



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 JUNE 14, 2012 AMENDMENT TO THE UNION 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 August 13, 1980, the Department of Environmental Protection (Department or DEP) approved the Union 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 Union County Board of Chosen Freeholders (County Freeholders) completed such a review and on June 14, 2012 adopted an amendment to its approved County Plan

The June 14, 2012 amendment proposes County Plan inclusion of the Rahway Recycling & Materials, Inc. Class B Recycling Center, to be located on Block 292, Lots 10 and 11 off of Leesville Avenue in the City of Rahway, for the receipt of a maximum of 5,000 tons per day (tpd) of concrete, asphalt, and brick.

The amendment was considered administratively complete for review by the Department on August 29, 2012 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 June 14, 2012 is approved, with modification, as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the June 14, 2012 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 modified amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the elements of the June 14, 2012 amendment which are included below.

Elements of the June 14, 2012 Amendment

Element: Facility Operations

The June 14, 2012 amendment to the County Plan proposes County Plan inclusion of the Rahway Recycling & Materials, Inc. Class B Recycling Center, to be located on Block 292, Lots 10 and 11 off of Leesville Avenue in the City of Rahway. The June 14, 2012 County Plan amendment proposes that the subject facility be included in the County Plan for the receipt of a maximum of 5,000 tpd of concrete, asphalt, and brick and identifies the facility's operating schedule for the receipt and processing of materials as 7:00 am – 2:00 pm, Monday through Friday.

The proposed site plan submitted to the Department's Solid and Hazardous Waste Management Program (SHWMP) as part of the application for a General Approval to Operate a Class B Recycling Center identifies the area of the Class B recycling operations to be approximately 1.5 acres. In the course of the plan amendment review process, the SHWMP expressed concerns that the proposed County Plan capacity of 5,000 tpd is significantly greater than the actual physical capacity of the site and as a result, conversations were held between the engineering consultant for Rahway Recycling & Materials, Inc., the Union County Utilities Authority, which implements the County Plan, the County, and the Department. During said conversations it was agreed upon by all parties that the County Plan inclusion of the capacity of the subject facility as 500 tpd of source-separated concrete, asphalt, and brick would be appropriate.

Element: Regulatory Requirements

The owner or operator of a Class B recycling center must obtain a Class B 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 4.8.

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.

As noted above, the Department circulated copies of the June 14, 2012 amendment to the County 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 Rahway River, 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.

Finally, if any operation of a recycling center will discharge pollutants as defined in N.J.A.C. 7:14-1.9, said operation must secure a New Jersey Pollutant Discharge Elimination System Permit and/or a Treatment Works Approval for pollutant discharges prior to operation.

C. Certification of the Union 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 June 14, 2012 amendment to the approved County Plan and certify to the County Freeholders that the June 14, 2012 amendment is approved as further specified below.

The County Plan inclusion of the Rahway Recycling & Materials, Inc. Class B Recycling Center, to be located on Block 292, Lots 10 and 11 off of Leesville Avenue in the City of Rahway is approved with modification. Specifically, the subject recycling center is hereby included in the County Plan with a capacity of 500 tpd of concrete, asphalt, and brick.

This certification shall not be construed as an expression of the Department's intent to issue a general approval to any recycling center for Class B recyclable materials. A general 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 general 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 with modification, as outlined in Section C. of this certification, to the Union County District Solid Waste Management Plan which was adopted by the Union County Board of Chosen Freeholders on June 14, 2012.

January 24, 2013

Date

Bob Martin, Commissioner
Department of Environmental Protection