



State of New Jersey

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CERTIFICATION OF THE AUGUST 20, 2015 AMENDMENT TO THE MIDDLESEX 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 (previously formally known as the New Jersey Meadowlands Commission, and now known as New Jersey Sports and Exposition Authority or NJSEA) develop comprehensive plans for waste management in their respective districts. On July 29, 1980, the Department of Environmental Protection (Department or DEP) approved the Middlesex 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 Middlesex County Board of Chosen Freeholders (County Freeholders) completed such a review and on August 20, 2015 adopted an amendment to its approved County Plan.

The August 20, 2015 amendment proposes County Plan inclusion of Fortune Metal Recycling Class D Recycling Facility to be located at Block 891, Lots 212-239; Block 892, Lots 45, 148-189 with a street address of 900 Leesville Avenue in the Township of Woodbridge.

The amendment was considered administratively complete for review by the Department on August 26, 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 August 20, 2015 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the August 20, 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 the Fortune Metal Recycling Class D Recycling Facility is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the elements of the August 20, 2015 amendment which are included below.

Elements of the August 20, 2015 Amendment

Element: Facility Operation

The August 20, 2015 amendment to the County Plan proposes County Plan inclusion of the Fortune Metal Recycling Class D Recycling Facility to be located at 900 Leesville Avenue, Block 891; Lots 212-239 and Block 892; Lots 45, 149-189 in the Township of Woodbridge. The August 20, 2015 County Plan amendment proposes that the subject facility be included in the County Plan for the receipt of a maximum of 100 tons per day (tpd) of consumer electronics, non-PCB ballasts and batteries and identifies the facility's operating schedule for the acceptance and processing of materials as 7:00 am – 5:00 pm, Monday through Friday and 7:00 am – 12:00 pm, Saturday. All operations will be conducted indoors. Processing will be limited to sorting, dismantling and destruction of hard drives. Materials are delivered to downstream markets for further processing.

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 Middlesex 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 August 20, 2015 amendment to the approved County Plan and certify to the County Freeholders that the August 20, 2015 amendment is approved as further specified below.

The County Plan inclusion of the Fortune Metal Recycling Class D Recycling Center, to be located at 900 Leesville Avenue, Block 891; Lots 212-239 and Block 892; Lots 45, 149-189 in the Township of Woodbridge for the receipt of a maximum of 100 tpd of consumer electronics, non-PCB ballasts and batteries 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 D 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

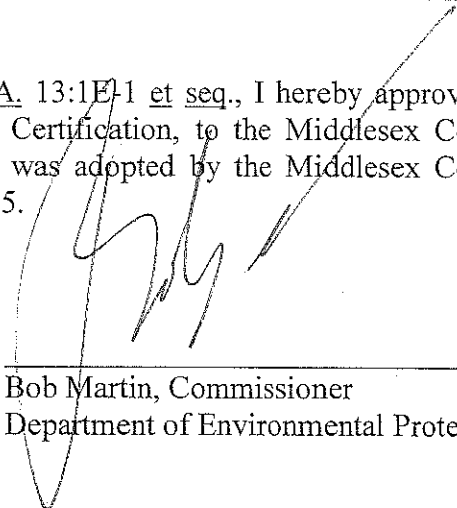
Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan, with appendices, which includes the Department's 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 Middlesex County District Solid Waste Management Plan which was adopted by the Middlesex County Board of Chosen Freeholders on August 20, 2015.

Date

11/17/2015



Bob Martin, Commissioner
Department of Environmental Protection