



State of New Jersey

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CERTIFICATION OF THE DECEMBER 12, 2013 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 or NJMC) develop comprehensive plans for waste management in their respective districts. On July 31, 1980 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 and amend its County Plan at any time. The Mercer County Board of Chosen Freeholders (County Freeholders) completed such a review and on December 12, 2013 adopted an amendment to its approved County Plan.

The December 12, 2013 amendment proposes County Plan inclusion of the Trenton Biogas, LLC (Trenton Biogas) Class C recycling facility located at Block 12401, Lots 2.01 and 2.02, 1600 Lambertson Road in the City of Trenton.

The amendment was considered administratively complete for review by the Department on December 26, 2013 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 December 12, 2013 and approved by the Mercer County Executive on December 16, 2013 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 December 12, 2013 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. In this regard, the County Freeholders are notified of the elements of the December 12, 2013 amendment which are included below.

Elements of the December 12, 2013 Amendment

Element: Facility Operation

Trenton Biogas Class C recycling facility will accept and process up to 450 tons per day, not to exceed a weekly average 2,250 tons per week, of source separated food waste and other organic materials utilizing an anaerobic digestion technology to convert the Class C material into methane gas and solid and liquid fertilizers.

These materials will originate mostly from the commercial sector and will be delivered in closed container vehicles to the facilities.

Element: Regulatory Requirements

A Class C recycling center must obtain a 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.

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, recycling centers may require an air quality preconstruction permit and operating certificate pursuant to N.J.A.C. 7:27-8.2(c), dependent upon the equipment and type of operations conducted at the facility.

Finally, if the proposed operation has a "storm water discharge (or storm water 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 NJPDES Permit and/or 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 December 12, 2013 amendment to the approved County Plan and certify to the County Freeholders that the December 12, 2013 amendment is approved as further specified below.

The December 12, 2013 amendment proposing County Plan inclusion of Trenton Biogas, LLC Class C recycling facility located at Block 12401, Lots 2.01 and 2.02, 1600 Lamberton Road in the City of Trenton is approved.

This certification shall not be construed as an expression of the Department's intent to issue a recycling center approval to any recycling center for Class B/C 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 solid waste facility operators and transporters registered with 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 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.

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 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 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 December 12, 2013.

3/20/2014
Date



Bob Martin, Commissioner
Department of Environmental Protection