



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL MANAGEMENT
401 E. STATE STREET
2ND FLOOR, WEST WING
MAIL CODE 401-02C
TRENTON, NJ 08625-0420

CHRIS CHRISTIE
GOVERNOR

BOB MARTIN
COMMISSIONER

KIM GUADAGNO
LT. GOVERNOR

CERTIFICATION OF THE JANUARY 29, 2015 AMENDMENT TO THE MERCER 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 (now known as the New Jersey Sports & Exposition Authority or NJSEA), as Solid Waste Management Districts, and mandated that the Boards of Chosen Freeholders and NJSEA develop comprehensive plans for waste management in their respective districts. On December 21, 2006, the Department of Environmental Protection (Department or DEP) approved the Mercer County District Solid Waste Management Plan (County Plan).

The Act further provides that a district may review its district plan at any time and, if found inadequate, a new district plan must be adopted. The Mercer County Board of Chosen Freeholders (County Freeholders) completed such a review and on January 29, 2015 adopted an amendment to its approved County Plan. Said amendment was approved by the Mercer County Executive (County Executive) on March 27, 2015.

The January 29, 2015 amendment proposes County Plan inclusion of Beitel Enterprises, Inc., a Class D Recycling Facility, to be located at Block 2597.01, Lot 6; 7B Marlen Drive in Hamilton Township, Mercer County, New Jersey. This facility plans to receive and process a maximum of up to 1 ton per day not to exceed a weekly average of 6.25 tons per week, of Class D consumer electronic recyclable materials consisting of consumer electronics and computer hard drives.

The amendment was considered administratively complete for review by the Department on April 16, 2015 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 January 29, 2015 and approved by the County Executive on March 27, 2015, is approved as provided in N.J.S.A. 13:1E-24.

B. Findings and Conclusions with Respect to the Mercer County District Solid Waste Management Plan Amendment

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the January 29, 2015 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 Beitel Enterprises, Inc. is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the elements of the January 29, 2015 amendment which are included below.

Elements of the January 29, 2015 Amendment

Element: Facility Operations

The January 29, 2015 amendment proposes County Plan inclusion of Beitel Enterprises, Inc., Class D Recycling Facility to be located at Block 2597.01, Lot 6; 7B Marlen Drive, in the Township of Hamilton, New Jersey. This facility plans to receive, store, process, and transfer up to 1 ton per day, not to exceed a weekly average capacity of 6.25 tons per week of Class D recyclable materials consisting of consumer electronics and computer hard drives. The facility will operate between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. One box truck will collect the materials and bring them back to the facility. They anticipate anywhere up to five trips per day, filling one box truck over a period of five days and don't foresee any traffic impacts in the surrounding area. Upon commencement of full operations, a maximum of 4 to 5 full-time employees are anticipated.

Beitel Enterprise, Inc. intends to utilize mechanical destruction (shredding) to process the Class D materials through the removal and shredding of computer hard drives from computers. The shredded material will be placed into a suitable bin for further processing off-site. No other form of processing is proposed to occur at this facility. The operation is fully contained within an enclosed building so no air or noise emissions will be emitted.

All resultant materials will then be transported by truck to an R2 processing facility (Responsible Recycling certified) in Chantilly, Virginia for further processing. All downstream recyclers of the material generated at this facility are R2 facilities for consumer electronics materials.

Consumer electronics, consisting of standard electronic items such as, including but not limited to: computers, printers, servers, LCD screens, televisions, radios, game consoles, cellular phones, printers, fax machines, etc. will arrive at the facility by truck from contracted government offices and businesses. Currently, there are no plans to allow local "walk-up" deliveries of consumer electronics. However, the facility anticipates

allowing “walk-ups” on a very minimal scale, as well as having monthly drop-off events for the non-business/residential community of Hamilton Township and other Mercer County residents. Most consumer electronics brought to this facility will be within cardboard boxes on pallets.

Element: Regulatory Requirements

The owner or operator of a Class D recycling center must obtain a Class D Recycling Center General Approval prior to commencement of regulated recycling activities and shall also follow all pertinent regulations found at N.J.A.C. 7:26A-3.1 et seq. and the design and operational standards at N.J.A.C. 7:26A-4.1 and 4.6.

Recycling centers 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. In addition, the owner or operator of a recycling center may require an air quality preconstruction permit and operating certificate in accordance with N.J.A.C. 7:27-8.2. Facilities operating diesel and gas vehicles are subject to the provisions of N.J.A.C. 7:27-14 and N.J.A.C. 7:27-15 requiring that vehicles comply with idling regulations.

Finally, if any operation of a recycling center will discharge pollutants as defined in N.J.A.C. 7:14A-1.2, the owner or operator of that recycling center must secure a New Jersey Pollutant Discharge Elimination System Permit pursuant to N.J.A.C. 7:14A-2.4(b)4.

C. Certification of the Mercer 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 January 29, 2015 amendment to the approved County Plan and certify to the County Freeholders that the January 29, 2015 amendment is approved as further specified below.

The County Plan inclusion of the Beitel Enterprise, Inc., Class D Recycling Facility, to be located at Block 2597.01, Lot 6; 7B Marlen Drive, in Hamilton Township, New Jersey for the receipt and processing of up to 1 ton per day and not to exceed a weekly average of 6.25 tons per week of Class D Consumer electronics recyclable materials.

This Certification shall not be construed as an expression of the Department’s intent to issue a recycling center approval to the owner or operator of any recycling center for Class D recyclable materials. A recycling center approval shall only be issued where the applicant has submitted an administratively complete application, as per N.J.A.C. 7:26A-3.5, where all the substantive criteria for approval set forth in N.J.A.C. 7:26A-3.2, 3.3, and 3.4 are satisfied, where a fee has been paid in accordance with N.J.A.C. 7:26A-2, and where none of the criteria for denial of a recycling center approval are met, as per N.J.A.C. 7:26A-3.12.

D. Other Provisions Affecting the Plan Amendment

1. Compliance

All owners and/or operators of recycling centers approved by the Department and operating within the District and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the County Plan. Any recycling center owner and/or operator 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. 7:26A1 et seq., and in violation of their approval to operate a recycling center issued thereunder by the Department and shall be subject to the provisions and penalties of N.J.S.A. 13:1E-9 and 12, N.J.A.C. 7:26A-9.1 et seq., and all other applicable laws.

2. 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.

3. 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.

4. Effective Date of Amendment

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

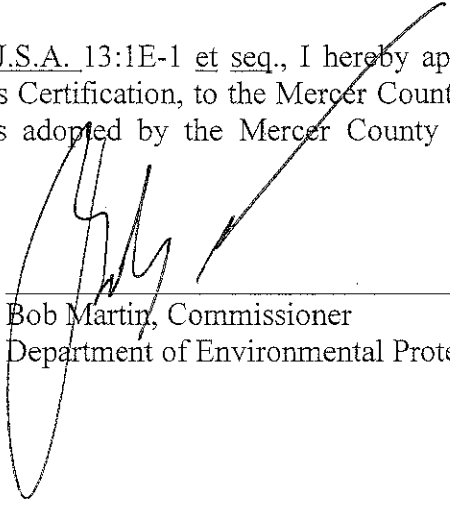
5. Reservation of Authority

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 also includes the compilation of individual County 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 Mercer County District Solid Waste Management Plan which was adopted by the Mercer County Board of Chosen Freeholders on January 29, 2015.

7/10/2015
Date



Bob Martin, Commissioner
Department of Environmental Protection