



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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CERTIFICATION OF THE FEBRUARY 11, 2015 AMENDMENT TO THE WARREN COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN

BY ORDER OF THE COMMISSIONER:

A. Introduction

The New Jersey Solid Waste Management Act (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 (NJSEA) develop comprehensive plans for waste management in their respective districts. On October 16, 1981, the Department of Environmental Protection (Department or DEP) approved the Warren 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 Warren County Board of Chosen Freeholders (Freeholders) completed such a review and on February 11, 2015 adopted an amendment to its approved County Plan.

The February 11, 2015 amendment (Amendment) proposes County Plan inclusion of the S. Rotondi and Sons, Inc. Recycling Center (Rotondi) located on Block 7, Lots 12 and 14.02, at 139 Reeder Road in Harmony Township, Warren County, to operate as a Class B and Class C Recycling Facility provided certain conditions (Conditions) concerning the operation of the facility memorialized in the Freeholder Resolutions numbered 96-15, 473-15, 598-15, 641-15, and 696-15 (Resolutions) are met. The Class B Recycling Center would be authorized to receive, store, process, or transfer whole trees, tree trunks, tree parts, tree stumps, brush, clean pallets, and unpainted and untreated wood. The currently approved and operating Class C Recycling Center would continue to be authorized to receive, store, process, or transfer leaves, grass clippings, brush, wood chips, and soils in both separated and co-mingled condition.

The Amendment was considered administratively complete for review by the Department on May 11, 2015, and copies were distributed to various administrative review agencies for review and comment as required by law. The Department had 150 days from that date to conduct its review (until October 7, 2015) and certify the Amendment. On September 29, 2015 and then again on December 30, 2015, the Department and the Freeholders entered into Tolling Agreements that extended the Department's review period until March 28, 2016 to certify the Amendment. The Department has reviewed the Amendment and has determined that the Amendment (including the Resolutions and Conditions) adopted by the Freeholders on February 11, 2015 is approved in part and rejected in part as provided in N.J.S.A. 13:1E-24 and detailed below.

B. Findings and Conclusions with Respect to the February 11, 2015 Warren County District Solid Waste Management Plan Amendment

Pursuant to N.J.S.A. 13:1E-24a (1), I have studied and reviewed the February 11, 2015 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 (including the Resolutions and Conditions) proposing the inclusion of the Rotondi Class B and Class C Recycling Facility is consistent in part and inconsistent in part with the Statewide Solid Waste Management Plan. In this regard, the Freeholders are notified of the elements of the February 11, 2015 Amendment, which are included below.

Elements of the February 11, 2015 Amendment

Element: Background

On May 13, 1992, the Freeholders adopted a plan amendment to the County Plan which proposed County Plan inclusion of, among other things, the Rotondi compost facility located on Block 7, Lots 12 and 14.02 in Harmony Township. No capacity was identified in the subject amendment. The amendment was certified as approved by the Department on September 18, 1992.

On August 2, 2004, the Freeholders requested the Department issue an Administrative Action approval to amend the County Plan to accept soil for soil blending activities at the Rotondi Class C Recycling Center. The subject request for Administrative Action limited the number of incoming trucks for all of the site's operations, including, but not limited to soil blending, to sixty-six (66) trucks per day. The Department approved the request on August 19, 2004.

On July 15, 2005, the Freeholders requested the Department issue an Administrative Action to amend the County Plan to remove the 10,000 cubic yard quantity limitation on brush and tree parts. The subject request for Administrative Action to the County Plan also included the subject facility in the County Plan for the receipt of the currently approved maximum site capacity of 100,000 cubic yards for all authorized recyclable materials. The Department approved the request on August 19, 2005.

On September 12, 2007 the Freeholders adopted a plan amendment to the County Plan which, among other things, reaffirmed County Plan inclusion of the Rotondi Class C Recycling Center, located on Block 7, Lots 12 and 14.02 at 139 Reeder Road in the Township of Harmony, with the limit to accept no more than sixty-six (66) trucks per day of leaves, grass clippings, brush, tree parts, and wood chips. The hours of operation are not to exceed 6:00 a.m. – 8:00 p.m., Monday through Saturday. This amendment was certified by the Department on January 11, 2008.

Element: Facility Operations

Class B Recycling Facility

The February 11, 2015 Amendment proposes County Plan inclusion of the Rotondi Class B Recycling Facility to be located at 139 Reeder Road, Block 7, Lots 12 and 14.02, in Harmony Township and accept whole trees, tree trunks, tree parts, tree stumps, brush, clean pallets, and unpainted and untreated wood from Harmony Township, other municipalities, and landscapers. The Class B storage limits shall not exceed 7,500 cubic yards of processed material and 7,500 cubic yards of unprocessed material on site unless and until the NJDEP issues a Class B Recycling Center General Approval which shall be for a total of no more than 101,000 cubic yards of storage capacity, consisting of not more than 45,000 cubic yards of unprocessed and not more than 56,000 cubic yards of processed material. Not more than 450 tons of Class B material may be delivered per day.

Class C Recycling Facility

As a currently approved and operating Class C Recycling Center operation, Rotondi is authorized to receive, store, process, or transfer leaves, grass clippings, brush, wood chips, and soils in both separated and co-mingled condition accepting no more than 80,000 cubic yards of yard waste may be placed in windrows and 120,000 cubic yards of finished compost product may be placed in storage for a total of no more than 200,000 cubic yards.

The hours of operation are not to exceed Monday through Saturday 6:00 a.m. to 8:00 p.m. The Class B and Class C facility shall be limited to a maximum combined total of sixty-six (66) trucks per day of Class B materials, Class C materials, and soil deliveries. The hours of operation for the tub grinder shall not exceed 8:00 a.m. to 5:00 p.m., Monday through Saturday.

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.

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 Warren 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 February 11, 2015 Amendment to the approved County Plan and certify to the County Freeholders that the February 11, 2015 Amendment is hereby approved in part and rejected in part as specified below.

The County Plan inclusion of Rotondi Class B Recycling Facility, to be located at 139 Reeder Road, on Block 7, Lots 12 and 14.02, in Harmony Township, to receive, store, process, or transfer whole trees, tree trunks, tree parts, tree stumps, brush, clean pallets, and unpainted and untreated wood from Harmony Township, other municipalities, and landscapers is hereby approved. The Class B storage limits shall not exceed 7,500 cubic yards of processed Class B material and 7,500 cubic yards of unprocessed Class B material on site at any given time unless and until the NJDEP issues a Class B Recycling Center General Approval which shall be for a total of no more than 101,000 cubic yards of storage capacity, consisting of not more than 45,000 cubic yards of unprocessed and not more than 56,000 cubic yards of processed material. Not more than 450 tons of Class B material may be delivered per day.

The currently approved and operating Class C Recycling Center would continue to be authorized to receive, store, process, or transfer leaves, grass clippings, brush, wood chips, and soils in both separated and co-mingled condition with no more than 80,000 cubic yards of yard trimmings placed in windrows and 120,000 cubic yards of finished compost product placed in storage for a total of no more than 200,000 cubic yards total of Class B, Class C, and finished compost product on the site at any given time.

The hours of operation for both the Class B and Class C facilities are not to exceed Monday through Saturday 6:00 a.m. to 8:00 p.m. and the facility shall be limited to a maximum combined total of sixty-six (66) trucks per day for Class B, Class C, and soil deliveries. Nothing herein shall be construed to define clean soil as a regulated Class B material. The revised hours of operation for the tub grinder, which shall not exceed 8:00

a.m. to 5:00 p.m., Monday through Friday, and 8:00 a.m. to 1:00 p.m. Saturday, are approved.

However, other than the change in hours of tub grinder operation contained in Resolution 96-15, the Department is not certifying any of the other Conditions proposed by the Freeholders in Resolutions 96-15, 473-15, 598-15, 641-15, and 696-15 that dictate how the facility is to be operated and compliance schedules adhered to. The current Recycling Center approval issued for the Class C facility and a Recycling Center Class B General Approval (if any) to be issued for the Class B operation by the Department has or will contain all the conditions required to operate both facilities in an environmentally sound manner. The Department and the Warren County Health Department as appropriate will ensure that the facility operates in accordance with this Certification, all approvals, applicable rules, and regulations. Therefore, except the change in tub grinder operating hours as noted above, the Conditions imposed by the County in the Amendment and the Resolutions are hereby rejected. The rejection of the above-referenced Conditions shall not be construed as impacting any contracts or agreements identified in the Conditions between Rotondi and Warren County in any way.

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 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.

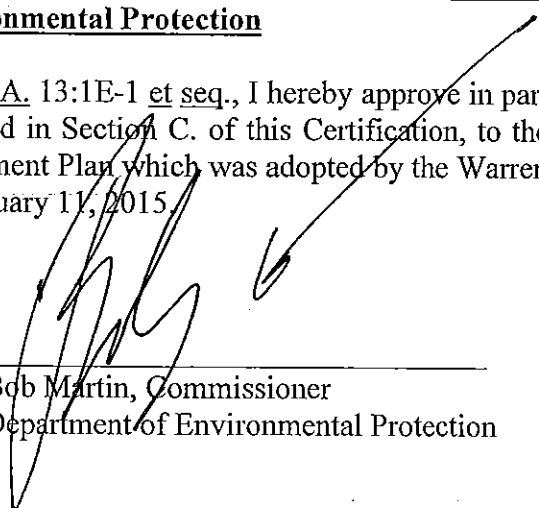
5. **Reservation of Authority**

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 also includes the compilation of individual County Plans and amendments as they are approved.

E. **Certification of Approval In Part and Rejection In Part 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 in part and reject in part the Amendment, as outlined in Section C. of this Certification, to the Warren County District Solid Waste Management Plan which was adopted by the Warren County Board of Chosen Freeholders on February 11, 2015.

3/25/2016
Date



Bob Martin, Commissioner
Department of Environmental Protection