



# State of New Jersey

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

AIR, ENERGY, AND MATERIALS SUSTAINABILITY

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**PAUL BALDAUF**

*Asst. Commissioner*

### **CERTIFICATION OF THE OCTOBER 24, 2023 AMENDMENT TO THE PASSAIC COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN**

#### **BY ORDER OF THE DEPARTMENT:**

#### **A. Introduction**

The New Jersey Solid Waste Management Act (“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 County Commissioners and the Hackensack Meadowlands Development Commission (previously known as the New Jersey Meadowlands Commission and now known as New Jersey Sports & Exposition Authority or NJSEA) develop comprehensive plans for waste management in their respective districts. On August 13, 1980, the Department of Environmental Protection (“Department” or “DEP”) approved the Passaic 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 Passaic County Board of County Commissioners completed such a review and on October 24, 2023, adopted an amendment to its approved County Plan.

The October 24, 2023 Amendment (“Amendment”) proposes County Plan inclusion of a capacity increase at the Gaeta Recycling Company, Inc.’s Transfer Station/Material Recovery Facility (“TS/MRF”) located at 278-282 West Railway Avenue, Block 7005, Lots 2, 3, 4, 5; Block 7006, Lots 1, 2, 3, 16, 17, 18, 19, 20; Block 7118, Lots 2 and 3; Block 7003, Lot 1; and a portion of Block 7120, Lot 1 in the City of Paterson. The Amendment proposes to increase the maximum tonnage throughput of solid waste types 10 (municipal waste), 13 (bulky waste), 13C (construction and demolition waste), 23 (vegetative waste), and 27 (dry industrial waste) from 720 tons per day (“tpd”) to 1,200 tpd.

The Amendment was considered complete for review by the Department on December 17, 2024, 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 Commissioners on October 24, 2023, may be approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the 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 the capacity increase of the Gaeta Recycling Company, Inc. TS/MRF is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Commissioners are notified of the elements of the Amendment which are included below.

**Elements of the October 24, 2023 Amendment**

**Element: Historical Background of the Gaeta Recycling Company, Inc. TS/MRF**

The Gaeta Recycling Company, Inc. TS/MRF was initially included in the County Plan via plan amendments dated February 2, 1985, and February 21, 1985. These amendments included the development of the Gaeta Recycling Company, Inc. Transfer Station, located at 278 West Railway Avenue, Block K1305, Lot 1, in the City of Paterson. These amendments were certified by the Department on July 15, 1985.

A County Plan amendment adopted by the Passaic County Board of County Commissioners on March 9, 1999 proposed to include a capacity increase for the Gaeta TS/MRF in the County Plan to accept and process a maximum of 720 tpd of solid waste, with a weekly capacity of 3,600 tons. This amendment was certified as approved by the Department on September 10, 1999.

On February 23, 2000, the Department approved a request for administrative action to the County Plan which proposed inclusion of vegetative waste (type 23) as an acceptable material at the Gaeta TS/MRF.

On January 13, 2010, the Department approved a request for administrative action to the County Plan to include, amongst other things, confirmation of the Gaeta TS/MRF and Class A Recycling Center, located on Block K1300, Lot 12; Block K1304, Lots 11 and 15; Block K1305, Lots 1-3, 18, and 21; and Block 7118, Lot 2 at 274, 278 West Railway Avenue in the City of Paterson with a total capacity of 720 tpd of solid waste types 10, 13, 13C, 23, and 27 and/or Class A recyclables. This request identified the operating schedule of the TS/MRF as 6:00 am to 10:00 pm, Monday through Friday, and 6:00 am to 5:00 pm, Saturday, and that of the Class A Recycling Center as 7:00 am to 5:00 pm, Monday through Friday, and 7:00 am to 11:00 am, Saturday.

On January 13, 2014, the Department approved a request for administrative action to the County Plan to include additional parcels as parts of the Gaeta Recycling Company, Inc. TS/MRF and Class A Recycling Center, which has a mailing address of 278-282 West Railway Avenue in the City of Paterson: Block 7005, Lot 2; Block 7005, Lot 3; Block 7005, Lot 4; Block 7006, Lot 3; Block 7006, Lot 17; Block 7006, Lot 18; Block 7006, Lot 19; and Block 7118, Lot 3.

On September 22, 2015, the Department approved a request for administrative action to the County Plan, which approved the inclusion of additional parcels as parts of the Gaeta Recycling Company, Inc. TS/MRF and Class A Recycling Center: Block 7006, Lot 16; Block 7003; Lot 1; and a portion of Block 7120, Lot 1.

Lastly, on July 25, 2016, the Department approved a request for administrative action to the County Plan which approved the inclusion of designated traffic routes for solid waste vehicles accessing the Gaeta Recycling Company, Inc. TS/MRF.

### **Element: Regulatory Requirements**

The owner or operator of a solid waste transfer station/material recovery facility must obtain a Solid Waste Facility (SWF) Permit from the Department prior to the commencement of regulated activities and shall also follow all pertinent regulations found at N.J.A.C. 7:26-2 et seq. and the design and operational requirements at N.J.A.C. 7:26-2B.5 and N.J.A.C. 7:26-2B.9, respectively.

TS/MRF's are subject to the provisions of N.J.A.C. 7:27-8.2(c)17 which requires air pollution control permits for any equipment which vents a solid waste facility directly or indirectly into the outdoor atmosphere.

If any operation of a solid waste facility discharges pollutants as defined in N.J.A.C. 7:14A-1.2, the owner or operator of that solid waste facility 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 solid waste facility 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 Passaic 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 Amendment to the approved County Plan and certify to the County Commissioners that the Amendment is approved as further specified below.

The County Plan inclusion of a capacity increase for the Gaeta Recycling Company, Inc. TS/MRF is approved. This facility is located at 278-282 West Railway Avenue, Block 7005, Lots 2, 3, 4, and 5; Block 7006, Lots 1, 2, 3, 16, 17, 18, 19, and 20; Block 7118, Lots 2 and 3; Block 7003, Lot 1; and a portion of Block 7120, Lot 1 in the City of Paterson. The Amendment proposes to increase the maximum tonnage throughput of solid waste types 10, 13, 13C, 23, and 27 from 720 tpd to 1,200 tpd.

This Certification shall not be construed as an expression of the Department's issuance of or intent to issue a solid waste facility permit or permit modification. The issuance of or modification to a SWF Permit may only occur after an applicant has submitted an

application for and received approval of an engineering design, paid all applicable fees, and, if appropriate, been found by the DEP and the Attorney General of the State of New Jersey to be deserving of A-901 licensure under the provisions of N.J.S.A. 13:1E-126.

**D. Other Provisions Affecting the Plan Amendment**

**1. Certification to Proceed with Implementation of Amendment**

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

**2. 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 and -2.13, and N.J.A.C. 7:26A-1.3.

**3. Effective Date of Amendment**

The approved components of this Amendment shall take effect immediately.

**4. 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 includes the compilation of individual county plans and amendments as they are approved.

**E. Certification of Approval of the Amendment by 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 Passaic County District Solid Waste Management Plan which was adopted by the Passaic County Board of County Commissioners on October 24, 2023.

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Date

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Paul Baldauf  
Assistant Commissioner