



UNION COUNTY UTILITIES AUTHORITY

1499 US Highway One, Rahway, New Jersey 07065

(732) 382-9400

FAX (732) 382-5862

RESOLUTION NO.: 58-2018

DATE: October 17, 2018

RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY RECOMMENDING AN AMENDMENT TO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN TO INCLUDE A GENERAL CLASS B RECYCLING FACILITY OWNED AND OPERATED BY NJ RUBBER, LLC IN THE CITY OF ELIZABETH

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>	✓						

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WHEREAS, the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. (“Act”), designated each of the twenty-one 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 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 B recycling facility (“Facility”), located at 475 Division Street, Elizabeth, New Jersey, owned and operated by NJ Rubber, LLC; and

WHEREAS, NJ Rubber, LLC requested permission to operate a recycling facility to accept, process and transfer used tires from governmental entities and commercial businesses in the area; and

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

WHEREAS, in accordance with the SWMA, UCUA consulted with the Union County Solid Waste Advisory Council (“SWAC”) during a public meeting conducted on October 11, 2018, at which time there were no objections to the application of NJ Rubber, LLC requesting inclusion of the Facility in the County Plan; and

WHEREAS, the solid waste and recycling regulations of New Jersey Department of Environmental Protection (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, 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, UCUA wishes to recommend 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 NJ Rubber, LLC's application to amend the County Plan to include the proposed general Class B recycling facility to owned and operated by NJ Rubber, LLC in Elizabeth, New Jersey, 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. 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 NJ Rubber, LLC Construction co., 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 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
October 2018

AMENDMENT TO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN TO INCLUDE A GENERAL CLASS B RECYCLING FACILITY TO BE OWNED AND OPERATED BY NJ RUBBER, LLC IN THE CITY OF ELIZABETH

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 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 (“County”) 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 (the “County Plan”) was adopted by the Union County Board of Chosen Freeholders (“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 B recycling facility (“Facility”) owned and operated by NJ Rubber, LLC. The Facility, located at 475 Division Street, Elizabeth, New Jersey, is hereby being included in the County Plan to accept, process and transfer used tires from governmental entities and commercial businesses in the area.

II. INCLUSION OF NJ RUBBER, LLC IN THE CITY OF ELIZABETH, NEW JERSEY INTO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN AS A GENERAL CLASS B FACILITY

Appendix ‘A’ contains copies of the application by NJ Rubber, LLC for inclusion of a general Class B recycling center in the County Plan, as supplemented, that is attached hereto and incorporated herein.

Appendix ‘B’ contains a Resolution of the UCUA, duly adopted on October 17, 2018, which is attached hereto and incorporated herein, recommending that the Facility to be owned and operated by NJ Rubber, LLC be included in the County Plan as a general Class B recycling facility.

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

<u>Facility</u>	<u>Lot and Block</u>
NJ Rubber, LLC 475 Division Street Elizabeth, New Jersey General Class B Recycling Facility	Elizabeth Lot 8, Block 1875

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 the New Jersey Department of Environmental Protection.

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
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME



TIMOTHY W. GILLEN, PE, PP, CME
BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME

September 26, 2018

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

**Re: Truck Routes
Application for Inclusion into the
Union County Solid Waste Management Plan
Class B Tire Recycling Center
NJ Rubber, LLC
475 Division Street
Block #1875, Lot I
Elizabeth, NJ, 07201
Our File No.: PUC00035.53**

Dear Mr. Sullivan:

As per the Authority's request, this office has reviewed the attached "Truck Route Clarification and Route Map" information as submitted 09/20/2018 by DeFeo Associates on behalf of NJ Rubber, LLC's application for inclusion of a Class B Tire Recycling Facility into the Union County Solid Waste Management Plan for the receipt of tires and processing of same into recyclable products.

It is our engineering opinion that the data as submitted satisfies both the Union County Utilities Authority's and the NJ DEP's requirements for appropriate truck Routes to and from a Solid Waste Facility and, accordingly, completes the Applicant's application. We offer that the Authority can, in accordance with the Authority's standard procedures, approve said application.

We trust the above is self-explanatory and sufficient for the Authority's purposes. Should you have any questions regarding same please contact this office.

Very truly yours,
CME Associates

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

TWG/blr
Enclosures