



## State of New Jersey

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### **CERTIFICATION OF A MARCH 12, 2013 AMENDMENT TO THE PASSAIC 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 Passaic 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 Passaic County Board of Chosen Freeholders (County Freeholders) completed such a review and on March 12, 2013 adopted amendments to its approved County Plan.

This one on three March 12, 2013 amendments proposes County Plan inclusion of the FYC Recycling, LLC Class B Recycling Center, to be located on Block 170.02, Lot 2 (partial), Parcel A at 289 Maltese Drive in the Borough of Totowa, for the receipt of a maximum of 1,000 tons per day (tpd) of asphalt, concrete, brick, and block.

This amendment was considered administratively complete for review by the Department on April 9, 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 this amendment adopted by the County Freeholders on March 12, 2013 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed this one of three March 12, 2013 amendments 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 this March 12, 2013 amendment which are included below.

**Elements of this March 12, 2013 Amendment**

**Element: Facility Operations**

This one of three March 12, 2013 amendments to the County Plan proposes County Plan inclusion of the FYC Recycling, LLC Class B Recycling Center, to be located on Block 170.02, Lot 2 (partial), Parcel A at 289 Maltese Drive in the Borough of Totowa. This March 12, 2013 amendment to the County Plan also proposes that the subject recycling center be included in the County Plan for the receipt of a maximum of 1,000 tpd of asphalt, concrete, brick, and block and identifies the facility's operating schedule as 7:00 am – 4:30 pm, Monday through Friday and 7:00 am – 3:00 pm, Saturday.

**Element: Regulatory Requirements**

The owner or operator of a Class B recycling center must obtain a General Approval to Operate a Class B Recycling Center 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.

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 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.

**Additional Element of the Passaic County District Solid Waste Management Plan**

**Element: Municipal Solid Waste (MSW) Recycling in Passaic County**

On December 27, 2006, the Passaic County Board of Chosen Freeholders adopted an amendment to the County Plan which, among other things, included specific strategies for achieving the State's statutorily-mandated minimum MSW recycling rate of 50%. This amendment to the County Plan was certified as approved by the Department on June 19, 2007.

The most recent recycling data compiled by the State shows that in 2011, 31.8% of Passaic County MSW was recycled. Using 2011 Department data, Passaic County will have to recycle an additional 115,600 tons of MSW to reach a MSW recycling rate of 50%.

In this regard, the County is reminded that the Department adopted an Update to the Statewide Solid Waste Management Plan in 2006, which set forth, among other things, a framework for the counties in assessing various strategies to be employed to achieve the statutorily-mandated recycling goals and, although the state does not prescribe specific actions to be taken, the Department strongly recommends that the County, at a minimum:

- 1) Assess compliance with the requirements of the County recycling plan within the institutional sector, including public and private schools, government buildings, recreational facilities and other public locations within the county. This assessment should include what specific actions the County will take if a school board or government body refuses to follow recycling mandates; and,
- 2) Coordinate with appropriate municipal authorities for increased compliance and enforcement inspections at commercial establishments, where quantities of designated recyclables (especially corrugated cardboard and various grades of paper) may be present; and,
- 3) Coordinate with each municipality in the County that in 2011 had an MSW recycling rate of 25% or less and develop strategies to increase their respective recycling rates by at least 25% by the end of calendar year 2014, and prepare plans to implement those strategies.

It should also be noted that, relative to the above, the Department is available to assist the County in developing appropriate recycling compliance and other strategies to achieve mandated recycling goals. Finally, in order to assess progress by the County in achieving

the state's mandated recycling goals, the county is directed to submit, beginning on January 1, 2014 and every six months thereafter, a report detailing actions taken, and specific results achieved, until such time as the Department determines that the County has achieved these goals.

**C. Certification of a Passaic 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 this one of three March 12, 2013 amendments to the approved County Plan and certify to the County Freeholders that this March 12, 2013 amendment is approved as further specified below.

The County Plan inclusion of the FYC Recycling, LLC Class B Recycling Center, to be located on Block 170.02, Lot 2 (partial), Parcel A at 289 Maltese Drive in the Borough of Totowa, for the receipt of a maximum of 1,000 tpd of asphalt, 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 and/or Class C 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 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 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. 7:26A-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 components of this 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 an 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 subject amendment, as outlined in Section C. of this certification, to the Passaic County District Solid Waste Management Plan which was adopted by the Passaic County Board of Chosen Freeholders on March 12, 2013.

August 14, 2013

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Date

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Bob Martin, Commissioner  
Department of Environmental Protection