



State of New Jersey

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CERTIFICATION OF THE NOVEMBER 13, 2014 AMENDMENT TO THE HUDSON 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 January 27, 1982, the Department of Environmental Protection (Department or DEP) approved the Hudson 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 Hudson County Board of Chosen Freeholders (County Freeholders) completed such a review and on November 13, 2014 adopted an amendment to its approved County Plan. Said amendment was approved by the Hudson County Executive (County Executive) on November 18, 2014.

The November 13, 2014 amendment proposes County Plan inclusion of Hugo Neu Recycling, LLC, a Class D Recycling Facility, to be located at Block 294, Lot 12; 78 John Miller Way in the Town of Kearny, New Jersey. This facility plans to receive and process a maximum of 98 ton per day (tpd) of consumer electronics and proposes the disposal of the residue that will include batteries, toner media, lamps, and ballasts and CRTs.

The amendment was considered administratively complete for review by the Department on January 5th, 2015, 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 November 13, 2014 and approved by the County Executive on November 18, 2014, is approved in part and rejected in part as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the November 13, 2014 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 Hugo Neu Recycling, LLC is consistent with the Statewide Solid Waste Management Plan; however, the proposed disposal of residue that will include batteries, toner media, lamps, and ballasts and CRTs is inconsistent with the Electronic Waste Management Act. In this regard, the County Freeholders are notified of the elements of the November 13, 2014 amendment which are included below.

Elements of the November 13, 2014 Amendment

Element: Facility Operations

The November 13, 2014 amendment proposes County Plan inclusion of Hugo Neu Recycling, LLC, a Class D Recycling Facility to be located at Block 294, Lot 12; 78 John Miller Way, in the Town of Kearny New Jersey. This facility plans to receive and process up to 98 tpd of consumer electronics for recycling metals and other materials recovered to various end users. The daily capacity of the facility shall not exceed the maximum capacity of 98 tpd. The hours of operation will be 24 hours a day and 7 days a week. The consumer electronics will initially be received and processed on Monday through Friday from 7:00 AM to 5:30 PM.

Element: Regulatory Requirements

The owner or operator of 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-3.1 et seq. and the design and operational standards at N.J.A.C. 7:26A-4.1 and 4.6.

Recycling centers 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 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 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 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 Hudson 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 November 13, 2014 amendment to the approved County Plan and certify to the County Freeholders that the November 13, 2014 amendment is approved in part and rejected in part as further specified below.

The November 13, 2014 amendment proposing County Plan inclusion of Hugo Neu Recycling, LLC, a Class D Recycling Facility, to be located at Block 294, Lot 12; 78 John Miller Way, in the Town of Kearny, New Jersey is approved in part for:

1. The inclusion in the County Plan of Hugo Neu Recycling, LLC, a Class D Recycling Facility, located at Block 294, Lot 12; 78 John Miller Way, in the Town of Kearny, New Jersey; and,
2. The receipt and processing of up to 98 tpd of consumer electronics for recycling metals and other materials recovered to various end users.

The Department rejects the portion of the November 13, 2014 proposed plan amendment that would include disposal of residue, which includes batteries, toner media, lamps, and ballasts and CRTs by the Hugo Neu facility. Hugo Neu must either recycle these materials or dispose of materials as hazardous waste in accordance with applicable Federal and/or state laws. The County is not required to submit a new amendment to address the rejected portion.

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 D 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

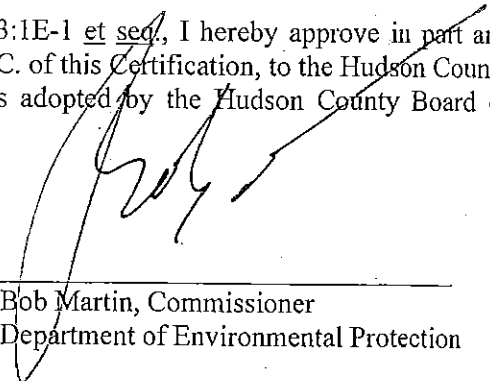
Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform to the Statewide Solid Waste Management Plan, with appendices, which includes the Department's 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 in part and reject in part the amendment, as outlined in Section C. of this Certification, to the Hudson County District Solid Waste Management Plan which was adopted by the Hudson County Board of Chosen Freeholders on November 13, 2014.

Date

1/26/2015



Bob Martin, Commissioner
Department of Environmental Protection