOVEMBER 25, 2003  
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 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 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 November 25, 2003, adopted an amendment to its approved County Plan.

The November 25, 2003 amendment proposes County Plan inclusion of the proposed acquisition and development of the former Shrewsbury Landfill and, the increase in capacity and the change in block/lot designation of the Recycling Technology Center transfer station/materials recovery facility (TS/MRF), which is located on Shafto Road, in Tinton Falls.

The amendment was considered administratively complete for review by the Department on December 10, 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 November 25, 2003 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 November 25, 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/inconsistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the issues of concern relative to the November 25, 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 November 25, 2003 Amendment

### **Background**

#### Shrewsbury Landfill

The Monmouth County Reclamation Center/Landfill has operated as the county's regional disposal facility since 1976. The facility was included in the original Monmouth County district Solid Waste Management Plan (August 31, 1981). The Monmouth County Board of Chosen Freeholders adopted an amendment to the County Plan on October 8, 1998, that allowed for the inclusion of a disposal strategy which mandated that all type 10 solid waste generated from within Monmouth County which is not disposed of outside the State of New Jersey is to be disposed of at the Monmouth County Reclamation Center located in Tinton Falls. The Department certified the approval of that amendment on March 18, 1999. The facility disposed of 522,490 tons of solid waste in 2001, and 510,798 tons in 2002. It is estimated that the currently operating Phase III Landfill will reach full capacity within twelve to fifteen years (depending on development and recycling trends in Monmouth County).

The Shrewsbury Disposal Company Landfill, located immediately to the west of the Monmouth County Reclamation Center/Landfill in parts of Tinton Falls, Colts Neck, and Wall Township is an unlined, inactive landfill, which was used for the disposal of municipal solid waste from the early 1960's to September 1981. The Shrewsbury Landfill encompasses several hundred acres, of which approximately 70 acres were actively used for solid waste disposal. Most of the landfill was covered with six inches to two feet of cover soil when operations ceased in 1981. The Shrewsbury Landfill, depending on design requirements such as height, and wetlands restrictions, could provide Monmouth County an additional four to six million cubic yards of disposal capacity, serving as the next phase of the Monmouth County Reclamation Center Landfill for three to six years.

Due to the limited capacity of the Monmouth County Reclamation/Landfill, the November 25, 2003 amendment proposes County Plan inclusion of the proposed acquisition and development of the former Shrewsbury Landfill. The following is a list of all of the parcels of land that may be developed: Colts Neck, Block 56.01, Lots 1-3, and 5; Tinton Falls, Block 121.02, Lot 1, Block 131, Lot 15, Block 133.01, Lot 6; and Wall Township, Block 901, Lots 1, 8, and 12-18.

#### Recycling Technology Corporation (RTC)

Mazza and Sons, Inc. was also included in the original Monmouth County Plan (August 31, 1981) as a scrap metal yard at Block 145, Lots 12, 14, 26 and 26A in Tinton Falls Borough. In 1992 Mazza and Sons, Inc. received Departmental approval to operate a Class B recycling center. Mazza and Sons, Inc. was acquired by RTC in the late 1990's.

The RTC bulky waste (types 13 and 13C) TS/MRF was originally included in the County Plan on March 23, 2000 (the amendment was certified as approved by the Commissioner on July 17, 2000). The facility's location was designated as Block 145, Lots 12, 14, 26 and 26A, on Shafto

Road, in Tinton Falls Borough; and, its capacity was 600 tons per day. The March 23, 2000 amendment noted that the Class B recycling center's permitted capacity was 2,577 tons per day. The amendment also noted that the Department had been notified that the site comprising the RTC TS/MRF was to be subdivided and reconfigured to comprise Block 145, Lots 12.01, 13.01, 14.01 and 26.01.

The Department approved an administrative action on November 23, 2002, that allowed RTC to accept a peak load of 700 tons on any single day, provided the facility did not exceed the weekly total of 3,600 tons (600 tons over the facility's six operating days-Friday through Thursday).

The November 25, 2003 amendment proposes the County Plan inclusion of an increase of capacity at the RTC TS/MRF to 900 tons per day of waste types 13 and 13C, with a weekly average of 5,400 tons, and a peak load of 1,100 tons per day provided that no more than 5,400 tons is received from Monday through Saturday. The facility would be open to receive bulky waste from 6:30 a.m. until 5:00 p.m., Monday through Friday, and 6:30 a.m. until 2:00 p.m. on Saturdays. Processing hours would be between 6:30 a.m. and 10:00 p.m. Monday through Saturday.

Furthermore, the November 25, 2003 amendment acknowledges the new property boundaries and lot subdivision/consolidation of the RTC TS/MRF. RTC subdivided and sold properties along Shafto Road and consolidated the rest of the lots. The new block and lot designation would be Block 145, Lot 26.01 (formerly Lots 26 and 26A).

### **Rules and Regulations**

If any operation of a solid waste 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.

Solid waste facilities 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.

### **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 November 25, 2003 amendment to the approved County Plan and certify to the County Freeholders that the November 25, 2003 amendment is approved as further specified below.

The County Plan inclusion of the proposed acquisition and development of the following blocks and lots of the former Shrewsbury Landfill: Colts Neck, Block 56.01, Lots 1-3, and 5; Tinton Falls, Block 121.02, Lot 1, Block 131, Lot 15, Block 133.01, Lot 6; and Wall Township, Block 901, Lots 1, 8, and 12-18, is approved.

Furthermore, the County Plan inclusion of an increase of capacity at the RTC TS/MRF to 900 tons per day of waste types 13 and 13C, with a weekly average of 5,400 tons, and a peak load of 1,100 tons per day provided that no more than 5,400 tons is received from Monday through Saturday; and the County Plan inclusion of the new block and lot designation of Block 145, Lot 26.01 (formerly Lots 26 and 26A), is approved. The facility would be open to receive bulky waste from 6:30 a.m. until 5:00 p.m., Monday through Friday, and 6:30 a.m. until 2:00 p.m. on Saturdays. Processing hours would be between 6:30 a.m. and 10:00 p.m. Monday through Saturday.

The construction or operation of any solid waste facility shall be preceded by, and is expressly premised upon, the acquisition of all necessary permits and approvals (including but not limited to a solid waste facility permit) pursuant to N.J.S.A. 13:1E-1 et seq. and all other applicable laws. This certification shall not be construed as an expression of the Department's intent to issue or modify a solid waste facility permit for any facility or operation. 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. 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 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 Monmouth County District Solid Waste Management Plan which was adopted by the Monmouth County Board of Chosen Freeholders on November 25, 2003.

March 4, 2004  
Date

Bradley M. Campbell  
Bradley M. Campbell, Commissioner  
Department of Environmental Protection

