



## State of New Jersey

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### CERTIFICATION OF THE MARCH 12, 2015 AMENDMENT TO THE NEW JERSEY SPORTS AND EXPOSITION AUTHORITY 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 (formerly known as the New Jersey Meadowlands Commission, now known as the New Jersey Sports and Exposition Authority or NJSEA) develop comprehensive plans for waste management in their respective districts. On July 31, 1980, the Department of Environmental Protection (Department or DEP) approved the NJSEA 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 NJSEA Board of Commissioners (NJSEA Commissioners) completed such a review and on March 12, 2015 adopted an amendment to its approved District Plan.

The March 12, 2015 amendment proposes District Plan inclusion of the Van Keuren, LLC Transfer Station/Material Recovery Facility (TS/MRF), to be located on Block 7405, Lot 2 at 25 Van Keuren Avenue in Jersey City, for the acceptance and processing of up to 750 tons per day (tpd) of solid waste types 10, 13, 13C, 23, 25 and 27.

The amendment was considered administratively complete for review by the Department on April 8, 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 NJSEA Commissioners on March 12, 2015 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the March 12, 2015 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 NJSEA Commissioners are notified of the elements relative to the March 12, 2015 amendment which are included below.

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**Elements of the March 12, 2015 Amendment**

**Element: Facility Operations**

The March 12, 2015 amendment to the District Plan proposes District Plan inclusion of the Van Keuren, LLC TS/MRF, to be located on Block 7405, Lot 2 at 25 Van Keuren Avenue in Jersey City, for the acceptance and processing of up to 750 tpd of solid waste types 10,13, 13C, 23, 25 and 27. The operating hours of the facility are identified in the subject District Plan amendment as 24 hours a day, 7 days a week.

**Element: Disposal of Solid Waste from Counties with a State Approved Waste Flow Plan**

The March 12, 2015 District Plan amendment does not note the origin of solid waste to be received at the proposed facility. The NJSEA district, as well as other districts in New Jersey, have procured non-discriminatory bids for their solid waste disposal and have approved waste flow plans. As per N.J.A.C. 7:26-6.12, if the Van Keuren, LLC TS/MRF receives solid waste from a district with an approved waste flow plan, this waste or the resulting residue after recycling, must be disposed of in conformance with the provisions of the respective district solid waste management plan.

**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.A.C. 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),

Van Keuren, LLC 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 "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 a NJPDES Permit and/or a Treatment Works Approval for discharges prior to operation, if required.

**C. Certification of the NJSEA 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 March 12, 2015 amendment to the approved District Plan and certify to the NJSEA Commissioners that the March 12, 2015 amendment is approved as further specified below.

The District Plan inclusion of the Van Keuren, LLC TS/MRF, to be located on Block 7405, Lot 2 at 25 Van Keuren Avenue in Jersey City, for the acceptance and processing of up to 750 tpd of solid waste types 10, 13, 13C, 23, 25 and 27 is approved.

This certification shall not be construed as an expression of the DEP's intent to issue a SWF Permit 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. 13:1E-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 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 NJSEA Commissioners and pursuant to N.J.S.A. 13:1E-24c. and f., the NJSEA 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, 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 District Plan contained herein shall take effect immediately.

**5. Reservation of Authority**

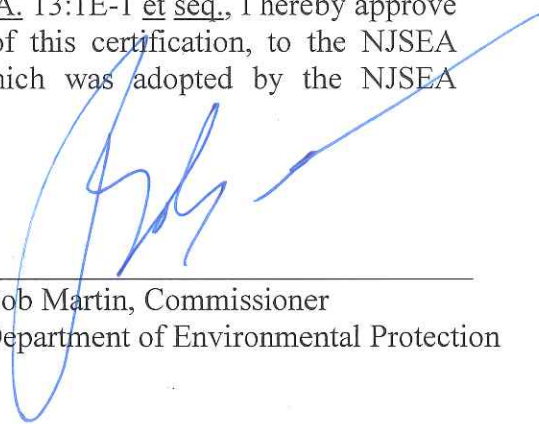
Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The District Plan, including any amendment made thereto, shall conform to the Statewide Solid Waste Management Plan, with appendices, which includes the Department's 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 NJSEA District Solid Waste Management Plan which was adopted by the NJSEA Commissioners on March 12, 2015.

8/14/2015

Date

  
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Bob Martin, Commissioner  
Department of Environmental Protection