



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

AIR, ENERGY AND MATERIALS SUSTAINABILITY

401 East State Street

P.O. Box 420, Mail Code 401-02G

Trenton, New Jersey 08625-0420

Tel. (609) 292-2795 • Fax (609) 777-1330

www.nj.gov/dep

PHILIP D. MURPHY

Governor

TAHESHA L. WAY

Lt. Governor

SHAWN M. LATOURETTE

Commissioner

PAUL BALDAUF

Asst. Commissioner

CERTIFICATION OF THE OCTOBER 16, 2024 AMENDMENT TO THE ESSEX COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN

BY ORDER OF THE DEPARTMENT:

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 (now referred to as “Boards of County Commissioners”) and the Hackensack Meadowlands Development Commission (previously known as the New Jersey Meadowlands Commission, and now known as New Jersey Sports & Exposition Authority or NJSEA) develop comprehensive plans for waste management in their respective districts. On August 13, 1980, the Department of Environmental Protection (“Department” or “DEP”) approved the Essex 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 Essex County Board of County Commissioners completed such a review and on October 16, 2024, adopted an amendment (“Amendment”) to the County Plan. In addition, The Essex County Utilities Authority (ECUA) Board of Commissioners completed such a review and on January 21, 2025, adopted the same amendment.

The Amendment proposes County Plan inclusion of the Urban Renewal, LLC Class B Recycling Center, located at 100-108 Coit Street, Block 203, Lot 2 in the Township of Irvington. The facility will accept a maximum of 150 tons per day (“tpd”) of scrap tires. The facility’s operating schedule will be 7:00 am to 7:00 pm, Sunday through Friday.

The Amendment was considered complete for review by the Department on February 7, 2025, 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 Commissioners on October 16,

2024, and the ECUA Board of Commissioners on January 21, 2025, may be approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the 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 proposing inclusion of the Urban Renewal, LLC Class B Recycling Center is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Commissioners are notified of the elements of the Amendment which are included below.

Elements of the October 16, 2024 Amendment

Element: Facility Operations

The Amendment proposes County Plan inclusion of Urban Renewal, LLC Class B Recycling Center to be located at 100-108 Coit Street, Block 203, Lot 2 in the Township of Irvington. The Amendment proposes the receipt of a maximum of 150 tpd of scrap tires and identifies the facility's operating schedule as 7:00 am to 7:00 pm, Sunday through Friday.

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(a).

Recycling facilities 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 facility requires 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.

If any operation of a recycling facility discharges pollutants as defined in N.J.A.C. 7:14A-1.2, the owner or operator of that recycling facility 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 facility 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 Essex 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 district solid waste management plans, I have reviewed the Amendment to the approved County Plan and certify to the County Commissioners that the Amendment is approved as further specified below.

The County Plan inclusion of the Urban Renewal, LLC Class B Recycling Center to be located at 100-108 Coit Street, Block 203, Lot 2 in the Township of Irvington, for the receipt of a maximum of 150 tpd of scrap tires with operating hours of 7:00 am to 7:00 pm, Sunday through Friday.

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 of 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. Certification to Proceed with Implementation of Amendment

This document shall serve as Certification by the Department to the County Commissioners and pursuant to N.J.S.A. 13:1E-24c and f., the County Commissioners shall proceed with implementation of the approved components of the Amendment certified herein.

2. 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 and -2.13, and N.J.A.C. 7:26A-1.3.

3. Effective Date of Amendment

The approved components of this Amendment shall take effect immediately.

4. 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, and orders of the Department, and includes the compilation of individual county plans and amendments as they are approved.

E. Certification of Approval of the Amendment by 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 Essex County District Solid Waste Management Plan which was adopted by the Essex County Board of County Commissioners on October 16, 2024, and the ECUA Board of Commissioners on January 21, 2025.

Date

Paul Baldauf
Assistant Commissioner