



State of New Jersey

Department of Environmental Protection
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CERTIFICATION OF THE NOVEMBER 21, 2017 AMENDMENT TO THE MONMOUTH 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 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 August 31, 1981, the Department of Environmental Protection (Department or DEP) approved the Monmouth 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 Monmouth County Board of Chosen Freeholders (County Freeholders) completed such a review and on November 21, 2017 adopted an amendment to its approved County Plan.

The November 21, 2017 Amendment (Amendment) proposes County Plan inclusion to increase the acceptance of Class A materials (including cans, bottles, and fiber) from 110 tons per day to 300 tons per day at Mazza Recycling Services, Ltd. Class B Recycling Center/Solid Waste Transfer Station located at 3230 Shafto Road, Block 145, Lot 26.01, in Tinton Falls Borough.

The Amendment was received on December 20, 2017 and considered administratively complete for review by the Department on January 8, 2018, and copies were distributed to various administrative review agencies for review and comment as required by law. The Department has reviewed the Amendment and has determined that the Amendment adopted by the County Freeholders on November 21, 2017 is approved as provided in N.J.S.A. 13:1E-24.

B. Findings and Conclusions with Respect to the November 21, 2017 Monmouth County District Solid Waste Management Plan Amendment

Pursuant to N.J.S.A. 13:1E-24a (1), I have studied and reviewed the November 21, 2017 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 November 21, 2017 Amendment, which are included below.

Elements of the November 21, 2017 Amendment

Element: Facility Operations

The Amendment to the County Plan proposes County Plan inclusion to increase the acceptance of Class A materials (including cans, bottles, and fiber) from 110 tons per day to 300 tons per day at Mazza Recycling Services, Ltd. Class B/ Solid Waste Transfer Station located at 3230 Shafto Road, Block 145, Lot 26.01, in Tinton Falls Borough. No Class A materials will be processed onsite, as they will be transferred to another facility, out of the area for processing. The facilities at this property are permitted to operate during the hours of 6:00 am to 5:00 pm, Monday through Friday and from 6:00 am to 1:00 pm on Saturdays (from May 1st through September 15th) and 7:00 am to 4:00 pm on Monday through Friday and on Saturdays from 7:00 am to 1:00 pm (from September 16th through April 30th). The site is relatively isolated from any residential land uses and there is one driveway that is used to utilize the Mazza property, which comes into the facility off Shafto Road. As part of the inclusion in the County Plan, the County will be signing a developer's agreement with Mazza Recycling Ltd. The agreement sets forth language by which Mazza Recycling Ltd. will be required to install a traffic signal and make the associated improvements at the intersection of the Mazza driveway and Shafto Road (County Highway 547). The facility will not be able to accept the additional tonnage until the traffic signal is verified and approved by the Monmouth County Division of Engineering.

Element: Regulatory Requirements

The owner or operator of a Class A/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(a).

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 (NJPDES) Permit pursuant to N.J.A.C. 7:14A-2.4 (b)4.

C. Certification of the Monmouth 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 November 21, 2017 Amendment to the approved County Plan and certify to the County Freeholders that the November 21, 2017 Amendment is hereby approved as specified below.

The County Plan inclusion to increase the acceptance of Class A materials (including cans, bottles, and fiber) from 110 tons per day to 300 tons per day at the Mazza Recycling Services Ltd. Class B Recycling Center/ Solid Waste Transfer Station located at 3230 Shafto Road, Block 145, Lot 26.01, in Tinton Falls Borough, 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 A/B 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 owners and/or operators of recycling centers approved by the Department and operating within the County and affected by the Amendment contained herein shall operate in compliance with this Amendment and all other approved provisions of the County Plan. Any recycling center owner and/or operator 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. 7:26A-1 et seq., and in violation of their approval to operate a recycling center 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., N.J.A.C. 7:26A-9.1 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 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 elements 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 to the Statewide Solid Waste Management Plan, with appendices which include the Department's planning guidelines, rules, regulations, orders of the Department, and 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 Monmouth County District Solid Waste Management Plan which was adopted by the Monmouth County Board of Chosen Freeholders on November 21, 2017.

6/5/18
Date


Catherine R. McCabe, Acting Commissioner
Department of Environmental Protection