



State of New Jersey

Department of Environmental Protection  
P.O. Box 420  
Trenton, New Jersey 08625

CATHERINE R. McCABE  
Commissioner

PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

**FEB - 5 2019**

The Honorable Bette Jane Kowalski  
Chair  
Union County Board of Chosen Freeholders  
Union County Administration Building  
10 Elizabethtown Plaza  
Elizabeth, NJ 07207

Dear Ms. Kowalski:

I am pleased to inform you that the New Jersey Department of Environmental Protection has approved Solid Waste Management Plan Amendment adopted by the Union County Board of Chosen Freeholders on September 13, 2018. The certification is enclosed.

As you know, the approved amendment proposes inclusion of Safety-Kleen Systems, Inc. Class D Recycling Center to be located at Block 580, Lots 21-24 and 26-30 with a street address of 1200 Sylvan Street in the City of Linden to receive, store, and transfer up to 200 tons per day (approximately 55,000 gallons per day) of used anti-freeze.

We recognize and appreciate the leadership and commitment that the freeholder board demonstrated in working collaboratively with the Union County Municipal Utilities Authority, the Union County Solid Waste Advisory Council, elected officials and residents to formulate the amendment.

Sincerely,

Catherine R. McCabe

Enclosure





## State of New Jersey

Department of Environmental Protection  
P.O. Box 420  
Trenton, New Jersey 08625

PHILIP D. MURPHY  
Governor

CATHERINE R. McCABE  
Commissioner

SHEILA Y. OLIVER  
Lt. Governor

### CERTIFICATION OF THE SEPTEMBER 13, 2018 AMENDMENT TO THE UNION 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 & 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 Union 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 Union County Board of Chosen Freeholders (County Freeholders) completed such a review and on September 13, 2018 adopted an Amendment to its approved County Plan.

The September 13, 2018 Amendment (Amendment) proposes County Plan inclusion of Safety-Kleen Systems, Inc. Class D Recycling Center to be located at Block 580, Lots 21-24 and 26-30 with a street address of 1200 Sylvan Street in the City of Linden to receive, store, and transfer up to 200 tons per day (approximately 55,000 gallons per day) of used anti-freeze.

The Amendment was considered complete for review by the Department on October 29, 2018 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 September 13, 2018 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the September 13, 2018 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 Safety-Kleen Systems, Inc. Class D Recycling Center is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the elements of the September 13, 2018 Amendment which are included below.

**Elements of the September 13, 2018 Amendment**

**Element: Facility Operations**

The Amendment to the County Plan proposes County Plan inclusion of Safety-Kleen Systems, Inc. Class D Recycling Center to be located at 1200 Sylvan Street, Block 580, Lots 21-24 and 26-30 in the City of Linden to receive, store, and transfer up to 200 tons per day (approximately 55,000 gallons per day) of used anti-freeze.

**Element: Regulatory Requirements**

The owner or operator of 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, 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(c) dependent upon the equipment and type of operations conducted at the Facility. 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 Permit and /or Treatment Works Approval for pollutant discharges prior to operation.

**C. Certification of the Union 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 September 13, 2018 Amendment to the approved County Plan and certify to the County Freeholders that the September 13, 2018 Amendment is approved as further specified below.

The County Plan inclusion of Safety-Kleen Systems, Inc. Class D Recycling Center to be located at 1200 Sylvan Street, Block 580; Lots 21-24 and 26-30 in the City of Linden to accept up to 200 tons per day (approximately 55,000 gallons per day) of used anti-freeze is approved.

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 D 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. 7:26A1.1 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 and regulations.

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

This document shall serve as the Certification by 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 and -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 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 Union County District Solid Waste Management Plan which was adopted by the Union County Board of Chosen Freeholders on September 13, 2018.

2/5/19  
Date

  
Catherine R. McCabe, Commissioner  
Department of Environmental Protection