

**IN THE MATTER OF CERTAIN AMENDMENTS
TO THE ADOPTED AND APPROVED SOLID
WASTE MANAGEMENT PLAN OF THE
NJMC SOLID WASTE MANAGEMENT
DISTRICT**

**CERTIFICATION
OF THE JUNE 2, 2005
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, with modifications, the NJMC District Solid Waste Management Plan (District Plan).

The Act requires that all district plans be based on and accompanied by a report detailing the existing waste disposal situation in the district, and a plan which includes the strategy to be followed by the district in meeting the solid waste management needs of the district for a ten-year planning period. The report must detail the current and projected waste generation for the district, inventory and appraise all facilities in the district, and analyze the waste collection and transportation systems which serve the district. The disposal strategy must include the maximum practicable use of resource recovery techniques. In addition to this strategy, the plan must designate sufficient available suitable sites for the disposal of the district's waste for a ten-year period.

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 Commissioners of the NJMC (Commissioners) completed such a review and on June 2, 2005 adopted an amendment to its approved District Plan. The June 2, 2005 amendment proposes District Plan inclusion of the JAM Paper Recycling Class B Recycling Center, to be located on Block 235, Lot 23, 800 Page Avenue in the Township of Lyndhurst, Bergen County. The facility is proposed to accept up to 100 tons per day (tpd) of source-separated Class B recyclables, including concrete, asphalt, brick, block, and waste materials resulting from construction, remodeling, repair, and demolition operations on houses, commercial buildings, pavements, and other structures.

The amendment was considered administratively complete for review by the Department on June 9, 2005 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 Commissioners on June 2, 2005 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 2, 2005 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 Commissioners are notified of the elements of the June 2, 2005 amendment which are included below.

In conjunction with the review of the amendment, the Department circulated copies to sixteen administrative review agencies and solicited their review and comment. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various bureaus, divisions, and agencies within the Department. All agencies contacted are as follows:

Division of Water Quality, DEP
Division of Parks and Forestry, DEP
Division of Fish and Wildlife, DEP
Division of Solid and Hazardous Waste, DEP
Office of Local Environmental Management, DEP
Office of Air Quality Management, DEP
Green Acres Program, DEP
Land Use Regulation Program, DEP
Bureau of Solid Waste Compliance and Enforcement, DEP
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Health and Senior Services
Department of Transportation
Department of Community Affairs
U.S. Environmental Protection Agency

Elements of the June 2, 2005 Amendment

Facility Operations

Professional Recyclers, Inc. commenced operation in the Township of Lyndhurst in 1991 as a Class A recycling center. The operating capacity at that time was 35 tpd. However, the facility was not included in the District Plan at that time.

On August 9, 1995, the NJMC Commissioners adopted an amendment to the District Plan which proposed District Plan inclusion of the Professional Recyclers, Inc. Class A Recycling Center, located on Block 235, Lot 23 in the Township of Lyndhurst. The facility was included in the District Plan for the receipt of a maximum of 50 tpd of source-separated newspaper, cardboard, computer paper, and coated book copy paper. The Department certified this amendment to the District Plan as approved on December 6, 1995.

On October 25, 2004, the Department approved an October 15, 2004 request for administrative action by the NJMC, which proposed District Plan inclusion of a name change of the subject facility to Jam Paper Recycling, LLC Class A Recycling Center.

The June 2, 2005 amendment is proposing District Plan inclusion of the JAM Paper Recycling Class B Recycling Center, to be located on Block 235, Lot 23, 800 Page Avenue in the Township of Lyndhurst, Bergen County. The facility is proposed to accept up to 100 tpd of Class B recyclables, including concrete, asphalt, brick, block, and waste materials resulting from construction, remodeling, repair, and demolition operations on houses, commercial buildings, pavements, and other structures.

It must be noted due to the use of the term "certain waste materials" in the June 2, 2005 amendment that solid waste as defined at N.J.A.C. 7:26-1.6 or other waste materials may not be received, stored, processed, or transferred at a Class B recycling center.

Regulatory Requirements

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.

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.

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 2, 2005 amendment to the approved District Plan and certify to the Commissioners that the June 2, 2005 amendment is approved.

The June 2, 2005 amendment proposed District Plan inclusion of the JAM Paper Recycling Class B Recycling Center, to be located on Block 235, Lot 23, 800 Page Avenue in the Township of Lyndhurst, Bergen County and is hereby approved. The facility is proposed to accept up to 100 tpd of Class B recyclables, including concrete, asphalt, brick, block, and waste materials resulting from construction, remodeling, repair, and demolition operations on houses,

commercial buildings, pavements, and other structures.

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-11 and 12. Pursuant to N.J.A.C. 7:26A-4.1(a)1.iii., Class B recyclable materials may be commingled only with other Class B recyclable materials and only to the extent authorized in the Department's general approval.

D. Other Provisions Affecting the Plan Amendment

1. Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with this amendment to the District Plan and which was executed prior to the approval of this amendment and subsequent to the effective date of the Solid Waste Management Act (July 29, 1977), and which shall further be for a term in excess of one year, shall immediately be renegotiated in order to bring same into conformance with the terms and provisions herein set forth. Any solid waste collection operation or disposal facility registered by the Department and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the District Plan if such renegotiation is not completed within ninety (90) days of the effective date of this amendment provided, however, that any such registrant may, upon application to the Department, and for good cause shown, obtain an extension of time to complete such renegotiation.

2. 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.

3. Types of Solid Wastes Covered by the District Plan

The provisions of the District Plan shall apply to all solid wastes defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-2.13 including waste types 10, 13, 23, 25, and 27 and all applicable subcategories and shall not apply to liquid and hazardous wastes. All nonhazardous materials separated at the

point of generation for sale or reuse are subject to regulation in accordance with N.J.A.C. 7:26A-1 et seq.

4. Certification to Proceed with Implementation of Amendment

This document shall serve as the certification of the Commissioner of the Department to the Commissioners and pursuant to N.J.S.A. 13:1E-24c. and f., the Commissioners shall proceed with the implementation of the approved components of the amendment certified herein.

5. 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.

6. Effective Date of Amendment

The approved components of the amendment to the District Plan contained herein shall take effect immediately.

7. 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 Commissioners of the NJMC on June 2, 2005.

October 13, 2005

Date

Bradley M. Campbell, Commissioner
Department of Environmental Protection