



UNION COUNTY UTILITIES AUTHORITY

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RESOLUTION NO.: 44-2018

DATE: July 18, 2018

RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY RECOMMENDING AN AMENDMENT TO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN FOR INCLUSION OF A GENERAL CLASS D RECYCLING FACILITY TO BE OWNED AND OPERATED BY SAFETY-KLEEN SYSTEMS, INC. IN THE CITY OF LINDEN

APPROVED AS TO FORM:

Joseph C. Bodek, RMC
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>Criscione</i>	✓		✓				
<i>Eastman, Treasurer</i>	✓		✓				✓
<i>Jackus</i>	✓		✓				
<i>Kahn, Secretary</i>	✓		✓				
<i>Lombardo</i>	✓		✓				
<i>Rachlin</i>	✓		✓				
<i>Szpond</i>	✓		✓				
<i>Scutari, Vice Chairwoman</i>	✓		✓			✓	
<i>People, Chairman</i>	✓		✓				
<i>McManus, Alternate No. 1</i>	✓						
<i>Alma, Alternate No. 2</i>	✓						

RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY RECOMMENDING AN AMENDMENT TO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN FOR INCLUSION OF A GENERAL CLASS D RECYCLING FACILITY TO BE OWNED AND OPERATED BY SAFETY-KLEEN SYSTEMS, INC. IN THE CITY OF LINDEN

WHEREAS, the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. (“Act”), designated each of the 21 counties in the State of New Jersey, and the Hackensack Meadowlands District, as solid waste management districts, and required each such district to adopt a solid waste management plan; and

WHEREAS, the Board of Chosen Freeholders (“Freeholders”) of the County of Union (“County”) has adopted the Union County District Solid Waste Management Plan, as amended from time to time (the “County Plan”); and

WHEREAS, the Union County Utilities Authority (“UCUA”) is a public body corporate and politic of the State of New Jersey, organized pursuant to and in accordance with the Municipal and County Utilities Authorities Law, N.J.S.A. 40:14B-1 et seq., 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, UCUA received an application for inclusion in the County Plan as a general Class D recycling facility (“Facility”), located at 1200 Sylvan Street, Linden, New Jersey, to be operated by Safety-Kleen Systems, Inc. (“Safety-Kleen”); and

WHEREAS, Safety-Kleen requested permission to operate a Class D recycling facility to accept, store, and transfer used anti-freeze for processing and recycling at off-site locations; and

WHEREAS, UCUA has received a report from its General Consulting Engineer, CME, describing the proposed Facility, setting forth all engineering issues, and recommending that the Facility be included as a general Class D recycling facility in the County Plan; and

WHEREAS, Safety-Kleen holds permits issued by the United States Environmental Protection Agency, which include a Resource Conservation and Recovery Act Part B Hazardous Waste Operating Facility Permit that incorporates a Solid Waste Facility Permit issued by the New Jersey Department of Environmental Protection (“NJDEP”) to accept and process Solid Waste Types 27 and 72; and

WHEREAS, the solid waste and recycling regulations of NJDEP (N.J.A.C. 7:26-1.1 et seq.) provide for certain actions to amend a county solid waste management plan must be taken by a formal plan amendment process, including notice and a public hearing by the governing body of the county; and

WHEREAS, after careful analysis and evaluation of the application, as supplemented, and the review of CME, the UCUA has prepared a proposed Plan Amendment (attached hereto as Appendix A) recommending inclusion of the Facility into the County Plan subject to the terms and conditions of this Resolution and intends to forward same to the Union County Board of Chosen Freeholders for consideration in accordance with the Act; and

WHEREAS, the UCUA wishes to recommend to the Freeholders the inclusion in the County Plan of the Facility, incorporating the terms and conditions of this Resolution and the attached Plan Amendment; and

WHEREAS, the approval of Safety-Kleen's application to amend the County Plan to include the proposed general Class D recycling facility to be owned and operated by Safety-Kleen in Linden, New Jersey, is in the best interests of the County and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of 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 formally recommends to the Union County Board of Chosen Freeholders that the Union County District Solid Waste Management Plan be amended as set forth substantially in the form of the proposed Plan Amendment, attached hereto as Appendix A and made a part hereof, upon the requisite notice and public hearing being conducted in accordance with the Act, and the rules and regulations made and provided for same by the New Jersey Department of Environmental Protection.

Section 3. A certified copy of this Resolution, the attached Plan Amendment, and the application of Safety-Kleen Systems, Inc. shall be forwarded to the Union County Board of Chosen Freeholders for consideration and action as well as the members of the Union County Solid Waste Advisory Council.

Section 4. A copy of this Resolution, together with a copy of the Plan Amendment, shall be available for public inspection at the offices of the UCUA in Rahway, New Jersey.

Section 5. This resolution shall take effect immediately.

**AMENDMENT TO THE UNION COUNTY
DISTRICT SOLID WASTE MANAGEMENT PLAN**

Recommended by the
Union County Utilities Authority
July 2018

AMENDMENT TO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN TO INCLUDE A GENERAL CLASS D RECYCLING FACILITY TO BE OWNED AND OPERATED BY SAFETY-KLEEN SYSTEMS, INC. IN THE CITY OF LINDEN

I. INTRODUCTION

The Solid Waste Management Act, N.J.S.A 13:1E-1 et seq. (the "Act"), in pertinent part, constitutes each of the State's twenty-one (21) counties and the Hackensack Meadowlands Development Commission as a solid waste management district. The Act further provides that each solid waste management district, including the County of Union develop a solid waste management plan setting forth the solid waste disposal strategy to be applied in the district. The Union County District Solid Waste Management Plan ("County Plan") was adopted by the Union County Board of Chosen Freeholders on April 11, 1979 and approved, with modifications, by the New Jersey Department of Environmental Protection ("NJDEP") on August 13, 1980, and has since been amended and modified from time to time. The Union County Board of Chosen Freeholders has designated the Union County Utilities Authority ("UCUA") as the agency responsible for the implementation of the County Plan in accordance with the Act.

The purpose of this Plan Amendment is to modify the County Plan to include a general Class D recycling facility ("Facility"), to be owned and operated by Safety-Kleen Systems, Inc., located at 1200 Sylvan Street, Linden, New Jersey, to accept, store, and transfer used anti-freeze for processing and recycling at off-site locations.

II. INCLUSION OF FACILITY TO BE OWNED AND OPERATED BY SAFETY-KLEEN SYSTEMS, INC. IN THE CITY OF LINDEN, NEW JERSEY INTO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN AS A GENERAL CLASS D RECYCLING FACILITY

Appendix 'A' contains copies of the application by Safety-Kleen Systems, Inc. for inclusion of a general Class D recycling facility in the County Plan, as supplemented, that is attached hereto and incorporated herein.

Appendix 'B' contains a Resolution of the UCUA, duly adopted on July 18, 2018, which is attached hereto and incorporated herein, recommending that the Facility to be owned and operated by Safety-Kleen Systems, Inc. be included in the County Plan as a general Class D recycling facility.

The County Plan is hereby amended to include the following Class D recycling facility:

<u>Facility</u>	<u>Lot and Block</u>
Safety-Kleen Systems, Inc. 1200 Sylvan Street Linden, New Jersey	Linden Lots 21-2 and 26-30, Block 580

III. SCOPE OF PLAN AMENDMENT

This Plan Amendment incorporates by reference, as if set forth herein at length, the Union County District Solid Waste Management Plan, as certified by the NJDEP on August 13, 1980, and all subsequent Plan Amendments so certified, to the extent that they are not inconsistent with this Plan Amendment. A copy of the Union County District Solid Waste Management Plan, along with all subsequent Amendments and NJDEP Plan Certifications, is available for review at the offices of the Union County Utilities Authority, 1499 Routes 1&9 North, 3rd Floor, Rahway, New Jersey, during normal business hours, for public review and inspection. Copies of the County Plan, Plan Amendments and NJDEP Plan Certifications are available in accordance with the

UCUA's policy with respect to photocopying and at the offices of the Clerk of the Union County Board of Chosen Freeholders.

If any clause, provision, subsection, section or article of this Plan Amendment shall be ruled invalid by any court of competent jurisdiction, or administrative agency, the invalidity of such clause, provision, subsection, section or article, shall not affect any of the remaining provisions, unless such ruling adversely impacts the purpose and effect of the remaining portions of this Plan Amendment.

IV. EFFECTIVE DATE

This Plan Amendment shall become effective upon adoption by the Board of Chosen Freeholders of the County of Union, and certification by the Commissioner of NJDEP.