



UNION COUNTY UTILITIES AUTHORITY

1499 US Highway One, Rahway, New Jersey 07065

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RESOLUTION NO.: 88-2023

DATE: December 20, 2023

RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY RECOMMENDING AN ADMINISTRATIVE ACTION PLAN AMENDMENT TO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN TO UPDATE AND INCLUDE ADDITIONAL LOT AND BLOCK NUMBERS FOR THE WASTE MANAGEMENT OF NEW JERSEY, INC. JULIA STREET FACILITY IN THE CITY OF ELIZABETH

APPROVED AS TO FORM:
Bianka Vargas
Clerk of the Authority

APPROVED AS TO SUFFICIENCY OF FUNDS
 YES NO NONE REQUIRED
UNION COUNTY UTILITIES AUTHORITY

By: *Bianka Vargas*

By: *John Coff*

	PRESENT	ABSENT	AYE	NAY	ABSTAIN	MOTION	SECOND
Eastman, Treasurer	✓		✓				✓
Figueiredo	✓		✓				
Jackus	✓		✓				
Holder	✓		✓			✓	
Kahn	✓		✓				
McManus, Secretary	✓		✓				
Rachlin		✓					
Scutari, Vice Chairperson	✓		✓				
Szpond, Chairperson	✓		✓				
Alma, Alternate No. 1		✓					
Scott-Bey, Alternate No. 2	✓		✓				

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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 (the “County Plan”), developed in accordance with the SWMA, was initially adopted by the County of Union (the “County”) 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”) was created by the County, 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 has been designated by the County, pursuant to and in accordance with the SWMA, as the agency responsible for implementation of the County Plan; and

WHEREAS, on or about October 16, 2023, Waste Management of New Jersey, Inc. (“WM”) filed an application with the UCUA, requesting an amendment of the County Plan to update the Lot and Block numbers for the facility located at 864 Julia Street in the City of Elizabeth, New Jersey 07201 (the “Julia Street Facility”), which is owned and operated by WM; and

WHEREAS, WM filed the application because the City of Elizabeth revised its Lot and Block numbering convention throughout the city; and

WHEREAS, on or about October 26, 2023, WM submitted additional correspondence in support of its application to also include one additional lot—Block 579, Lot 2 (formerly Block 8, Lot 741)—to the County Plan for the Julia Street Facility, which is owned and operated by WM and is already identified in the County Plan for WM’s Flora Street Class C Recycling Facility (the “Flora Street Facility”); and

WHEREAS, the Julia Street Facility is not currently operational due to sustaining severe fire damage in May 2022. Due to the fire damage, the principal transfer station / material recovery facility (“TS/MRF”) building at the Julia Street Facility has been razed and WM is planning to re-design and build a state-of-the-art TS/MRF, which is anticipated to be reconstructed within the next two calendar years. WM has provided a concept plan for the new Julia Street Facility, which will extend onto the adjacent WM-owned property that is currently part of the Flora Street Facility located at Block 579, Lot 2 (formerly Block 8, Lot 741). The Flora Street Facility will continue to operate unencumbered by the re-design and build out of the new Julia Street Facility building. The reconstructed Julia Street Facility, when it resumes operation, will operate unencumbered by the Flora Street Facility operations; and

WHEREAS, this application seeks no other changes and the operational details for the Julia Street Facility as currently specified in the County Plan (e.g., permitted waste types, hours of operation, recyclables classification, daily tonnages, etc.) as well as the site-specific NJDEP-issued permits, remain unchanged; and

WHEREAS, the application only seeks the following Block and Lot updates and additions for the Julia Street Facility:

Old Block and Lot Numbers		New Block and Lot Numbers	
Block 8	Lot 1042	Block 578	Lot 2
Block 8	Lot 818	Block 578	Lot 1
Block 8	Lot 819	Block 578	Lot 1
Block 8	Lot 820	Block 578	Lot 1
Block 8	Lot 1060B	Block 567	Lot 2
Block 8	Lot 1060C	Block 567	Lot 3
Block 8	Lot 741	Block 579*	Lot 2*
Block 8**	Lot 822**	Block 567**	4.01**

* The proposed layout of the future Julia Street Facility will extend onto New Block 579, Lot 2.

** WM previously leased old Block 8, Lot 822 for use as a maintenance yard at the Julia Street Facility; however WM no longer leases this parcel and has no plans for future leasing of the parcel. The parcel should therefore be removed from the County Plan regarding the Julia Street Facility.

WHEREAS, the NJDEP's solid waste regulations (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 ("AA") by the implementing agency without the necessity for a full plan amendment which would otherwise require notice and a public hearing before the governing body of the County; and

WHEREAS, UCUA has determined that the inclusion in the County Plan of the proposed Facility modifications does not warrant a full plan amendment and may be amended via administrative action, as set forth at N.J.A.C. 7:26-6.11; and

WHEREAS, on or about December 20, 2023, UCUA received a letter report from UCUA's Engineers, CME Associates, describing the proposed modifications, setting forth no objections to the updating of the Block and Lot numbers of the Julia Street Facility, removing the Block and Lot that is no longer owned or leased by WM, or adding the Block and Lot previously used only by the Flora Street Facility to be adopted as an amendment to the County Plan, subject to County and NJDEP approval, as applicable; and

WHEREAS, CME Associate's December 20, 2023 letter report further set forth no objections to approval of the reconstruction of the Julia Street Facility, subject to the following conditions:

- a) WM shall obtain all local and state permits and authorizations required to construct and operate the reconstructed Julia Street Facility.
- b) WM shall provide final documents to the Authority as required by and as typically provided as part of County Plan amendment submissions, including but not limited to, construction drawings, equipment specifications, operating information, etc.
- c) WM shall operate the reconstructed Julia Street Facility in accordance with all of the requirements of its Union County District Solid Waste Management Plan approval and NJDEP permit for the Julia Street Facility.

WHEREAS, the approval of WM's application to amend the County Plan as described above is consistent with the Statewide Solid Waste Management Plan and the State's recycling goals, is in the best interests of the County and its citizens, and is necessary for UCUA's continued effective operation as the agency responsible for implementation of the County Plan; and

WHEREAS, based on the foregoing, UCUA desires to amend the County Plan based on WM's application.

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. UCUA hereby authorizes, by administrative action, an amendment to the County Plan to reflect updated, added and removed blocks and lots to the transfer station / material recovery facility owned and operated by Waste Management of New Jersey, Inc., located at 864 Julia Street in the City of Elizabeth, Union County, New Jersey, 07201, as follows:

Old Block and Lot Numbers		New Block and Lot Numbers	
Block 8	Lot 1042	Block 578	Lot 2
Block 8	Lot 818	Block 578	Lot 1
Block 8	Lot 819	Block 578	Lot 1
Block 8	Lot 820	Block 578	Lot 1
Block 8	Lot 1060B	Block 567	Lot 2
Block 8	Lot 1060C	Block 567	Lot 3
Block 8	Lot 741	Block 579*	Lot 2*
Block 8**	Lot 822**	Block 567**	4.01**

* To be added to the County Plan to accommodate the proposed layout of the future Julia Street Facility which will extend onto New Block 579, Lot 2. This parcel shall be utilized by both the reconstructed Julia Street Facility and the Flora Street Facility. The Applicant has represented that the Flora Street Facility will continue to operate unencumbered by the reconstruction of the Julia Street Facility building proposed on the parcel.

** To be removed from the County Plan.

Section 3. UCUA further hereby authorizes, by administrative action, an amendment to the County Plan to reflect the proposed reconstruction of the Julia Street Facility. WM shall be required to operate the reconstructed Julia Street Facility in accordance with all of the requirements of its Union County District Solid Waste Management Plan approval and NJDEP permit for the Julia Street Facility. If operations at the reconstructed Julia Street Facility are modified in any way from what was previously approved, except solely by way of reconstruction and modernization, then WM shall seek additional approval(s).

Section 4. The amendments to the County Plan are subject to WM's compliance with the UCUA Engineer's (CME Associates) comments and recommendations in its December 20, 2023 letter report and receipt of approval from the County and NJDEP, if applicable.

Section 5. The Acting Executive Director of UCUA and Special Counsel are hereby authorized and directed to submit the application from WM and this Resolution to NJDEP as an administrative action in order to obtain such approvals as may be necessary under law.

Section 6. A copy of this Resolution, together with a copy of WM's application to amend the County Plan, shall be made available for public inspection at the UCUA's administrative offices located at 1499 Routes 1 & 9 North, Rahway, New Jersey.

Section 7. This Resolution shall take effect immediately.