



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION SITE REMEDIATION AND WASTE MANAGEMENT PROGRAM

401 East State Street

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. McCABE
Commissioner

MAR 31 2020

The Honorable Brendan W. Gill
Essex County Board of Chosen Freeholders
Hall of Records
465 Dr. Martin Luther King, Jr. Boulevard
Newark, NJ 07102

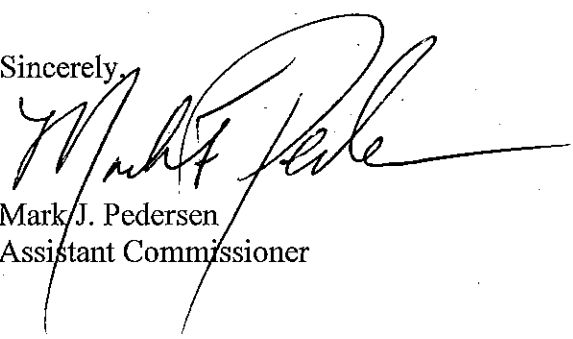
Dear Mr. Gill:

I am pleased to inform you that the New Jersey Department of Environmental Protection has approved the Solid Waste Management Plan Amendment adopted by the Essex County Board of Chosen Freeholders on December 11, 2019 and approved by the Essex County Executive on December 13, 2019. The certification is enclosed.

The approved Amendment proposes inclusion of a capacity increase at the Lemcor, Inc. Transfer Station/Materials Recovery Facility located at Block 2780, Lots 28, 30 & 32; Block 2755, Lots 1 & 46; Block 2767, Lots 1 & 35 with a street address of 170 Frelinghuysen Avenue in the City of Newark. The capacity increase would allow for the acceptance of a maximum of 870 tons per day of solid waste types 10, 13, 13C, 23, and 27.

We recognize and appreciate the leadership and commitment that the Freeholder Board demonstrated in working collaboratively with the Essex County Utilities Authority, the Essex County Solid Waste Advisory Council, elected officials, and residents to formulate the Amendment.

Sincerely,



Mark J. Pedersen
Assistant Commissioner

Enclosure



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MAR 31 2020

The Honorable Joseph N. DiVincenzo, Jr., Essex County Executive
Office of the County Executive
Hall of Records
Room 405
465 Dr. Martin Luther King, Jr. Boulevard
Newark, NJ 07102

Dear Mr. DiVincenzo:

I am pleased to inform you that the New Jersey Department of Environmental Protection has approved the Solid Waste Management Plan Amendment adopted by the Essex County Board of Chosen Freeholders on December 11, 2019 and approved by you on December 13, 2019. The certification is enclosed.

The approved Amendment proposes inclusion of a capacity increase at the Lemcor, Inc. Transfer Station/Materials Recovery Facility located at Block 2780, Lots 28, 30 & 32; Block 2755, Lots 1 & 46; Block 2767, Lots 1 & 35 with a street address of 170 Frelinghuysen Avenue in the City of Newark. The capacity increase would allow for the acceptance of a maximum of 870 tons per day of solid waste types 10, 13, 13C, 23, and 27.

We appreciate your efforts and also those of the Freeholder Board, the Essex County Utilities Authority, the Essex County Solid Waste Advisory Council, elected officials, and residents to formulate the Amendment.

Sincerely,

Mark J. Pedersen
Assistant Commissioner

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CERTIFICATION OF THE DECEMBER 11, 2019 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 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, with modifications, 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 Chosen Freeholders (“County Freeholders”) completed such a review and on December 11, 2019 adopted an amendment to its approved County Plan. Said Amendment was approved by the Essex County Executive (“County Executive”) on December 13, 2019.

The December 11, 2019 Amendment (“Amendment”) proposes County Plan inclusion of a capacity increase at the Lemcor, Inc. Transfer Station/Materials Recovery Facility (“TS/MRF”) located at Block 2780, Lots 28, 30 & 32; Block 2755, Lots 1 & 46; Block 2767, Lots 1 & 35 with a street address of 170 Frelinghuysen Avenue in the City of Newark. The capacity increase would allow for the acceptance of a maximum of 870 tons per day (“tpd”) of solid waste types 10, 13, 13C, 23, and 27.

The Amendment was considered complete for review by the Department on January 8, 2020 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 December 11, 2019 and approved by the County Executive on December 13, 2019 is 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 is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the elements of the Amendment which are included below.

Elements of the December 11, 2019 Amendment

Element: Facility History

On April 29, 1987, the Essex County Board of Chosen Freeholders adopted an amendment to their County Plan to include within it the Recycling and Salvage Transfer Station, located in the City of Newark. The capacity for the facility was given as 150 tpd of solid waste. This County Plan amendment was certified as approved by the Department on October 26, 1987.

An amendment to the County Plan adopted by the Essex County Board of Chosen Freeholders on June 11, 1997 identified the facility location as Block 2755, Lot 1 and Block 2780, Lot 28, 170-180 Frelinghuysen Avenue, City of Newark and included an increase in the capacity of the facility to a total of 450 tpd of solid waste. This County Plan amendment was certified as approved by the Department on May 12, 1998.

On June 30, 1999, the Department approved a June 14, 1999 request for administrative action to the County Plan, which proposed County Plan inclusion of Block 2767, Lots 1 and 35 in the City of Newark for ancillary activities at the subject facility, namely the storage of vehicles to prevent queuing on Frelinghuysen Avenue.

On January 19, 2005, the Department approved an October 25, 2004 request for administrative action to the County Plan, which proposed County Plan inclusion of weekly averaging at the Lemcor, Inc. TS/MRF. Specifically, the October 25, 2004 request for administrative action proposed to allow Lemcor, Inc. to average its daily tonnage over the seven-day week, while maintaining the same weekly capacity of 3,150 tons of solid waste types 10, 13, 13C, and 27. This request for administrative action to the County Plan proposed a daily maximum capacity of 650 tpd.

On October 1, 2008, the Essex County Utilities Authority submitted a request for administrative action to the Department proposing County Plan inclusion of, amongst other things, the Lemcor, Inc. TS/MRF, located on Block 2755, Lot 1; Block 2780, Lot 28; and Block 2767, Lots 1 and 35 at 170 Frelinghuysen Avenue in the City of Newark with a

capacity of 650 tpd (3,150 tons per week) of solid waste types 10, 13, 13C, and 27. The October 1, 2008 request for administrative action included the operating schedule for the facility as 24 hours per day, Monday through Sunday. This request for administrative action to the County Plan was approved by the Department on October 15, 2008.

On April 8, 2010, the Department approved a March 24, 2010 request for administrative action to the County Plan, which proposed County Plan inclusion of Block 2780, Lot 32 and Block 2755, Lot 46 to the existing site of the Lemcor, Inc. TS/MRF, located on Block 2780, Lot 28, Block 2755, Lot 1, and Block 2767, Lots 1 and 35 at 170 Frelinghuysen Avenue in the City of Newark.

On July 17, 2015, the Department approved a June 22, 2015 request for administrative action to the County Plan, which proposed County Plan inclusion of designated traffic routes for solid waste vehicles to and from Lemcor, Inc. TS/MRF located at 170 Frelinghuysen Avenue (Block 2755, Lots 1 and 46; Block 2780, Lots 28 and 32; Block 2767, Lots 1 and 35) in the City of Newark.

On December 10, 2015, the Department approved a November 18, 2015 request for administrative action to the County Plan, which proposed County Plan inclusion of the acceptance of solid waste type 23 at the Lemcor, Inc. TS/MRF located at 170 Frelinghuysen Avenue in the City of Newark.

On November 14, 2017, the Department approved an October 19, 2017 request for administrative action to the County Plan, which proposed to add Block 2780, Lot 30 to the existing Lemcor, Inc. TS/MRF, located on Block 2780, Lots 28 and 32, Block 2755, Lots 1 and 46, and Block 2767, Lots 1 and 35 at 170 Frelinghuysen Avenue in the City of Newark.

Lastly, the December 11, 2019 Amendment proposes County Plan inclusion of a capacity increase at the Lemcor, Inc. TS/MRF, which would allow for the acceptance of a maximum of 870 tpd of solid waste types 10, 13, 13C, 23 & 27.

Element: Regulatory Requirements

The owner or operator of a solid waste TS/MRF must obtain a Solid Waste Facility (SWF) Permit from the Department prior to the commencement of regulated activities and shall also follow all pertinent regulations found at N.J.A.C. 7:26-2 et seq. and the design and operational requirements at N.J.A.C. 7:26-2B.5 and N.J.A.C. 7:26-2B.9, respectively.

Transfer stations/material recovery facilities are subject to the provisions of N.J.A.C. 7:27-8.2(c)17 which requires air pollution control permits for any equipment which vents a solid waste facility directly or indirectly into the outdoor atmosphere.

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 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 the district solid waste management plans, I have reviewed the Amendment to the approved County Plan and certify to the County Freeholders that the Amendment is approved as further specified below.

The County Plan inclusion of a capacity increase at the Lemcor, Inc. TS/MRF located at Block 2780, Lots 28, 30 & 32; Block 2755, Lots 1 & 46; Block 2767, Lots 1 & 35 with a street address of 170 Frelinghuysen Avenue in the City of Newark. The capacity increase would allow for the acceptance of a maximum of 870 tpd of solid waste types 10, 13, 13C, 23, and 27.

D. Implementation of the Plan Amendment

1. Certification to Proceed with Implementation of Amendment

This document shall serve as the Certification by 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.

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

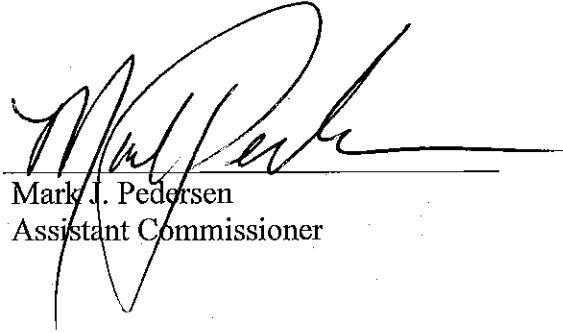
Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform to the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, 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 Chosen Freeholders on December 11, 2019 and approved by the Essex County Executive on December 13, 2019.

3-31-20

Date



Mark J. Pedersen
Assistant Commissioner