



UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

ORDINANCE NUMBER: *725-2011*
 DATE OF INTRODUCTION: *August 25, 2011*
 DATE OF ADOPTION:

AN ORDINANCE AMENDING THE
 UNION COUNTY DISTRICT
 SOLID WASTE MANAGEMENT PLAN

1) INCORPORATE EXTENSIONS OF AND MODIFICATIONS TO THE TERMS AND PROVISIONS OF THE FACILITY LEASE AGREEMENT AND THE AMENDED AND RESTATED WASTE DISPOSAL AGREEMENT WITH COVANTA UNION, INC. FOR THE OPERATION OF THE UNION COUNTY RESOURCE RECOVERY FACILITY, 2) INCORPORATE EXTENSIONS OF AND MODIFICATIONS TO THE TERMS AND PROVISIONS OF TO THE LOCAL WASTE AGREEMENTS WITH THE COUNTY OF UNION AND CERTAIN MUNICIPALITIES THEREIN AS PART OF THE UNION COUNTY SOLID WASTE SYSTEM, AND 3) REAFFIRM IMPLEMENTATION AND ENFORCEMENT OF REGULATORY WASTE FLOW CONTROL FOR PROCESSIBLE WASTE GENERATED IN UNION COUNTY

NO SUFFICIENCY OF FUNDS REQUIRED
Frank W. Kowalski
 8-24-2011

INTRODUCTION				RECORD OF VOTE				FINAL ADOPTION							
FREEHOLDER	Aye	Nay	Abs	Pass	Ord	Sec	NP	FREEHOLDER	Aye	Nay	Abs	Pass	Ord	Sec	NP
CARTER	X							CARTER							
ESTRADA	X							ESTRADA							
HUDAK	X							HUDAK							
JALLOH	X							JALLOH							
KOWALSKI	X							KOWALSKI							
SULLIVAN							X	SULLIVAN							
WARD	X							WARD							
MIRABELLA VICE CHAIRMAN	X							MIRABELLA VICE CHAIRMAN							
SCANLON CHAIRMAN	X				X			SCANLON CHAIRMAN							

APPROVED AS TO FORM

 COUNTY ATTORNEY

I hereby certify the above is an original ordinance adopted by the Board of Chosen Freeholders of the County of Union on the aforementioned date

CLERK

I hereby certify this is a true copy of a ordinance adopted by the Board of Chosen Freeholders of the County of Union on the aforementioned date

 CLERK

AS RECOMMENDED
BY THE UNION COUNTY UTILITIES AUTHORITY

WHEREAS, pursuant to the Solid Waste Management Act, N.J.S.A. 13-1E-1 et seq., the County of Union is designated as a Solid Waste Management District and by law did develop and prepare a District Solid Waste Management Plan ("County Plan") that was adopted by the Union County Board of Chosen Freeholders on June 7, 1979, pursuant to and in accordance with the Solid Waste Management Act, N.J.S.A. 13-1E-1 et seq., and

WHEREAS, the County Plan was approved, with modifications, by the Department of Environmental Protection ("NJDEP") on August 13, 1980, and has since been amended and modified from time to time; and

WHEREAS, on December 11, 1986, the Union County Board of Chosen Freeholders designated the Union County Utilities Authority ("UCUA") as the agency responsible for the implementation of the County Plan, as amended from time to time, and the UCUA is empowered to plan, acquire, construct, maintain and operate facilities for the processing, disposal and/or recycling of solid waste generated in the County; and

WHEREAS, the Authority previously recommended and the County adopted an amendment to the County Plan that was subsequently withdrawn by the County pursuant to correspondence, dated August 16, 2011, as a result of extensive discussions with NJDEP that required revisions to the amendments of the Facility Lease and Waste Disposal Agreement in order to obtain approval of the amendments from NJDEP and LGS pursuant to the McEnroe Act; and

WHEREAS, by Resolution No 57-2011, duly adopted August 17, 2011, the UCUA has re-formulated a Plan Amendment, and recommends that this Board set a public hearing for the purpose of taking public testimony on the proposed plan amendment, and review and enact said amendment that is now on file with the Clerk of this Board and available for public inspection and is made a part hereof by reference, and

WHEREAS, the subject amendment is summarized as follows:

This Plan Amendment is prepared as a result of a determination by the UCUA to extend and modify the terms of the existing Amended and Restated Waste Disposal Agreement and the Facility Lease Agreement governing the operation by Covanta Union, Inc of the UCUA's 1,540 tons-per-day resource recovery facility ("UCRRF") located in the City of Rahway, New Jersey. The proposed modifications are projected to result in substantial benefits from Covanta and the refinancing of existing debt that will be shared by all citizens of the County.

The purpose of this Plan Amendment is to incorporate the extensions of, and modifications to, the terms and provisions of the Facility Lease Agreement and the Amended and Restated Waste Disposal Agreement into the County Plan; incorporate the extensions of and modifications to the Local Waste Agreements with the County of Union and certain municipalities into the County Plan as part of the County Solid

Waste System; and to reaffirm the implementation and enforcement of regulatory waste flow control for processible waste generated in the County

WHEREAS, pursuant to the Solid Waste Management Act, the County's Solid Waste Advisory Committee ("SWAC") must be consulted with respect to amendment to the County Plan, and

WHEREAS, pursuant to and in accordance with the provisions of the Solid Waste Management Act, the Plan Amendment was presented to SWAC, and

NOW, THEREFORE, BE IT ORDAINED, by the Board of Chosen Freeholders of the County of Union, that:

- 1 The aforesaid recitals are incorporated herein as though fully set forth at length.
2. The Plan Amendment, as prepared and recommended by the Union County Utilities Authority, is hereby adopted as an Amendment to the Union County District Solid Waste Management Plan.
- 3 Any provision of the County Plan that is inconsistent with the Plan Amendment is hereby repealed to the extent of said inconsistency and the provisions of the Plan Amendment shall be fully effective and shall control
- 4 A certified copy of this Ordinance, as finally adopted, together with the Plan Amendment, shall be forwarded to the New Jersey Department of Environmental Protection, the County Clerk of the County of Union, and the Union County Utilities Authority.
- 5 The Clerk of this Board shall publish and disseminate notice of this Ordinance as provided by law.
6. The aforesaid Plan Amendment and a copy of the transcript of the public hearing to be held at such time as may be scheduled by said Board of Chosen Freeholders, and the necessary deliberations shall be submitted to the Commissioner of the New Jersey Department of Environmental Protection.
- 7 This Ordinance shall take effect in the manner prescribed by law.

It is hereby certified that at a regular meeting of the Board of Freeholders of the County of Union held on the ____ day of September 2011, the foregoing ordinance was finally adopted with ____ members voting in the affirmative and ____ in the negative

Nicole L. DiRado, Clerk
Union County Board of Chosen Freeholders

The foregoing ordinance having been duly presented to me, I hereby attest to and execute the same.

Dated: September __, 2011