



UNION COUNTY UTILITIES AUTHORITY

1499 US Highway One, Rahway, New Jersey 07065

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RESOLUTION NO.: 42-2015

DATED: June 17, 2015

**RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY
AUTHORIZING AN ADMINISTRATIVE ACTION PLAN AMENDMENT
TO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT
PLAN PERTAINING TO THE APPLICATION OF WASTE
MANAGEMENT OF NEW JERSEY, INC. FOR THE INCLUSION OF AN
INTERMODAL CONTAINER FACILITY 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. Brennan
THOMAS M. BRENNAN
Deputy Executive Director-Comptroller

	PRESENT	ABSENT	AYE	NAY	ABSTAIN	MOTION	SECOND
<i>Badri</i>	✓		✓			✓	
<i>Jackus</i>	✓		✓				
<i>Kahn</i>	✓				✓		
<i>Kennedy, (Secretary)</i>	✓		✓				
<i>Kulish</i>		✓					
<i>People (Treasurer)</i>	✓		✓				
<i>Scutari</i>	✓		✓				
<i>Erdos (Vice-chair)</i>	✓		✓				✓
<i>Eastman (Chairman)</i>	✓		✓				
<i>Bonanno (Alternate)</i>		✓					
<i>Lombardo, (Alternate)</i>	✓		✓				

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WHEREAS, pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. (the “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, Waste Management of New Jersey, Inc. (“WMI”) filed an application with the UCUA dated June 3, 2015, requesting an amendment of the County Plan for the inclusion of an intermodal solid waste container facility located at 632-650 South Front Street, Elizabeth, New Jersey (“Facility”), to accept and transfer solid waste in sealed intermodal containers on to trailers for transport to a rail terminal in Elizabeth, New Jersey; and

WHEREAS, WMI proposes to accept at the Facility solid waste only in sealed intermodal containers, and represents that no loose solid waste will be processed at 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 must 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 received a report from its General Consulting Engineer CME Associates, describing the proposed Facility, setting forth all engineering issues, and recommending that the Facility be included as an intermodal container facility in the County Plan; and

WHEREAS, the UCUA has determined that the inclusion of the Facility to accept solid waste in sealed intermodal containers for loading and transport to a rail terminal does 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; and

WHEREAS, the approval of WMI's application to amend the County Plan to reflect the inclusion of the Facility to accept solid waste in sealed intermodal containers for loading and transport to a rail terminal is consistent with the SWMA and the Statewide Solid Waste Management Plan, and is 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 if set forth at length herein.

Section 2. The UCUA hereby authorizes, by administrative action, an amendment to the County Plan to reflect the inclusion of the Facility to accept solid waste in sealed intermodal containers for loading and transport to a rail terminal as described in its application, dated June 1, 2015, and filed with the UCUA on June 3, 2015.

Section 3. The Executive Director of the UCUA and Special Counsel are hereby authorized and directed to submit the application from WMI and 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, together with a copy of WMI's application to amend the County Plan, shall be forwarded to the Clerk of the County for public inspection, and this Resolution shall also be available for public inspection at the offices of the Authority at 1499 Routes 1 & 9 North, Rahway, New Jersey.

Section 5. This Resolution shall take effect immediately.