

RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY

Resolution No.: 72-2024

Date: December, 18, 2024

Approved as to form:

Bianka Vargas, Clerk

Approved as to sufficiency of funds:

John Cuff, Acting Comptroller
 YES NO NONE REQUIRED

RECOMMENDING AN ADMINISTRATIVE ACTION PLAN AMENDMENT TO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN TO REVISE THE UNITS FOR MEASURING AND RECORDING INCOMING FATS, OIL AND GREASE (FOG) FROM GALLONS TO TONS AND UPDATE DAILY TONNAGE CAPACITY FOR A CLASS C RECYCLING FACILITY IN THE CITY OF ELIZABETH

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 March 21, 2024, Waste Management of New Jersey, Inc. ("WMI") filed an application with the UCUA, requesting an amendment of the County Plan to update the measurement and recording of incoming fats, oil and grease ("FOG") material from gallons to tons for WMI's Class C Recycling facility currently included in the County Plan and located at 847 Flora Street in the City of Elizabeth, New Jersey 07201 (referred to as the "Facility"), which is owned and operated by WMI; and

WHEREAS, the Facility is permitted to accept up to 500 tons per day ("TPD") of Class C solid materials, including source separated food waste, vegetative food waste, and yard trimmings; and the Facility is permitted to accept up to an additional 60,000 gallons per day ("GPD") of Class C recyclable material consisting of liquid food and/or beverage waste, including FOG material; and

WHEREAS, the liquid waste accepted at the Facility consists primarily of FOG material; and

WHEREAS, WMI filed the application to measure and record incoming FOG material on a tonnage basis rather than on a volumetric basis, which will allow all incoming Class C materials received at the Facility to be measured in tons per day; and

WHEREAS, following the UCUA's adoption of Resolution 50-2024 on September 18, 2024, authorizing the proposed modifications set forth in WMI's above-referenced application, WMI provided further clarification as to the nature and extent of the amendments it sought with regard to the Facility's inclusion in the County Plan, thereby necessitating rescission of Resolution 50-2024 in its entirety and the adoption of this replacement Resolution; and

WHEREAS, WMI has proposed a density of 8.34 pounds per gallon (lbs/gal) for all incoming FOG material at the Facility for purposes of calculating the liquid wastes received as TPD; and

WHEREAS, following the UCUA's engineers' further consultation with WMI and the NJDEP, the UCUA received an updated letter report dated December 11, 2024 from UCUA's Engineers, CME Associates (the "CME Report"), confirming a conversion factor of 7.34 lbs/gal, based upon industry standards, which translates to a maximum daily mass of 220 TPD of Class C recyclable material consisting of liquid food and/or beverage waste including FOG material under the Facility's current NJDEP approvals; and

WHEREAS, WMI has concurred with the recommendations of CME regarding the updated conversion factor of 7.34 lbs/gal for such liquid food and/or beverage waste including FOG material, and WMI has clarified that it seeks approval from the UCUA for a combined total Facility capacity of 720 TPD for all approved Class C liquid and solid recyclable materials, including retaining its capacity for Class C solid recyclable material at 500 TPD and revising its capacity for Class C liquid food and/or beverage waste including FOG material to 320 TPD; and

WHEREAS, the updated CME Report sets forth no objections to WMI's requests to measure and record the Class C recyclable material consisting of liquid food and/or beverage waste including FOG material, in the units of tons per day (versus gallons per day), nor to WMI's request to restate its total Facility capacity as 720 tons per day for all liquid and solid Class C recyclable material and to increase the capacity for Class C liquid food and/or beverage waste including FOG material to 320 TPD, to be adopted as an amendment to the County Plan, subject to County and NJDEP approval, as applicable; and

WHEREAS, except as set forth herein above, the application seeks no other changes and the other operational details for the Facility as currently specified in the County Plan (e.g., permitted waste types, hours of operation, recyclables classification) as well as the site-specific NJDEP-issued permit and/or recycling general approval, remain unchanged; and

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 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, the approval of WMI'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 WMI'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. Resolution 50-2024 is hereby rescinded in its entirety and replaced by this Resolution.

Section 3. UCUA hereby authorizes, by administrative action, an amendment to the County Plan to permit WMI to measure and record in tons per day for the Facility all incoming Class C recyclable material—consisting of both liquid food and/or beverage waste including FOG material (using the conversion factor set forth herein above) and solid materials, including source separated food waste, vegetative food waste, and yard trimmings, with the combined total capacity for all such Class C materials being 720 TPD, while maintaining a capacity for solid materials of 500 TPD, and increasing the capacity for liquid food and/or beverage waste including FOG material to 320 TPD.

Section 4. The amendment to the County Plan is subject to WMI's compliance with the UCUA Engineer's (CME Associates) comments and recommendations in its December 11, 2024 letter report and receipt of approval from the County and NJDEP, as applicable.

Section 5. The Acting Executive Director of UCUA and Special Counsel are hereby authorized and directed to submit the application from WMI 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 WMI'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.

	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>	✓						

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



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
KEITH CHIARAVALLO, PE, CME

December 11, 2024

Ms. Linda D. Stender, Acting Executive Director
Union County Utilities Authority
1499 Routes 1 & 9 North
Rahway, New Jersey 07065

**Re: Union County Utilities Authority
Application to Amend the Union County Solid Waste Management Plan
Waste Management of New Jersey
847 Flora Street, Elizabeth, NJ
Block 579, Lots 2, 3, 13
Our File No. PUC00035.P61**

Dear Ms. Stender:

As per the Authority's request, this office has reviewed the application submitted by Waste Management via e-mail dated November 14, 2024 and provided in Attachment 1. This subsequent application complements and clarifies the original request submitted by Mott Macdonald on behalf of Waste Management of New Jersey, Inc. ("WM"), dated March 21, 2024, regarding the above referenced Flora Street Facility ("Facility").

WM is requesting the following:

Adjustment of their current permitted daily tonnage of solid and liquid organics without exceeding the currently permitted total daily tonnage for the Facility.

Description:

The Flora Street Facility (Facility) is currently authorized to process up to 500 tons per day (TPD) of Class C solid material, including source separated food waste, vegetative food waste and yard trimmings (grass clippings and leaves). These Class C materials, fed to the currently operational CORE process, are transformed into a bio-slurry material used offsite as a compost additive or agent to enhance biogas production in anaerobic digesters.

The Facility is also authorized to process up to 60,000 gallons per day (GPD) of Class C recyclable material consisting of liquid food and or beverage waste including fats, oil, and grease (FOG) in the FOG2Fuel® Process where the FOG is converted to a renewable fuel commodity.

Per our letter report dated September 12, 2024, provided as Attachment 2, this Office had no engineering objection to the Authority permitting WM to measure and record Class C recyclable material consisting of liquid food and or beverage waste including FOG in the units of tons per day using a conversion factor of 7.34 lbs/gal, thereby converting the permitted 60,000 GPD of FOG to 220 TPD, subject to concurrence by the Authority's Attorney.



Ms. Linda D. Stender
Union County Utilities Authority
Re: Application to Amend the Union County Solid Waste Management Plan
847 Flora Street, Elizabeth, NJ

December 11, 2024
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Thus, the total permitted capacity of the Facility will be 720 TPD of the Class C solid and liquid materials noted above, which does not change the total amount of material to be received by the Facility, or the number of trucks entering the Facility, each day. To maximize the capacity of the Facility, WM has also requested the ability to receive more than the 220 TPD (formerly 60,000 GPD) of FOG. The application seeks to retain the current permitted capacity of 500 TPD for Class C solid material, which includes source separated food waste, vegetative food waste and yard trimmings (grass clippings and leaves), and revise the current permitted capacity for Class C recyclable material consisting of liquid food and or beverage waste including FOG to 320 TPD, while maintaining the overall Facility total capacity of 720 TPD.

Recommendations:

Based on the review of the submitted application and additional information provided by WM:

We have no engineering objections to the Authority permitting WM to accept a maximum of 500 TPD of Class C solid material, including source separated food waste, vegetative food waste and yard trimmings (grass clippings and leaves), and a maximum of 320 TPD of Class C recyclable material consisting of liquid food and or beverage waste including FOG, with the constraint that the total solid and liquid material received does not exceed 720 TPD, subject to concurrence by the Authority's Attorney and approval by the New Jersey Department of Environmental Protection.

Should you have any questions on this matter, please do not hesitate to contact this office.

Very truly yours,

CME Associates

Edward J. Traina, P.E.
Office of the Authority Engineer

EJT/ms/blr
Attachments

cc: Lisa M. da Silva
Kraig Dowd, Esq.
Jeffrey Paul Hummel
John Napolitano, Esq.