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**CERTIFICATION
OF THE JUNE 24, 2009 AMENDMENT
TO THE NJMC 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 31, 1980 the Department of Environmental Protection (Department or DEP) approved the NJMC District Solid Waste Management Plan (District 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 NJMC Commissioners completed such a review and on June 24, 2009 adopted an amendment to its approved District Plan

The June 24, 2009 amendment proposes District Plan inclusion of the Morgen Industries, Inc./MI SECURE, LLC Class D Recycling Center, to be located on Block 45, Lot 1.04 at 701 Penhorn Avenue, Unit 7 in the Town of Secaucus, for the acceptance and processing of a maximum of 10 tons per day (tpd) of consumer electronics, including, but not limited to, hard drives, cell phones, personal computers, routers, telephones, printers, and copiers.

The amendment was considered administratively complete for review by the Department on July 7, 2009 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 NJMC Commissioners on June 24, 2009 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the June 24, 2009 amendment to the District 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 NJMC is notified of the elements of the June 24, 2009 amendment which are included below.

Elements of the June 24, 2009 Amendment

Element: Facility Operations

The June 24, 2009 amendment to the District Plan is proposing District Plan inclusion of the Morgen Industries, Inc./MI SECURE, LLC Class D Recycling Center, to be located on Block 45, Lot 1.04 at 701 Penhorn Avenue, Unit 7 in the Town of Secaucus, for the acceptance and processing of a maximum of 10 tpd of consumer electronics, including, but not limited to, hard drives, cell phones, personal computers, routers, telephones, printers, and copiers. The operating hours of the facility are identified in the subject District Plan amendment as 8:00 am – 6:00 pm, Monday through Thursday, 8:00 am – 5:00 pm, Friday, and occasional weekend hours as necessary.

Element: Regulatory Requirements

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.

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, recycling centers may require an air quality preconstruction permit and operating certificate pursuant to N.J.A.C. 7:27-8.2(c), dependent upon the equipment and type of operations conducted at the facility.

Finally, if any operation of a recycling center will discharge pollutants as defined in N.J.A.C. 7:14-1.9, said operation must secure a New Jersey Pollutant Discharge Elimination System Permit and/or a Treatment Works Approval for pollutant discharges prior to operation.

C. Certification of the NJMC 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 June 24, 2009 amendment to the approved District Plan and certify to the NJMC Commissioners that the June 24, 2009 amendment is approved as further specified below.

The District Plan inclusion of the Morgen Industries, Inc./MI SECURE, LLC Class D Recycling Center, to be located on Block 45, Lot 1.04 at 701 Penhorn Avenue, Unit 7 in the Town of Secaucus, for the receipt and processing of a maximum of 10 tpd of consumer electronics, including, but not limited to, hard drives, cell phones, personal computers, routers, telephones, printers, and copiers 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 D materials. A recycling center approval shall only be issued where the applicant has submitted as 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 solid waste facility operators and transporters registered with 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 District Plan. Any facility operator or transporter 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. 7:26-1 et seq., and in violation of their registration to operate a solid waste facility or a collection system issued thereunder by the Department and shall be subject to the provisions and penalties of N.J.S.A. 13:1E-9 and 12 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 NJMC Commissioners and pursuant to N.J.S.A. 13:1E-24c. and f., the NJMC Commissioners 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 District 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 District Plan, including any amendment made thereto, shall conform with 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 district 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 NJMC District Solid Waste Management Plan which was adopted by the NJMC Commissioners on June 24, 2009.

October 28, 2009

Date

Mark N. Mauriello, Acting Commissioner
Department of Environmental Protection