



## State of New Jersey

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### **CERTIFICATION OF THE MARCH 21, 2013 AMENDMENT TO THE MIDDLESEX 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 July 29, 1980 the Department of Environmental Protection (Department or DEP) approved the Middlesex 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 Middlesex County Board of Chosen Freeholders (County Freeholders) completed such a review and on March 21, 2013 adopted an amendment to its approved County Plan

The March 21, 2013 amendment proposes County Plan inclusion of the Republic Services of New Jersey, LLC Class C Recycling Center, to be located on Block 352, Lot 1B at 92 Baekeland Avenue in the Borough of Middlesex, for the receipt of 300 tons per day (tpd) of source-separated food waste.

The amendment was considered administratively complete for review by the Department on May 31, 2013 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 March 21, 2013 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the March 21, 2013 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 March 21, 2013 amendment which are included below.

**Elements of the March 21, 2013 Amendment**

**Element: Facility Operations**

The March 21, 2013 amendment proposes County Plan inclusion of the Republic Services of New Jersey, LLC Class C Recycling Center, to be located on Block 352, Lot 1B at 92 Baekeland Avenue in the Borough of Middlesex for the receipt of a maximum of 300 tpd of source-separated food waste, and identifies the facility's operating schedule as 7:00 am – 10:00 pm, Monday through Sunday for the receipt of Class C recyclable materials and 24 hours per day, Monday through Sunday for the processing of Class C recyclable materials.

This operation is proposed to occur at the site of the existing Republic Services of New Jersey, LLC transfer station/materials recovery facility (TS/MRF), which is included in the County Plan to receive a maximum of 720 tpd (3,600 tons per week (tpw)) of solid waste types 10, 13, 13C, 23, 25, and 27. It is proposed through the subject amendment to the County Plan that the combined capacity of these two operations in the County Plan will remain at 720 tpd and 3,600 tpw.

As noted above, the Department circulated copies of the March 21, 2013 amendment to the County Plan to various administrative review agencies. In response to this request for comment, the Department's Bureau of Air Compliance and Enforcement commented that the air permit (PCP960001-16635) issued by the Department to Republic Services of New Jersey, LLC for the on-site TS/MRF currently limits the receipt of solid waste to approximately 400 tpd. Therefore, Republic Services of New Jersey, LLC must consult with the Department's Air Quality Permitting Program to determine what, if any, operational and air permit modifications are required to be made prior to the commencement of the subject recycling operations.

### **Element: Regulatory Requirements**

The owner or operator of a Class C recycling center must obtain a Class C 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 4.5.

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.

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 Middlesex 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 March 21, 2013 amendment to the approved County Plan and certify to the County Freeholders that the March 21, 2013 amendment is approved as further specified below.

The County Plan inclusion of the Republic Services of New Jersey, LLC Class C Recycling Center, to be located on Block 352, Lot 1B at 92 Baekeland Avenue in the Borough of Middlesex, for the receipt of a maximum 300 tpd of source-separated food waste is approved; however, Republic Services of New Jersey, LLC may neither accept more than 400 tpd of solid waste nor any Class C recyclable materials until Republic Services of New Jersey, LLC consults with the Department's Air Quality Permitting Program to determine what, if any, operational and air permit modifications are required to be made prior to the commencement of the subject recycling operations and all other relevant permits and approvals are obtained.

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 C 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, 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 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 the amendment, as outlined in Section C. of this certification, to the Middlesex County District Solid Waste Management Plan which was adopted by the Middlesex County Board of Chosen Freeholders on March 21, 2013.

October 25, 2013

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Date

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Bob Martin, Commissioner  
Department of Environmental Protection