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Department of Environmental Protection

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CERTIFICATION OF THE NOVEMBER 19, 2018 AMENDMENT TO THE MORRIS COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN

BY ORDER OF THE COMMISSIONER:

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 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 January 29, 1981, the Department of Environmental Protection (Department or DEP) approved the Morris 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 Morris County Board of Chosen Freeholders (County Freeholders) completed such a review and on November 19, 2018 adopted an amendment to its approved County Plan.

The November 19, 2018 Amendment (Amendment) proposes County Plan inclusion of KDS Aggregates, LLC Class B Recycling Center to be located at Block 701, Lot 5 with a street address of 46 Waterloo Valley Road in the Township of Mount Olive to receive, store, process, and transfer up to 500 tons per day of concrete, brick, block, and asphalt.

The Amendment was considered complete for review by the Department on December 12, 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 November 19, 2018 is approved as provided in N.J.S.A. 13:1E-24.

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

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

Elements of the November 19, 2018 Amendment

Element: Facility Operations

The Amendment proposes County Plan inclusion of KDS Aggregates, LLC Class B Recycling Center to be located at 46 Waterloo Valley Road, Block 701, Lot 5 in the Township of Mount Olive to receive, store, process, and transfer up to 500 tons per day of concrete, brick, block, and asphalt and identifies the facility's operating hours as 6:00 a.m. – 6:00 p.m., Monday through Friday and 6:00 a.m. – 12:00 p.m., Saturday.

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.

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 Morris 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 Freeholders that the Amendment is approved as further specified below.

The County Plan inclusion of KDS Aggregates, LLC Class B Recycling Center to be located at 46 Waterloo Valley Road, Block 701; Lot 5 in the Township of Mount Olive to accept, store, process, and transfer up to 500 tons per day of concrete, brick, block, and asphalt 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 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 present, as per N.J.A.C. 7:26A-3.12.

D. Other Provisions Affecting the Plan Amendment

1. 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.

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 contained herein 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 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 Morris County District Solid Waste Management Plan which was adopted by the Morris County Board of Chosen Freeholders on November 19, 2018.

3/13/19
Date


Catherine R. McCabe