



## 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 of three March 12, 2013 amendments proposes County Plan inclusion of the RVH Mulch Supply, LLC Class B/C Recycling Center, to be located on Block 4601, Lot 21 at 960 Burnt Meadow Road in the Township of West Milford, for the receipt of a maximum of 3,000 tons per day (tpd) of brush, grass, leaves, lake weed, compost, fill dirt, crushed stone, and palletized stone.

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 with modification 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 in part and inconsistent in part with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the elements of this March 12, 2013 amendment to the County Plan 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 RVH Mulch Supply, LLC Class B/C Recycling Center, to be located on Block 4601, Lot 21 at 960 Burnt Meadow Road in the Township of West Milford. This one of three March 12, 2013 amendments to the County Plan proposes that the subject recycling center be included in the County Plan for the receipt of a maximum of 3,000 tpd of brush, grass, leaves, lake weed, compost, fill dirt, crushed stone, and palletized stone and identifies the facility's operating schedule as 7:00 am – 5:00 pm, Monday through Friday and 7:00 am – 1:00 pm, Saturday.

As noted above, the Department circulated copies of this one of three March 12, 2013 amendments to the County Plan to various administrative review agencies. In response to this request for comment, the Department's Bureau of Transfer Stations and Recycling Facilities commented that compost, fill dirt, and crushed and palletized stone are not materials which the Department regulates and thus can not be included in the County Plan or any General Approval to Operate a Class B/C Recycling Center as acceptable materials for receipt.

### **Element: Regulatory Requirements**

The owner or operator of a Class B/C recycling center must obtain a Class B/C 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, 4.5, 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.

### **C. Certification of the 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 with modification as further specified below.

The County Plan inclusion of the RVH Mulch Supply, LLC Class B/C Recycling Center, to be located on Block 4601, Lot 21 at 960 Burnt Meadow Road in the Township of West Milford, for the receipt of a maximum of 3,000 tpd of brush, grass, leaves, lake weed, compost, fill dirt, crushed stone, and palletized stone is approved with modification. Specifically, all references to compost, fill dirt, crushed stone, and palletized stone and their respective capacities, which were submitted to the Department via e-mail by RVH Mulch Supply, LLC's consultant on July 23, 2013, of 125 tpd, 300 tpd, 5 tpd, and 1 tpd are eliminated from this March 12, 2013 amendment to the County Plan. Therefore, the subject recycling center will have a County Plan maximum capacity of 2,569 tpd of Class B and Class C recyclable materials.

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 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 with modification the subject amendment with modification, 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.

September 4, 2013

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Date

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Bob Martin, Commissioner  
Department of Environmental Protection