



State of New Jersey

CHRIS CHRISTIE
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Mail Code 401-07F
P.O. Box 402
Trenton, NJ 08625-0402
Tel. # (609) 292-2885
Fax # (609) 292-7695

BOB MARTIN
Commissioner

KIM GUADAGNO
Lt. Governor

CERTIFICATION OF THE JANUARY 27, 2014 AMENDMENT TO THE NEW JERSEY MEADOWLANDS COMMISSION 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 NJMC District Solid Waste Management Plan (District 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 NJMC Board of Commissioners (NJMC Commissioners) completed such a review and on January 27, 2014 adopted an amendment to its approved District Plan.

The January 27, 2014 amendment to the District Plan proposes District Plan inclusion of a phased capacity increase at the Allegro Sanitation Corporation Transfer Station/Material Recovery Facility (TS/MRF) and Class A and Class B Recycling Centers located at 278 Secaucus Road in the Town of Secaucus. Specifically, the January 27, 2014 amendment to the District Plan proposes District Plan inclusion of a phased 800-ton-per-day (tpd) increase in the combined capacity of the facilities, from 500 tpd of solid waste and Class A and Class B recyclable materials to 1,300 tpd of solid waste and Class A (1000 tpd) and Class B recyclable materials (300 tpd).

The amendment was considered administratively complete for review by the Department on February 10, 2014 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 NJMC Commissioners on January 27, 2014 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the January 27, 2014 amendment to the District 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 NJMC Commissioners are notified of the elements of the January 27, 2014 amendment which are included below.

Elements of the January 27, 2014 Amendment

Element: Facility History & Operations

On September 26, 1990, the Board of Commissioners of the Hackensack Meadowlands Development Commission adopted an amendment to the District Plan to include the Allegro Sanitation Corporation TS/MRF, located on Block 62, Lots 7 and 8 at 278 Secaucus Road in the Town of Secaucus, within the District Plan with a maximum capacity of 100 tpd of solid waste. This amendment to the District Plan was certified as approved by the Department on February 12, 1991.

An amendment to the District Plan, adopted by the Board of Commissioners of the NJMC on May 28, 1997, proposed District Plan inclusion of an increase in the operating capacity of the Allegro Sanitation Corporation TS/MRF from 100 tpd of solid waste to 500 tpd, including up to 300 tpd of a combination of Class A and Class B recyclable materials. This amendment to the District Plan identified the acceptable solid waste types as 10, 13, 13C, 23, and 27. The May 28, 1997 amendment to the District Plan also expanded the facility location to include Block 62, Lot 11 and identified the facility location as Block 62, Lots 7.01 and 11 in the Town of Secaucus. This amendment to the District Plan was certified as approved by the Department on September 29, 1997.

On November 28, 2006, the Board of Commissioners of the NJMC adopted an amendment to the District Plan which affirmed District Plan inclusion of, amongst other things, the Allegro Sanitation Corporation TS/MRF as being located on Block 62, Lot 7.01 at 278 Secaucus Road in the Town of Secaucus. This amendment to the District Plan identified the subject facility's total capacity as 500 tpd of material, including up to 300 tpd of Class A and Class B recyclable materials. In addition, this amendment to the District Plan identified the acceptable solid waste types as 10, 13, 13C, 23, and 27 and the facility's operating schedule as 4:00 am – 2:00 am, Monday through Friday and 8:00 pm – 6:00 pm, Saturday. This amendment to the District Plan was certified as approved by the Department on April 10, 2007.

On June 29, 2011, the Department approved a request for administrative action to the District Plan dated June 6, 2011. This request for administrative action to the District Plan proposed to amend the District Plan to reflect a change in the operating schedule of the Allegro Sanitation Corporation TS/MRF. Specifically, the June 6, 2011 request for administrative action to the District Plan proposed District Plan inclusion of the operating schedule of the Allegro Sanitation Corporation TS/MRF for the receipt of solid waste and source-separated recyclables as Monday through Friday from 4:00 am – 2:00 am the following day (22 consecutive hours) and from 4:00 am – 6:00 pm, Saturday and for the processing of solid waste and recyclable materials as Monday through Saturday, 4:00 am – 6:00 pm.

The January 27, 2014 amendment to the District Plan proposes District Plan inclusion of a phased capacity increase at the Allegro Sanitation Corporation TS/MRF and Class A and Class B Recycling Centers located at 278 Secaucus Road in the Town of Secaucus. Specifically, the January 27, 2014 amendment to the District Plan proposes District Plan inclusion of an 800-tpd increase in the combined capacity of the facilities - from 500 tpd of solid waste and Class A and Class B recyclable materials to 1,300 tons per day of solid waste and Class A and Class B recyclable materials. Of the total maximum capacity, the subject amendment to the District Plan proposes District Plan inclusion of the receipt of a maximum of 1,000 tpd of solid waste and Class A recyclable materials and a maximum of 300 tpd of Class B recyclable materials.

The amendment also notes that the operating schedule for the facilities will be as follows:

- Receipt of solid waste or Class A recyclable materials: 4:00 am – 2:00 am the following day (22 consecutive hours), Monday through Friday and 4:00 am – 6:00 pm, Saturday;
- Processing of solid waste and Class A recyclable materials: 4:00 am – 6:00 pm, Monday through Saturday; and,
- Receipt and processing of Class B recyclable materials: 4:00 am – 6:00 pm, Monday through Saturday.

Element: Regulatory Requirements

As noted above, the Department circulated copies of the January 27, 2014 amendment to the District Plan to various administrative review agencies. In response to this request for comment, the Department's Division of Fish and Wildlife commented that to protect the fisheries resources of the Penhorn Creek, any material should be stored outside the riparian zone (50 ft.) in accordance with N.J.A.C. 7:13-11.18(d) "Requirements for the storage of unsecured material" and that the material should be isolated from floodwaters by berms, or in a specially-designed containment area onsite, so that in the event of a flood, the recyclable material will not be transported off the site by floodwaters.

The January 27, 2014 amendment to the District Plan calls for an increase in the approved capacity of the Allegro Sanitation Corporation TS/MRF. Prior to the commencement of said expansion, a modification to Allegro Sanitation Corporation's Solid Waste Facility (SWF) Permit will have to be obtained pursuant to N.J.A.C. 7:26-2.6 et seq.

The proposed expansion of the Allegro Sanitation Corporation TS/MRF may be subject to State land use regulations regarding freshwater wetlands, flood hazard areas, coastal areas, and/or Highlands water protection and planning. If any new construction including vegetation clearing, grading, paving, and/or filling is proposed at the subject recycling center, further State approval may be required prior to construction. Therefore, Allegro Sanitation Corporation shall contact the Department's Division of Land Use Regulation for regulatory guidance before initiating any new construction.

Solid waste facilities are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This subchapter of regulations 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 solid waste facility requires an air quality preconstruction permit and operating certificate in accordance with N.J.A.C. 7:27-8.2.

Finally, if any operation of a solid waste facility will discharge pollutants as defined in N.J.A.C. 7:14A-1.2, the owner or operator of that solid waste facility must secure a New Jersey Pollutant Discharge Elimination System Permit pursuant to N.J.A.C. 7:14A-2.4(b)4. Additionally, as per N.J.A.C. 7:14A-22.3(a)2, if the owner or operator of a solid waste facility will, as part of its operation, build, install, modify, or operate any sewer line, pumping station, or force main which serves more than two buildings or is for the conveyance of 8,000 gallons per day or more of wastewater, a Treatment Works Approval would have to be obtained from the Department prior to construction.

C. Certification of the NJMC 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 27, 2014 amendment to the approved District Plan and certify to the NJMC Commissioners that the January 27, 2014 amendment is approved as further specified below.

The District Plan inclusion of a phased 800-tpd capacity increase at the Allegro Sanitation Corporation TS/MRF and Class A and Class B Recycling Centers located at 278 Secaucus Road in the Town of Secaucus is approved. The subject facility as a result of this certification is included in the District Plan for the receipt of a maximum of 1,000 tpd of solid waste and Class A recyclable materials and a maximum of 300 tpd of Class B recyclable materials.

This certification shall not be construed as an expression of the DEP's intent to issue a SWF Permit Modification or Renewal for any proposed or existing 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. 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 District 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, N.J.A.C. 7:26-5.1 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 NJMC Commissioners and pursuant to N.J.S.A. 13:1E-24c and f., the NJMC Commissioners 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 and N.J.A.C. 7:26A-1.3.

4. Effective Date of Amendment

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

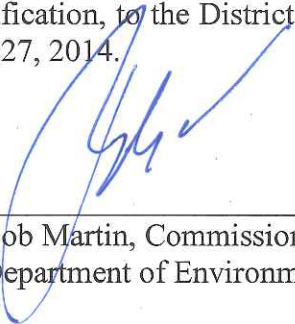
5. Reservation of Authority

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 District 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 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 District Plan which was adopted by the NJMC Commissioners on January 27, 2014.

7/8/2014
Date



Bob Martin, Commissioner
Department of Environmental Protection