



## State of New Jersey

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### **CERTIFICATION OF THE MARCH 24, 2011 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 (now known as the New Jersey Meadowlands Commission or NJMC) 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 County Plan at any time and, if found inadequate, a new County Plan must be adopted. The Middlesex County Board of Chosen Freeholders (County Freeholders) completed such a review and on March 24, 2011 adopted an amendment to its approved County Plan

The March 24, 2011 amendment proposes County Plan inclusion of the Sims Recycling Solutions, Inc. Class D Recycling Center, to be located on Block 398, Lot 26.02 at 401 Mill Road in the Township of Edison, for the acceptance and processing of a maximum of 150 tons per day (tpd) of batteries, thermostats, lamps, mercury-containing devices, consumer electronics, and other similar materials.

The amendment was considered administratively complete for review by the Department on April 4, 2011 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 March 24, 2011 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 March 24, 2011 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 March 24, 2011 amendment which are included below.

**Elements of the March 24, 2011 Amendment**

**Element: Facility Operations**

The March 24, 2011 amendment to the County Plan is proposing County Plan inclusion of the Sims Recycling Solutions, Inc. Class D Recycling Center, to be located on Block 398, Lot 26.02 at 401 Mill Road in the Township of Edison. The March 24, 2011 County Plan amendment proposes that the subject facility be included in the County Plan for the acceptance and processing of a maximum of 150 tons per day of batteries, thermostats, lamps, mercury-containing devices, consumer electronics, and other similar materials and identifies the facility's operating schedule for the acceptance of materials as 7:00 am – 5:00 pm, Monday through Friday and 7:00 am – 2:00 pm, Saturday and 24 hours per day, Monday through Saturday for the processing of materials.

This would be a new operation.

**Element: Regulatory Requirements**

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.

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 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 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 March 24, 2011 amendment to the approved County Plan and certify to the County Freeholders that the March 24, 2011 amendment is approved as further specified below.

The County Plan inclusion of the Sims Recycling Solutions, Inc. Class D Recycling Center, to be located on Block 398, Lot 26.02 at 401 Mill Road in the Township of Edison, for the acceptance and processing of a maximum of 150 tpd of batteries, thermostats, lamps, mercury-containing devices, consumer electronics, and other similar materials 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 March 24, 2011.

August 8, 2011

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Date

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Bob Martin, Commissioner  
Department of Environmental Protection