



UNION COUNTY UTILITIES AUTHORITY

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RESOLUTION NO.: 17-2016

DATE: February 10, 2016

RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY
AUTHORIZING, BY ADMINISTRATIVE ACTION, AN AMENDMENT
TO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT
PLAN MODIFYING THE INCLUSION OF THE CYCLE CHEM, INC.
SOLID AND HAZARDOUS WASTE FACILITY, LOCATED IN
ELIZABETH, NEW JERSEY

APPROVED AS TO FORM:

Joseph C. Bodek
Clerk of the Authority

APPROVED AS TO SUFFICIENCY OF FUNDS

YES NO NONE REQUIRED
UNION COUNTY UTILITIES AUTHORITY

By: Joseph C. Bodek

By: Thomas M. Surran

PRESENT ABSENT AYE NAY ABSTAIN MOTION SECOND

	PRESENT	ABSENT	AYE	NAY	ABSTAIN	MOTION	SECOND
<i>Badri</i>		✓					
<i>Criscione</i>	✓		✓			✓	
<i>Eastman</i>	✓		✓				
<i>Erdos</i>	✓		✓				
<i>Jackus</i>		✓					
<i>Kahn</i>	✓		✓				
<i>Kennedy</i>		✓					
<i>People</i>	✓		✓				✓
<i>Scutari</i>	✓		✓				
<i>Lombardo, Alternate No. 1</i>	✓		✓				
<i>McManus, Alternate No. 2</i>	✓		✓				

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TO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT
PLAN MODIFYING THE INCLUSION OF THE CYCLE CHEM, INC.
SOLID AND HAZARDOUS WASTE FACILITY, LOCATED IN
ELIZABETH, NEW JERSEY, AND INCORPORATING ALTERNATE
TRUCK ROUTES TO THE FACILITY**

WHEREAS, pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. (“SWMA”), each county within the State of New Jersey is designated a solid waste management district with responsibility for the development of a solid waste management plan setting forth the solid waste disposal strategy to be applied in the district; and

WHEREAS, the Union County District Solid Waste Management Plan (“County Plan”), developed in accordance with the SWMA, was initially adopted by the Union County Board of Chosen Freeholders (“Freeholders”) on June 7, 1979 and certified by the New Jersey Department of Environmental Protection (“NJDEP”) on August 13, 1980, and has since been amended from time to time; and

WHEREAS, the Union County Utilities Authority (“UCUA”) is a public body corporate and politic of the State of New Jersey, created by the Freeholders, in accordance with the provisions of the Municipal and County Utilities Authorities Law, N.J.S.A. 40:14B-1 et seq., by an Ordinance adopted on June 5, 1986, as amended on December 11, 1986, and exercises essential governmental functions for the public health, benefit and welfare of the citizens of the County; and

WHEREAS, the Freeholders have designated the UCUA as the implementing agency for the County Plan charged with implementing and recommending updates and amendments to the aforesaid County Plan from time to time and selected to plan, acquire, construct, maintain and operate facilities for the processing and disposal of County solid waste and/or the recovery of recyclable materials; and

WHEREAS, Cycle Chem, Inc. (“Cycle Chem”) owns and operates, pursuant to a Solid and Hazardous Waste Facility Permit (“Permit”) issued by NJDEP, a transfer, storage and disposal facility located at 217 South First Street in Elizabeth, New Jersey, and is included in the County Plan as a grandfathered transfer station for the acceptance and processing of Types 10, 27, and 72 permitted to receive a maximum of 9,934 tons annually of Types 10 and 27; and

WHEREAS, by resolution duly adopted on August 12, 2015, UCUA amended the County Plan pursuant to the administrative action procedure in accordance with N.J.A.C. 7:26-6.11 to resolve certain discrepancies between the operating conditions for the Cycle Chem facility as reflected in the County Plan and the terms of Cycle Chem’s Permit, including the receipt and processing of Solid Waste Type 27A, removal of the daily capacity limit of 27 tons per day for the facility, and inclusion of truck routes to access the facility; and

WHEREAS, in correspondence to UCUA's Executive Director approving the inclusion of Solid Waste Type 27A and the truck routes, but rejecting the removal of the daily tonnage capacity for the Cycle Chem facility, NJDEP requested that UCUA propose by administrative action a daily tonnage capacity for the facility; and

WHEREAS, Cycle Chem submitted correspondence, dated September 14, 2015, to UCUA in response to NJDEP's directive, requesting that the County Plan be amended to include a daily capacity for the facility of 200 tons in conjunction with its annual throughput limit of 9,934 tons; and

WHEREAS, by resolution duly adopted on September 16, 2015, UCUA amended the County Plan pursuant to an administrative action procedure to reflect a daily capacity limit of 200 tons per day for Types 10, 27 and 27A accepted at the facility, subject to the annual throughput tonnage limit of 9,934 tons; and

WHEREAS, on behalf of Cycle Chem, Compliance Plus Services, Inc. submitted a letter and plan amendment application with UCUA on December 4, 2015, requesting that UCUA modify the County Plan to reflect revised facility hours of operation for the receipt of solid waste from sixteen hours per day from Monday through Friday to twenty four hours per day on each day of the week, consistent with its permit for processing solid waste; and

WHEREAS, CME, UCUA's consulting engineer, reviewed Cycle Chem's request and recommended the acceptance of the facility's proposed revised hours of operation for the receipt of solid waste from sixteen hours per day from Monday through Friday to twenty four hours per day, seven days each week, consistent with its permit for processing solid waste; and

WHEREAS, UCUA, Cycle Chem, and the City of Elizabeth engaged in discussions and agreed upon revisions to alternate truck routes to the facility; and

WHEREAS, the solid waste regulations of NJDEP (N.J.A.C. 7:26-1.1 et seq.) provide certain actions to amend a county solid waste management plan may be taken by administrative action by the implementing agency as an alternative to a full plan amendment requiring notice and a public hearing before the governing body of the county; and

WHEREAS, UCUA has determined that the modifications of the County Plan to reflect additional hours of operation for the receipt of solid waste from sixteen hours per day from Monday through Friday to twenty four hours per day, seven days a week, consistent with its permit for processing solid waste, and revisions to the alternate truck routes to the facility, do not warrant a formal plan amendment process and may be implemented through an administrative action as set forth in N.J.A.C. 7:26-6.11 in the best interests of the County and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Union County Utilities Authority, as follows:

Section 1. The aforesaid recitals are hereby incorporated by reference, as though set forth at length herein.

Section 2. UCUA hereby authorizes, as an administrative action pursuant to N.J.A.C. 7:26-6.11, modifications to the County Plan for the inclusion of the Cycle Chem, Inc. facility, located in Elizabeth, New Jersey, to reflect additional hours of operation for the receipt of solid waste from sixteen hours per day from Monday through Friday to twenty four hours per day, seven days a week, consistent with its permit for processing solid waste, and to incorporate revisions to the alternate truck routes to the facility, consistent with attached route descriptions.

Section 3. UCUA hereby authorizes and directs its Executive Director and/or its Special Solid Waste Counsel to submit this Resolution to NJDEP as an administrative action in order to obtain such approvals as may be necessary under law.

Section 4. A copy of this Resolution shall be available for public inspection at the offices of the UCUA at 1499 Routes 1 & 9 North, Rahway, New Jersey.

Section 5. This Resolution shall take effect immediately.

JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
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LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP

December 10 2015

SENT VIA EMAIL & MAIL

Mr. Daniel Sullivan
Executive Director
Union County Utilities Authority
1499 Routes 1 and 9 North
Rahway, New Jersey 07065

**Re: Application - Amendment, Hours of Operation
Union County Solid Waste Management Plan
Cycle Chem Inc.
217 South First Street
Elizabeth, New Jersey 07202
Block 2, Lot 865 & Partial Lot 74
Our File No.: PUC00035.20**

Dear Mr. Sullivan: yes

As per the Authority's request, this office has reviewed the following documents in support of the above referenced application:

1. Union County District Solid Waste Management Plan Application prepared by Compliance Plus Services, Inc. 336 S. Warminster Rd., Hatboro, PA 19040 with cover letter dated December 4, 2015.
2. Conceptual Site Plan prepared by Compliance Plus Services, Inc. consisting of four (4) sheets dated 05/28/14, last revised 12/03/15;
3. O & M Manual (Exhibit 6) revised December 2015; and
4. Proposed Truck Routes (Section 2.1 of the O&M Manual).

We note the following:

Description:

It should be noted that Cycle Chem Inc. (CCI) has successfully operated as a fully functional, permitted commercial solid and hazardous waste treatment, storage, and transfer Facility (the "Facility") in Union County for an extended period of time and that said Facility is already addressed in the Union County Solid Waste Management Plan. The Facility is currently operating under an approved Solid and Hazardous Waste Facility Permit No. 2004E2HP09, originally issued October 15, 1996 [EPA ID No. NJD002200046; Facility ID No. 2004E2]. Currently, the Facility accepts solid waste for processing between the hours of 7 AM and 11 PM, Monday through Friday, and at other times by prior arrangement. Under the current Facility Operating Permit waste processing is currently allowed to be conducted 24 hours/7 days per week. The Application proposes to change the hours of operation to allow for receipt and processing of materials on a twenty-four [24] hours per day, seven (7) days per week basis such that the extended hours would be intended to allow the Facility to service clients during temporary shutdowns and similar maintenance events/functions where non-routine waste removals are required. No additional truck deliveries per day are anticipated and the annual maximum tonnage of 9934 tons of solid waste will remain unchanged.

The Applicant proposes to continue to operate the Facility for the receipt and processing of Type 10 (HHW only), Type 27, Type 27A, and Type 72 materials. CCI is authorized to accept both solid and hazardous containerized wastes as well as bulk liquids, semi-liquids, sludges, solids, and containerized low - pressure gases and aerosol wastes for storage and processing (including both physical and chemical treatment) prior to shipment to authorize off-site facilities. The Facility is currently permitted to manage these wastes in on-site container



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storage units, both storage tanks and/or a bulk solidification chamber (where wastes are processed and treated to produce bulk solids for shipment offsite).

Section III Technical Information / B. Evidence of Approvals / 1. & 2. Both indicate that the Facility is existing and has been constructed. However the Site Plan indicates that a new Solid Waste Transfer Building (SWTB) structure is proposed. Sections 6 through 11 of the Operations and Maintenance Manual address air pollution, dust and odor control, noise control, litter control, vector control, wastewater/stormwater management, and fire protection. These controls are centered around the completion of the construction of the new SWTB.

Section 1.0 of the O&M Manual indicates that CCI has entered into an agreement with the NJ DEP, under ACO settlement NEA 040004, whereby CCI has agreed to enclose the solidification chamber and accompanying tipping floor area. The ACO also includes a timeline for design and installation. Additionally, pursuant to the requirements specified in the last approved modification of the permit on April 12, 2004, CCI is required to upgrade the current concrete solidification chamber (as authorized under condition 1(c) (2) (v) of Section III of the Permit) to comply with the applicable standards specified in N.J.A.C. 7:26 – 2.B.5. Prior to the upgrade in subsequent use as a solid waste solidification chambers, the existing hazardous waste solidification chambers will undergo closure in accordance with 40 C.F.R. 264 Subparts G and X. Accordingly, the current solidification chambers and surrounding waste processing and storage area and floor area will be enclosed with a new Solid Waste Transfer Building. The Applicant has indicated that they must secure NJ DEP approval of the site plan modifications and that a public notice is anticipated within the next two weeks. Thereafter, they will pursue such municipal approvals as necessary and will furnish to the Authority copies of same upon receipt.

As the new SWTB is a requirement of the NJ DEP through an ACO, we defer to the Authority's Solid Waste Counsel relative to same being covered or otherwise acknowledged in the Union County Solid Waste Management Plan through an administrative action amendment.

Recommendations:

Subject to the comments noted above, we would advise that the Authority can, subject to concurrence by the Authority's Solid Waste Counsel, approve the change of operating and processing hours to 24 hours a day / 7 days a week as proposed by Cycle Chem Inc. in the City of Elizabeth as an administrative action amendment to the Union County Solid Waste Management Plan.

Should you have any questions regarding this matter, please do not hesitate to contact this office.

Very truly yours,

CME ASSOCIATES


Timothy W. Gillen, P.E.
Office of the Authority Engineer

TWG/blr

cc: Kraig M. Dowd, Esq.
Lisa M. da Silva, Deputy Clerk
Jeffrey Paul Hummel, Sr., UCUA
Kevin Conti, Esq.