



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

MAIL CODE 401-07F

P.O. Box 402

Trenton, NJ 08625-0402

TEL: # (609) 292-2885

FAX # (609) 292-7695

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

BOB MARTIN  
*Commissioner*

### CERTIFICATION OF THE FEBRUARY 10, 2011 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, as Solid Waste Management Districts, and mandated that the Boards of Chosen Freeholders and the Hackensack Meadowlands Development Commission (now known as the New Jersey Meadowlands Commission) develop comprehensive plans for waste management in their respective districts. On July 31, 1980, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Mercer 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 Mercer County Board of Chosen Freeholders (County Freeholders) completed such a review and on February 10, 2011 adopted an amendment to its approved County Plan.

The February 10, 2011 amendment proposes the County Plan inclusion of V.G. Resources L.L.C. Transfer Station/Materials Recovery Facility (TS/MRF) to be located at Block 2605, Lot 29 in Hamilton Township, for the receipt, storage, processing and transferring of up to 1,500 tons per day of type 13 and 13C waste material (primarily bulky and construction waste) .

The amendment was considered administratively complete for review by the Department on March 9, 2011 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 10, 2011 and approved by the Mercer County Executive on February 16, 2011 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 February 10, 2011 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.

**Elements of the February 10, 2011 Amendment**

**Element: Facility Operations**

The February 10, 2011 plan amendment is proposing County Plan inclusion of V.G. Resources L.L.C. TS/MRF to be located at Block 2605, Lot 29 in Hamilton Township, for the receipt, storage, processing and transferring of up to 1,500 tons per day of type 13 and 13C waste material (primarily bulky and construction waste). This facility proposes to operate on a 24-hour per day, 7 days a week schedule and remove certain recyclable materials from the waste stream and grind the remaining materials for beneficial reuse and/or disposal.

**Element: Regulatory Requirements:**

The owner or operator of a solid waste TS/MRF must obtain a Solid Waste Facility (SWF) Permit from the Department prior to the commencement of regulated activities and shall also follow all pertinent regulations found at N.J.S.A. 7:26-2 et seq. and the design and operational requirements at N.J.A.C. 7:26-2B.5 and N.J.A.C. 7:26-2B.9, respectively. As per N.J.A.C. 7:26H-1.6(a), the operating entity of the V.G. Resources L.L.C. TS/MRF must seek and be issued a Certificate of Public Convenience and Necessity from the Department prior to engaging in the business of solid waste collection or solid waste disposal as defined at N.J.S.A. 48:13A-3. In addition, no person shall engage in the treatment, storage, transfer, or disposal of solid waste in the State without a license as per N.J.A.C. 7:26-16.3 (a) or without complying with all of the provisions of N.J.S.A. 13:1E-126 et seq. and the provisions of N.J.A.C. 7:26-16 and 16A.

Transfer stations/material recovery facilities are subject to the provisions of N. J.A.C. 7:27-8.2 (c)17 which requires air pollution control permits for any equipment which vents a solid waste facility directly or indirectly into the outdoor atmosphere.

Finally, if the proposed operation has a "stormwater discharge (or stormwater DSW)", a "process wastewater" discharge and/or discharges a "pollutant" as defined in N.J.A.C. 7:14a-1.2, or includes activities that require a New Jersey Pollutant Discharge Elimination System (NJPDES) Permit as identified in N.J.A.C. 7:14A-2.4, the applicant shall contact the Department's Division of Water Quality to obtain a NJPDES Permit and/or a Treatment Works Approval for discharges prior to operation, if required.

**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 county solid waste management plans, I have reviewed the February 10, 2011 amendment to the approved County Plan and certify to the County Freeholders that the February 20, 2011 amendment is approved.

The County Plan inclusion of V.G. Resources L.L.C. TS/MRF to be located at Block 2605, Lot 29 in Hamilton Township, for the receipt, storage, processing and transferring of up to 1,500 tons per day of type 13 and 13C waste material (primarily bulky and construction waste) is approved.

This certification shall not be construed as an expression of the DEP's intent to issue a SWF Permit or SWF Permit Modification for any proposed 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:E-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. **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.

4. **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.

5. **Effective Date of Amendment**

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

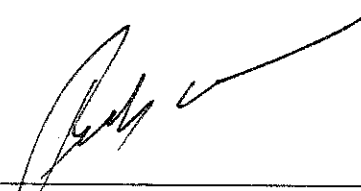
6. **Reservation of Authority**

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 Mercer County District Solid Waste Management Plan, which was adopted by the Mercer County Board of Chosen Freeholders on February 10, 2011.

7/17/2011  
Date

  
\_\_\_\_\_  
Bob Martin, Commissioner  
Department of Environmental Protection