



UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

ORDINANCE NUMBER: 735-2012
DATE OF INTRODUCTION: 5/3/2012
DATE OF ADOPTION: 6/14/2012

5/3/2012

AN ORDINANCE TO AMEND THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN

TO INCLUDE RAHWAY RECYCLING AND MATERIALS, INC. AS A CLASS B RECYCLING CENTER LOCATED IN RAHWAY, NEW JERSEY

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

Continued

NO SUFFICIENCY OF FUNDS REQUIRED

Frank W. Paduano 5-3-2012

Table with columns: INTRODUCTION, RECORD OF VOTE, FINAL ADOPTION. Rows list freeholders: ESTRADA, HUDAK, JALLOH, KOWALSKI, SCANLON, SULLIVAN, WRIGHT, CARTER VICE CHAIRMAN, MIRABELLA 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

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

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 UCUA has 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 include Rahway Recycling & Materials, Inc. ("RR&M") into the Union County District Solid Waste Management Plan as a Class B Recycling Center.

The purpose of this Plan Amendment is to modify the County Plan to include RR&M as a prerequisite to securing a NJDEP Class B Recycling Center General Approval. RR&M has proposed, and is hereby being admitted to the County Plan, to accept at its 650 Leesville Avenue, Rahway, New Jersey, facility, up to 5,000 tons of concrete, asphalt and brick and will grind these materials for shipping off-site. The resulting end product will be marketed and then transported off site to RR&M customers primarily by road tankers.

RR&M's facility is located in an industrial zone and there are no residential homes within 2000 feet of the facility. RR&M currently holds a valid State Air Pollution Control Permit. The facility is known as Lot 10 and 11, in Block 292 on the Tax Map of the City of Rahway. The facility is identify as ID# 42217.

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, by Resolution No. 32-2012, duly adopted April 18, 2012, the UCUA approved the Plan Amendment and recommended that the Plan Amendment be approved by the Board of Chosen Freeholders of the County, after public hearing in accordance with the Solid Waste Management Act; and

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

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.

**AMENDMENT TO THE UNION COUNTY
DISTRICT SOLID WASTE MANAGEMENT PLAN**

Recommended by the
Union County Utilities Authority
April 2012

AMENDMENT TO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN TO INCLUDE RAHWAY RECYCLING & MATERIALS, INC., RAHWAY, NEW JERSEY, INTO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN AS A CLASS B RECYCLING FACILITY

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 (21) 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 Class B recycling facility ("Facility") to be owned and operated by Rahway Recycling & Materials, Inc. The Facility has proposed, and is hereby being included in the County Plan, to accept concrete, asphalt and brick materials to be processed at its location on 650 Leesville Avenue, Rahway, New Jersey, for shipping off-site outside of the County.

II. INCLUSION OF RAHWAY RECYCLING & MATERIALS, INC, IN THE CITY OF RAHWAY, NEW JERSEY INTO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN AS A CLASS B FACILITY

Appendix 'A' contains copies of the application by Rahway Rccycling & Materials, Inc. for inclusion of a Class B recycling center in the Union County Solid Waste Management Plan, as supplemented, that is attached hereto and incorporated herein.

Appendix 'B' contains a Resolution of the UCUA, duly adopted on April 18, 2012, which is attached hereto and incorporated herein, recommending that the Facility to be owned and operated by Rahway Recycling & Materials, Inc. be included in the County Plan as a Class B recycling facility.

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

<u>Facility</u>	<u>Lot and Block</u>
Rahway Recycling & Materials, Inc. 650 Lccsville Avencue Rahway, New Jersey Class B Recycling Facility	Rahway Lots 10 and 11, Block 292

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 Amcndmnts 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.



UNION COUNTY UTILITIES AUTHORITY

1499 Routes 1 & 9, North, Rahway, New Jersey 07065

(732) 382-9400

FAX (732) 382-5862

RESOLUTION NO.: 32-2012

DATED: April 18, 2012

RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY RECOMMENDING AN AMENDMENT TO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN TO INCLUDE RAHWAY RECYCLING AND MATERIALS, INC., RAHWAY, NEW JERSEY INTO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN AS A CLASS B RECYCLING FACILITY

APPROVED AS TO FORM:

Joseph C. Bodek
Clerk of the Authority

APPROVED AS TO SUFFICIENCY OF FUNDS

YES NO NONE REQUIRED
UNION COUNTY UTILITIES AUTHORITY

By: _____

By: _____

PRESENT ABSENT AYE NAY ABSTAIN MOTION SECOND

<i>Badri</i>							
<i>Eastman</i>							
<i>Erdos</i>							
<i>Huff</i>							
<i>Kennedy, Secretary</i>							
<i>Kulish</i>							
<i>People, Treasurer</i>							
<i>Kahn, Vice Chairman</i>							
<i>Jackus, Chairman</i>							
<i>Bonanno, Alternate No. 1</i>							
<i>Lombardo, Alternate No.2</i>							

RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY RECOMMENDING AN AMENDMENT TO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN TO INCLUDE RAHWAY RECYCLING AND MATERIALS, INC., RAHWAY, NEW JERSEY INTO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN AS A CLASS B RECYCLING FACILITY

WHEREAS, the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. (“Act”), designated each of the 21 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 the 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, the UCUA has received an application for inclusion in the County Plan as a Class B recycling facility (“Facility”), located at 650 Leesville Avenue, Rahway, New Jersey, to be operated by Rahway Recycling & Materials, Inc. (“RR&M”), along with requests for additional information from the UCUA and CME, its consulting engineer, and the supplemental responses provided thereto by RR&M; and

WHEREAS, RR&M has requested permission to accept concrete, asphalt and brick and will grind these materials for shipping off-site; and

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

WHEREAS, after careful analysis and evaluation of the application, as supplemented, and the review of CME, the 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, the UCUA wishes to recommend the Freeholders the inclusion in the County Plan of the RR&M Facility, incorporating the terms and conditions of this Resolution and the attached Plan Amendment;

NOW, THEREFORE, BE IT RESOLVED by the Union County Utilities Authority, as follows:

1. The 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.

2. A certified copy of this Resolution, the attached Plan Amendment, the application of RR&M, requests for additional information as prepared by the UCUA and CME, and the supplemental responses thereto, 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.

3. A copy of this Resolution, together with a copy of the Plan Amendment, shall be available, upon execution by the parties, for public inspection at the offices of the UCUA in Rahway, New Jersey.

4. This resolution shall take effect immediately.

Daniel Sullivan
Interim Executive Director

Sworn and subscribed to before
me this ___ day of April 2012.
