



State of New Jersey

CHRIS CHRISTIE
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Mail Code 401-07F
P.O. Box 402
Trenton, NJ 08625-0402
Tel. # (609) 292-2885
Fax # (609) 292-7695

BOB MARTIN
Commissioner

KIM GUADAGNO
Lt. Governor

CERTIFICATION OF THE DECEMBER 13, 2016 AMENDMENT TO THE HUDSON 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 formally known as the New Jersey Meadowlands Commission, and now known as New Jersey Sports and Exposition Authority or NJSEA) develop comprehensive plans for waste management in their respective districts. On January 27, 1982, the Department of Environmental Protection (Department or DEP) approved the Hudson 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 Hudson County Board of Chosen Freeholders (County Freeholders) completed such a review and on December 8, 2016 adopted an amendment to its approved County Plan. Said Amendment was approved by the Hudson County Executive (County Executive) on December 13, 2016.

The December 13, 2016 Amendment (Amendment) proposes to modify the County Plan inclusion of Durable Recycling, LLC (Durable) Class B Recycling Center. Durable has proposed to relocate the facility from 195 East 22nd Street to 85 East 2nd Street, Block 359; Lots 4.05, 4.06 and 10 in the City of Bayonne.

The Amendment was considered administratively complete for review by the Department on January 23, 2017, 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 December 8, 2016 and approved by the County Executive on December 13, 2016 is approved as provided in N.J.S.A. 13:1E-24.

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

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the December 13, 2016 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 Durable Recycling, 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 December 13, 2016 Amendment

Element: Facility Operation

The Amendment proposes to modify the County Plan inclusion of the Durable Recycling, LLC Class B Recycling Center. Durable has proposed to relocate the facility from 195 East 22nd Street to 85 East 2nd Street Street, Block 359; Lots 4.05, 4.06 & 10 in the City of Bayonne. The Amendment proposes that the subject facility be included in the County Plan for the receipt of a maximum of 1,500 tons per day (tpd) of asphalt, brick, cinder block, concrete, stone, rock, ceramic materials and wood, and identifies the facility's operating hours as 24 hours per day, Monday through Sunday for the receipt of materials, but limits processing of materials to 7:00 am – 6:00 pm, Monday through 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 and 4.8.

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. 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 pursuant to N.J.A.C. 7:14A-2.4(b)4.

Additional Element of the Hudson County District Solid Waste Management Plan

Element: Municipal Solid Waste (MSW) Recycling in Hudson County

On August 9, 2007, the Hudson County Board of Chosen Freeholders adopted an amendment to the County Plan which, among other things, included specific strategies for achieving the State's statutorily-mandated minimum MSW recycling rate of 50%. This amendment to the County Plan was certified as approved by the Department on February 4, 2008.

The most recent recycling data compiled by the State shows that in 2014, Hudson County achieved a MSW recycling rate of just 25%. Using 2014 Department data, an additional 100,000 tons of Hudson County-MSW will have to be recycled to reach a MSW recycling rate of 50%.

In this regard, the County is reminded that the Department adopted an update to the Statewide Solid Waste Management Plan in 2006, which set forth, among other things, a framework for the counties in assessing various strategies to be employed to achieve the statutorily-mandated recycling goals. As these goals have not been achieved, in order for the County to provide a broader, more robust and strategic review and analysis toward reaching mandated goals, the Department requests that the County, at a minimum:

- 1) In accordance with N.J.A.C. 7:26A-12.2, assess the sufficiency and effectiveness of the requirements of the County Recycling Plan that was certified and approved by the Department on February 4, 2008. Specifically, Hudson County shall review and analyze the strategies, assumptions, practices, expenditures contained therein for effectiveness in reaching mandated recycling goals. Special attention shall be directed to insuring compliance with source separation and recycling requirements within the commercial and institutional sectors, including but not limited to public and private schools, government buildings, large office complexes, recreational facilities and other public locations within the County. This assessment shall, as appropriate, focus on monitoring of and insuring compliance with pertinent rules and statutes including but not limited to N.J.A.C. 7:26A-11 and N.J.A.C. 13:1E-99.13.

Pursuant to the above, Hudson County shall prepare an update to the County Recycling Plan for the Department's review by, January 1, 2018 to implement strategies to accomplish the above goal. Said plan shall recognize that current strategies and practices are not yielding sufficient recycling benefits and shall provide alternative strategies and practices with an emphasis on assessing and gaining compliance with local source separation and recycling/reporting ordinances starting with the largest generators and multi-family dwellings. This may include but not be limited to specific uses of any grant money the County or municipalities receive for the purpose of increasing recycling as are lawful and appropriate. In any case this shall also include the proposal of a system and

metrics, to measure and evaluate the effectiveness/benefit of each action taken toward increasing the County recycling rate.

The County shall consider a plan which coordinates with and utilizes all appropriate levels of government with authority or responsibility toward increasing the rate of recycling in the County.

The Department is available to assist the County in developing and implementing appropriate recycling compliance and other strategies to achieve mandated recycling goals.

C. Certification of the Hudson 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 County Solid Waste management plans, I have reviewed the Amendment to the approved County Plan and certify to the County Freeholders that the December 13, 2016 Amendment is approved as further specified below.

The County Plan modification of the inclusion of the Durable Recycling, LLC Class B Recycling Center, to be relocated from 195 East 22nd Street to 85 East 2nd Street, Block 359; Lots 4.05, 4.06 & 10 in the City of Bayonne for the receipt of a maximum of 1,500 tpd of asphalt, brick, cinder block, concrete, stone, rock, ceramic materials and wood 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 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-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 shall operate in compliance with this Amendment and all other approved provisions of the County 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 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, -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 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 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 Hudson County District Solid Waste Management Plan which was adopted by the Hudson County Board of Chosen Freeholders on December 8, 2016 and approved by the Hudson County Executive on December 13, 2016.

Date

6/20/2017

Bob Martin, Commissioner
Department of Environmental Protection