

RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY

Resolution No.: 28-2024

Date: June 19, 2024

Approved as to form:

Bianka Vargas, Clerk

Approved as to sufficiency of funds:

John Ciuffo, Acting Comptroller
[] YES [] NO [] NONE REQUIRED

RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY RECOMMENDING AN ADMINISTRATIVE ACTION PLAN AMENDMENT TO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN PERTAINING TO LINDEN RENEWABLE ENERGY, LLC'S CLASS C RECYCLING FACILITY IN THE CITY OF LINDEN

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, by way of Ordinance No. 818-2020 adopted on October 1, 2020 by the Union County Board of County Commissioners and approved by Certification of the NJDEP on February 21, 2021, the County Plan was amended to include a Class C recycling facility ("Facility"), to be located at Block 587, Lot 8.02 on the Tax Map for the City of Linden, also known as 4900 Tremley Point Road, Linden, New Jersey, that will be owned and operated by Linden Renewable Energy, LLC ("LRE") to accept organic waste or organic substrate that is to be processed off-site by third-parties in satellite de-packaging facilities and will utilize anaerobic digestion to create renewable natural gas, a marketable soil amendment, and liquid digestate that will be processed on site to produce a liquid organic fertilizer; and

WHEREAS, by way of an Administrative Action adopted by Resolution of the UCUA on August 4, 2021 and approved by the NJDEP on August 4, 2022, the LRE Facility plan inclusion was modified to allow the facility to receive an average of 1,400 tons per day of food waste based upon a seven-day week, to be reconciled on a monthly basis, where the maximum daily tonnage received shall not exceed 2,200 tons, with a maximum limit of 1,400 tons per day delivered by truck; and

WHEREAS, LRE filed an application with the UCUA dated as April 8, 2024, requesting an amendment to its County Plan inclusion to increase the authorized average daily tonnage capacity

(based upon a seven-day week) to recycle food waste and other organic material ("substrate") at the Facility; and

WHEREAS, specifically, LRE requests an increase in daily average substrate deliveries to the Facility of ten (10) percent, from an average of 1400 tons per day to 1540 tons per day (based upon a seven-day week), with a maximum limit of 1,540 tons per day delivered by truck, and with no change to the maximum daily tonnage capacity of 2,200 tons; and

WHEREAS, the NJDEP's solid waste regulations (N.J.A.C. 7:26-1.1 et seq.) provide that certain actions to amend a county solid waste management plan may be taken by administrative action 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(b)(3)(i); and

WHEREAS, on or about June 11, 2024, UCUA received a letter report from UCUA's Engineers, CME Associates describing the proposed 10% increase in authorized average daily capacity for the deliver of substrate to the facility; confirming that documentation was provided indicating that the capacity increase would not have an adverse effect on traffic on the roadway network surrounding the Facility; confirming that documentation was provided indicating that the Facility is capable of handling the proposed capacity increase; and setting forth no objection to increasing the substrate delivery by ten (10) percent, from average of 1400 tons per day to 1540 tons per day (based upon a seven-day week) as set forth herein above; and

WHEREAS, the approval of LRE'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 LRE'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.

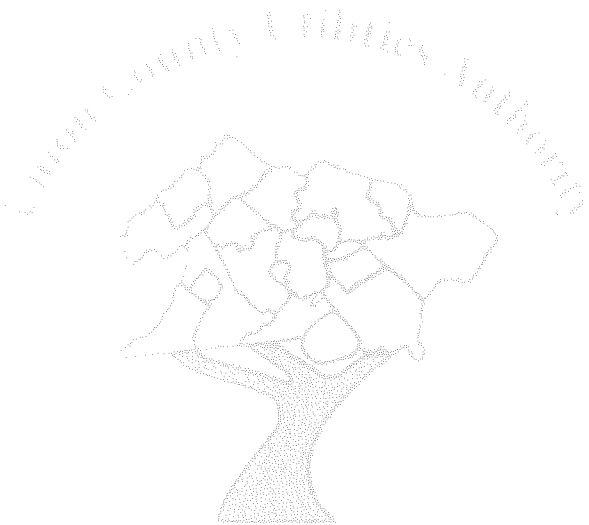
Section 2. UCUA hereby authorizes, by administrative action, an amendment to the County Plan to increase the authorized capacity to recycle food waste and other organic material as set forth herein above at the LRE facility located at 5000 (formerly 4900) Tremley Point Road in the City of Linden, Union County, New Jersey, 07036, and identified as Block 587, Lot 8.02.

Section 3. The amendment to the County Plan is subject to LRE's compliance with the any comments and recommendations in CME Associates' June 11, 2024 letter report and receipt of approval from the County and NJDEP, if applicable.

Section 4. The Acting Executive Director of UCUA and Special and General Counsel are hereby authorized and directed to submit the application from LRE and this Resolution to NJDEP as an administrative action in order to obtain such approvals as may be necessary under law.

Section 5. A copy of this Resolution, together with a copy of LRE’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 6. This Resolution shall take effect immediately.



	PRESENT	ABSENT	AYE	NAY	ABSTAIN	MOTION	SECOND
<i>Eastman</i>		✓					
<i>Figueiredo</i>	✓		✓				
<i>Holder</i>	✓		✓			✓	
<i>Jackus</i>	✓		✓				
<i>Kahn</i>	✓		✓				✓
<i>McManus</i>	✓		✓				
<i>Rachlin</i>	✓		✓				
<i>Scutari</i>		✓					
<i>Szpond</i>	✓		✓				
<i>Alma, Alternate No. 1</i>	✓		✓				
<i>Scott-Bey, Alternate No. 2</i>		✓					