



## State of New Jersey

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### **CERTIFICATION OF THE SEPTEMBER 11, 2013 AMENDMENT TO THE MORRIS 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 January 29, 1981, the Department of Environmental Protection (Department or DEP) approved the Morris County District Solid Waste Management Plan (County 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 Morris County Board of Chosen Freeholders (County Freeholders) completed such a review and on September 11, 2013 adopted an amendment to its approved County Plan.

The September 11, 2013 amendment to the County Plan proposes County Plan inclusion of the County Concrete Corp. Class B Recycling Center, to be located on Block 2501, Lot 1 at 50 Railroad Avenue in the Township of Roxbury, for the receipt of a maximum of 2,500 tons per day (tpd) of concrete and concrete brick and block.

The amendment was considered administratively complete for review by the Department on September 23, 2013 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 September 11, 2013 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the September 11, 2013 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 September 11, 2013 amendment which are included below.

**Elements of the September 11, 2013 Amendment**

**Element: Facility Operations**

The September 11, 2013 amendment to the County Plan proposes County Plan inclusion of the County Concrete Corp. Class B Recycling Center, to be located on Block 2501, Lot 1 at 50 Railroad Avenue in the Township of Roxbury. This amendment to the County Plan proposes that the subject facility be included in the County Plan for the receipt of a maximum of 2,500 tpd of concrete and concrete brick and block and identifies the facility's operating schedule as 7:00 am – 7:00 pm, Monday through Friday and 7:00 am – 12:00 pm, Saturday and notes that the receipt of materials will not occur at the site on Sundays and legal holidays.

**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.

The proposed recycling center 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, County Concrete Corp. shall contact the Department's Division of Land Use Regulation for regulatory guidance before initiating construction.

Recycling centers 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 recycling center may require 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 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 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 recycling center 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 Morris 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 district solid waste management plans, I have reviewed the September 11, 2013 amendment to the approved County Plan and certify to the County Freeholders that the September 11, 2013 amendment is approved as further specified below.

The County Plan inclusion of the County Concrete Corp. Class B Recycling Center, to be located on Block 2501, Lot 1 at 50 Railroad Avenue in the Township of Roxbury, for the receipt of a maximum of 2,500 tpd of concrete and concrete brick and block is approved.

This certification shall not be construed as an expression of the Department's intent to issue a recycling center approval to the owner or operator of any recycling center for Class B recyclable 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 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 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 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 County Plan which was adopted by the County Freeholders on September 11, 2013.

January 31, 2014

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Date

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Bob Martin, Commissioner  
Department of Environmental Protection