



UNION COUNTY UTILITIES AUTHORITY

1499 Routes 1 & 9, North, Rahway, New Jersey 07065

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RESOLUTION NO.: 53-2015

DATED: August 19, 2015

**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:

By:

	PRESENT	ABSENT	AYE	NAY	ABSTAIN	MOTION	SECOND
<i>Badri</i>		✓					
<i>Criscione</i>	✓		✓				
<i>Jackus</i>		✓					
<i>Kahn</i>	✓		✓				
<i>Kennedy</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. (“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

WHEREAS, previously, NJDEP requested that UCUA amend the County Plan pursuant to the administrative action procedure found at N.J.A.C. 7:26-6.11(b)10 to include Cycle Chem as a grandfathered transfer station for the acceptance and processing of Solid Waste Types 10 (household hazardous wastes only), 27, 27A (asbestos or asbestos-containing wastes), and 72, and permitted to receive a maximum of 9,934 tons annually of Types 10, 27, and 27A; and

WHEREAS, on prior occasion, pursuant to duly adopted resolution, UCUA amended the County Plan per the request of NJDEP to include Cycle Chem 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, Cycle Chem is engaged with NJDEP in a process to renew its Permit, and NJDEP has made Cycle Chem aware that there are certain conditions of the County Plan that are inconsistent with the facility's current Permit and directed Cycle Chem address these inconsistencies with UCUA through an administrative action amendment of the County Plan; and

WHEREAS, on behalf of Cycle Chem, Compliance Plus Services, Inc. filed a letter application with UCUA on July 21, 2015, requesting that UCUA modify the County Plan 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; and

WHEREAS, specifically, NJDEP has requested that the County Plan be amended pursuant to the administrative action procedure to 1) include Cycle Chem as a grandfathered transfer station for Solid Waste Type 27A; 2) remove the daily capacity limit of 27 tons per day for the facility as the Permit only contains an annual throughput tonnage limit of 9,934 tons; and 3) include truck routes to access the facility; and

WHEREAS, UCUA's consulting engineer - CME - reviewed Cycle Chem's application and recommended the approval of the modifications of the County Plan as requested by Cycle Chem, including the insertion of designated 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 to the County Plan requested on behalf of Cycle Chem in order 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 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, UCUA desires to amend the County Plan by administrative action as described herein to comply with NJDEP's request, as such action 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 though set forth at length herein.

Section 2. The Authority hereby authorizes, as an administrative action pursuant to N.J.A.C. 7:26-6.11(b)10, the modification of the inclusion of the Cycle Chem, Inc. facility, located in Elizabeth, New Jersey for the acceptance of Solid Waste Type 27A, removal of the daily capacity limit of 27 tons per day for the facility so as to reflect only an annual capacity of 9,934 tons for Types 10, 27, and 27A, and the incorporation of the proposed truck routes to the facility as shown on the attached exhibits.

Section 3. The Authority 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 forwarded to the Board of Chosen Freeholders of the County of Union, and this Resolution shall also be available, upon execution by the parties, 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.