



UNION COUNTY UTILITIES AUTHORITY

1499 US Highway One, Rahway, New Jersey 07065

(732) 382-9400

FAX (732) 382-5862

RESOLUTION NO.: 61-2015

DATED: September 16, 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: Joseph C. Bodek

By: [Signature]

	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>		✓					

RESOLUTION NO.: 61-2015

DATED: September 16, 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**

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, Cycle Chem is engaged with NJDEP in a process to renew its Permit, and NJDEP made Cycle Chem aware that there are certain conditions of the County Plan that are inconsistent with the facility’s current Permit, directing 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 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, by resolution duly adopted on August 12, 2015, UCUA amended 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 to receive and process Solid Waste Type 27A, remove the daily capacity limit of 27 tons per day for the facility, and include truck routes to access the facility; and

WHEREAS, NJDEP issued 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, and 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, UCUA's consulting engineer - CME - reviewed Cycle Chem's request and recommended the acceptance of the proposed daily capacity of 200 tons per day subject to the annual throughput tonnage limit of 9,934 tons; 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, consistent with NJDEP's request to propose a daily tonnage capacity through an administrative action process, UCUA has determined that the modification of the County Plan 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 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(b)10, the modification of the inclusion in the County Plan of the Cycle Chem, Inc. facility, located in Elizabeth, New Jersey, 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.

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.