



State of New Jersey

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CERTIFICATION OF THE MARCH 9, 2017 AMENDMENT TO THE MONMOUTH 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 (previously known as the New Jersey Meadowlands Commission, and now known as New Jersey Sports and Exposition Authority or NJSEA) develop comprehensive plans for waste management in their respective districts. On August 31, 1981, the Department of Environmental Protection (Department or DEP) approved the Monmouth 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 Monmouth County Board of Chosen Freeholders (County Freeholders) completed such a review and on March 9, 2017 adopted an amendment to its approved County Plan.

The March 9, 2017 Amendment (Amendment) proposes County Plan inclusion of the expansion of the Gold Star Recycling, Inc. (Gold Star) Class B Facility, to accept an increase in daily capacity from 300 tons per day and a weekly maximum tonnage of 1,500 tons to 800 tons per day and a weekly maximum tonnage of 3,000 tons of concrete, brick, block, asphalt, and aggregate.

The Amendment was received on March 31, 2017 and considered administratively complete for review by the Department on April 5, 2017, and copies were distributed to various administrative review agencies for review and comment as required by law. The Department has reviewed the Amendment and has determined that the Amendment adopted by the County Freeholders on March 9, 2017 is approved as provided in N.J.S.A. 13:1E-24.

B. Findings and Conclusions with Respect to the March 9, 2017 Monmouth County District Solid Waste Management Plan Amendment

Pursuant to N.J.S.A. 13:1E-24a (1), I have studied and reviewed the March 9, 2017 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 9, 2017 Amendment, which are included below.

Elements of the March 9, 2017 Amendment

Element: Facility Operations

The Amendment to the County Plan proposes County Plan inclusion of the expansion of Gold Star, to accept an increase in daily capacity from 300 tons per day and a weekly maximum tonnage of 1,500 tons to 800 tons per day and a weekly maximum tonnage of 3,000 tons of concrete, brick, block, asphalt, and aggregate. The facility is located at 133 Amboy Road, Block 178, Lots 297 and 298 in Marlboro Township and the hours of operation will remain Monday through Friday 7:00 a.m.- 5:00 p.m. and Saturday 7:00 a.m.- 12:00 p.m.

Truck traffic will be prohibited from making left hand turns on to Amboy Road (northbound) and traveling to Texas Road, to the north of the Gold Star facility. This prohibition will avoid truck traffic on roads serving non-industrial use and residential properties and to avoid the reverse curve on Amboy Road to the north of the site driveway. Gold Star shall post signage at the exit of the site to restrict trucks to right hand turns only and provide written notice of the facility departure restriction to all new customers and provide a copy annually to all current customers utilizing the Gold Star site.

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.

Additional Element of the Monmouth County District Solid Waste Management Plan

Element: Municipal Solid Waste (MSW) Recycling in Monmouth County

On March 12, 2009, the Monmouth County Board of Chosen Freeholders adopted an amendment to the County Plan which, among other things, included specific strategies for achieving the State's statutorily-mandated minimum MSW recycling rate of 50% (N.J.S.A. 13:1E-99.13). This amendment to the County Plan was certified as approved by the Department on August 10, 2009. The most recent recycling data compiled by the State shows that in 2014, Monmouth County achieved a MSW recycling rate of 47%. Using 2014 Department data, an additional 54,328 tons of Monmouth County MSW will have to be recycled to reach a MSW rate of 50%.

In this regard, the County is reminded that the Department adopted an update to the Statewide Solid Waste Management Plan in 2006, which set forth, among other things, a framework for the counties in assessing various strategies to be employed to achieve the statutorily-mandated recycling goals. As these goals have not been achieved, in order for the County to provide a broader, more robust and strategic review and analysis toward reaching mandated goals, the Department requests that the county, at a minimum:

- 1) In accordance with N.J.A.C. 7:26A-12.2 assess the sufficiency and effectiveness of the requirements of the County Recycling Plan that was certified and approved by the Department on August 10, 2009. Specifically, Monmouth County shall review and analyze the strategies, assumptions, practices, and expenditures contained therein for effectiveness in reaching mandated recycling goals. Special attention shall be directed to ensuring compliance with source separation and recycling requirements within the commercial and institutional sectors, including but not limited to public and private schools, government buildings, large office complexes, recreational facilities and other public locations within the county. This assessment shall, as appropriate, focus on the monitoring of and ensuring compliance with pertinent rules and

statutes including but not limited to N.J.A.C. 7:26A-10, N.J.A.C. 7:26A-11 to the extent practicable, and N.J.S.A. 13:1E-99.13.

Pursuant to the above, Monmouth County shall prepare an update to the County Recycling Plan for the Department's review by March 1, 2018 to discuss and implement strategies to accomplish the above goal. Said plan shall recognize that current strategies and practices are not yielding sufficient recycling benefits and shall provide alternative strategies and practices with an emphasis on assessing and gaining compliance with local source separation and recycling/reporting ordinances starting with the largest generators. This may include but not be limited to specific uses of any grant money the County or municipalities receive for the purpose of increasing recycling as are lawful and appropriate. In any case this shall also include the proposal of a system and metrics, to measure and evaluate the effectiveness/benefit of each action toward increasing the County recycling rate.

The County shall consider a plan which coordinates with and utilizes all appropriate levels of government with authority or responsibility toward increasing the rate of recycling in the County.

The Department is available to assist the County in developing and implementing appropriate recycling compliance and other strategies to achieve mandated recycling goals.

C. Certification of the Monmouth 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 9, 2017 Amendment to the approved County Plan and certify to the County Freeholders that the March 9, 2017 Amendment is hereby approved as specified below.

The County Plan inclusion of the expansion of Gold Star, located at 133 Amboy Road, Block 178, Lots 297 and 298 in Marlboro Township to accept an increase in daily capacity from 300 tons per day and a weekly maximum tonnage of 1,500 tons to 800 tons per day and a weekly maximum tonnage of 3,000 tons of concrete, brick, block, asphalt, and aggregate, is approved.

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.

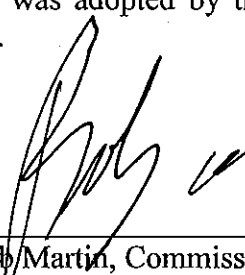
5. Reservation of Authority

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 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 Monmouth County District Solid Waste Management Plan which was adopted by the Monmouth County Board of Chosen Freeholders on March 9, 2017.

8/24/2017
Date



Bob Martin, Commissioner
Department of Environmental Protection