

**CERTIFICATION
OF THE SEPTEMBER 8, 2010
AMENDMENT TO THE SUSSEX 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) develop comprehensive plans for waste management in their respective districts. On June 1, 1981, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Sussex 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 Sussex County Board of Chosen Freeholders (County Freeholders) completed such a review and on September 8, 2010 adopted an amendment to its approved County Plan.

The September 8, 2010 amendment proposes County Plan inclusion of the Back Thru The Future Computer Recycling, Inc. Class D Recycling Center, to be located on Block 62, Lot 18.01 at 1 Park Drive in the Township of Hardyston, for the receipt and processing of up to 100 tons per day (tpd) of computers and computer components.

The amendment was considered administratively complete for review by the Department on October 22, 2010 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 8, 2010 is approved, with modification, as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the September 8, 2010 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 in part and inconsistent in part with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the elements relative to the September 8, 2010 amendment which are included below.

Elements of the September 8, 2010 Amendment

Element: Facility Operations

On January 30, 2008, the Sussex County Board of Chosen Freeholders adopted an amendment to their County Plan to include within it the Back Thru The Future Computer Recycling, Inc. Class D Recycling Center, located on Block 25, Lot 1.01 at 150 Main Street in the Borough of Ogdensburg. This County Plan amendment, which proposed to include the facility to accept a maximum capacity of 100 tons per day (tpd) of computers and computer components with operating hours of 9:00 am – 5:30 pm, Monday through Friday, was certified as approved by the Department on March 25, 2008.

The subject facility has operated in the Borough of Ogdensburg and has proposed to relocate its operation to a site in the Township of Hardyston.

The September 8, 2010 amendment to the County Plan is proposing County Plan inclusion of the Back Thru The Future Computer Recycling, Inc. Class D Recycling Center, to be located at Block 62, Lot 18.01 on 1 Park Drive in the Township of Hardyston. No changes in the capacity or types of materials to be accepted or the hours of operation are proposed in the September 8, 2010 amendment to the County Plan.

The 2010 County Plan amendment reads that as a part of the operation, “[t]he separated items are palletized and stored until truckload quantities are collected”. During the review phase, the Department’s Division of County Environmental and Waste Enforcement (DCEWE) commented that such storage may not exceed one year.

Condition #3 identified in the “Conditions of Approval” submitted by the County to the Department as a part of the September 8, 2010 amendment to the County Plan reads, “No hazardous materials shall be received or stored on the premises, including but not limited to, old PCB capacitors, any material containing mercury or tantalum”. During the review phase, the DCEWE commented that Condition #3 is not feasible since Back Thru The Future Computer Recycling, Inc. intends to accept and process Class D recyclable materials, which will include consumer electronics, a universal, and thus, hazardous waste. Thus, Condition #3 in the above noted “Conditions of Approval” is hereby modified to read, “No hazardous materials, other than Class D Universal Waste shall be received or stored on the premises, including but not limited to, old PCB capacitors, any material containing

mercury or tantalum”.

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 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.

Recycling centers must abide by the provisions of N.J.A.C. 7:29, "Noise Control". These provisions also cover noise generated by commercial vehicles entering a recycling center.

The proposed Back Thru The Future Computer Recycling, Inc. Class D Recycling Center will be located in the Highlands Region, pursuant to the Highlands Water Protection and Planning Act (N.J.S.A. 13:20-7(a)6). If a facility expansion leads to a disturbance, as defined in Section 3 of that Act, that project is deemed a Major Highlands Development and, thus, unless found to be exempt, would require a Highlands determination and additional permits and/or approvals from the Land Use Regulation Program within the Department.

Finally, if the proposed operation has a "stormwater discharge (or stormwater DSW)", a "process wastewater" discharge and/or discharges a "pollutant" as defined in N.J.A.C. 7:14A-1.2, or includes activities that require a New Jersey Pollutant Discharge Elimination System (NJPDES) Permit as identified in N.J.A.C. 7:14A-2.4, the applicant shall contact the Department's Division of Water Quality to obtain a NJPDES Permit and/or a Treatment Works Approval for discharges prior to operation, if required.

C. Certification of the Sussex 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 September 8, 2010 amendment to the approved County Plan and certify to the County Freeholders that the September 8, 2010 amendment is approved, with modification, as further specified below.

The County Plan inclusion of the Back Thru The Future Computer Recycling, Inc. Class D Recycling Center, to be located on Block 62, Lot 18.01 at 1 Park Drive in the Township of Hardyston, for the acceptance and processing of 100 tpd of computers and computer components is approved, with the modification noted above in Section B of this certification.

The construction or operation of any solid waste facility shall be preceded by the acquisition of all necessary permits and approvals pursuant to N.J.S.A. 13:1E-1 et seq., and all other applicable laws. The issuance of operating permits pursuant to the Solid Waste Management Act is limited to those applicants found by the DEP and the Attorney General of the State of New Jersey to be deserving of licensing under the provisions of N.J.S.A. 13:1E-126.

D. Other Provisions Affecting the Plan Amendment

1. Compliance

All solid waste facility operators and transporters registered with 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 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 district 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 amendment, as outlined in Section C. of this certification, to the Sussex County District Solid Waste Management Plan which was adopted by the Sussex County Board of Chosen Freeholders on September 8, 2010.

November 16, 2010

Date

Bob Martin, Commissioner
Department of Environmental Protection