



UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

ORDINANCE NUMBER: *767-2015*
 DATE OF INTRODUCTION: *11/12/2015*
 DATE OF ADOPTION: *12/3/2015*

11/12/2015

AN ORDINANCE TO AMEND TO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN MODIFYING THE INCLUSION OF A CLASS B RECYCLING FACILITY CURRENTLY OPERATED BY ROCKRETE RECYCLING CORPORATION IN THE CITY OF ELIZABETH.

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

**NO SUFFICIENCY
 OF FUNDS REQUIRED**
J. Ogilvie 11/12/15

Continued...

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					X		ESTRADA	✓						
GRANADOS							X	GRANADOS	✓						
HUDAK	X				X			HUDAK							✓
KOWALSKI	X							KOWALSKI	✓						
MIRABELLA	X							MIRABELLA	✓					✓	
WRIGHT	X							WRIGHT	✓						
BERGEN VICE CHAIRMAN	X							BERGEN VICE CHAIRMAN	✓				✓		
JALLOH CHAIRMAN	X							JALLOH 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

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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:

1) MODIFYING THE INCLUSION OF A CLASS B RECYCLING FACILITY CURRENTLY OPERATED BY ROCKRETE RECYCLING CORPORATION IN THE CITY OF ELIZABETH.

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. 59-2015, duly adopted September 16, 2015, 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.



UNION COUNTY UTILITIES AUTHORITY

1499 US Highway One, Rahway, New Jersey 07065

(732) 382-9400
FAX (732) 382-5862

RESOLUTION NO.: 59-2015

DATED: September 16, 2015

RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY RECOMMENDING AN AMENDMENT TO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN MODIFYING THE INCLUSION OF A CLASS B RECYCLING FACILITY CURRENTLY OPERATED BY ROCKRETE RECYCLING CORPORATION IN THE CITY OF ELIZABETH

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>Criscione</i>	✓		✓				
<i>Jackus</i>	✓		✓				
<i>Kahn</i>		✓					
<i>Kennedy</i>		✓					
<i>People (Treasurer)</i>	✓		✓				✓
<i>Scutari</i>	✓		✓				
<i>Erdos (Vice-chair)</i>	✓		✓				
<i>Eastman (Chairman)</i>	✓		✓				
<i>Bonanno (Alternate)</i>		✓					
<i>Lombardo, (Alternate)</i>		✓					

RESOLUTION NO.: 59-2015

DATED: September 16, 2015

RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY RECOMMENDING AN AMENDMENT TO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN MODIFYING THE INCLUSION OF A CLASS B RECYCLING FACILITY CURRENTLY OPERATED BY ROCKRETE RECYCLING CORPORATION IN THE CITY OF ELIZABETH

WHEREAS, pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. ("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 ("County Plan"), developed in accordance with the SWMA, was initially adopted by the Union County Board of Chosen Freeholders ("Freeholders") 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") is a public body corporate and politic of the State of New Jersey, created by the Freeholders, 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 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, Rockrete Recycling Corporation ("Rockrete") operates a Class B Recycling Facility for the recycling of asphalt, brick, block, concrete, and rock, and is located at 888 Fairmount Avenue in Elizabeth, New Jersey ("Class B Facility"); and

WHEREAS, Rockrete has filed an application with UCUA requesting the County Plan be modified to reflect that the Class B Facility, which has been included in the County Plan and operating since 1983, will be relocated to 341 Trumbull Street in Elizabeth, New Jersey, on property leased by the Norfolk Southern Railway Company to Tomae Realty LLC, a company owned by Gabriel Tomae, who is also the sole owner of Rockrete; and

WHEREAS, on prior occasion, Rockrete filed an application with the City of Elizabeth Zoning Board of Adjustment for a use variance, bulk variance, and preliminary and final site plan approval to relocate the Class B Facility to 341 Trumbull Street; and

WHEREAS, at a duly notice public hearing conducted on August 13, 2015, the City of Elizabeth Zoning Board of Adjustment found that the variances requested by Rockrete should be granted as memorialized in a Resolution on September 10, 2015, subject to, among other things, inclusion of the relocated facility in the County Plan; and

WHEREAS, UCUA's Consulting Engineer - CME - reviewed Rockrete's application and recommended the approval of a modification of the County Plan as requested by Rockrete for the relocation of the Class B Facility to 341 Trumbull Street in Elizabeth, New Jersey; and

WHEREAS, in accordance with the SWMA, UCUA consulted with the Union County Solid Waste Advisory Council ("SWAC") during a public meeting conducted on September 15, 2015, at which time there were no objections to the application of Rockrete requesting a modification to the County Plan to reflect the relocation of the Class B Facility to 341 Trumbull Street in Elizabeth, New Jersey; and

WHEREAS, the solid waste and recycling regulations of NJDEP (N.J.A.C. 7:26-1.1 et seq.) provide for certain actions to amend a county solid waste management plan must be taken by a formal plan amendment process, including notice and a public hearing by the governing body of the county; and

WHEREAS, UCUA has determined that the relocation of the Class B Facility from 888 Fairmount Avenue in Elizabeth, New Jersey to 341 Trumbull Street in Elizabeth, New Jersey, warrants a formal plan amendment process as set forth in N.J.A.C. 7:26-6.10; and

WHEREAS, after careful analysis and evaluation of the application, and the review of CME, UCUA has prepared a proposed Plan Amendment (attached hereto as Appendix A) recommending inclusion of the relocation of the Class B Facility into the County Plan subject to the terms and conditions of this Resolution and intends to forward same to the Freeholders for consideration in accordance with the Act; and

WHEREAS, UCUA wishes to recommend to the Freeholders the inclusion in the County Plan, on a permanent basis, of the relocation of the Class B Facility, incorporating the terms and conditions of this Resolution and the attached Plan Amendment; and

WHEREAS, the approval of Rockrete's application to amend the County Plan to reflect the relocation of the Class B Facility from 888 Fairmount Avenue in Elizabeth, New Jersey to 341 Trumbull Street in Elizabeth, New Jersey is in the best interests of the County and its citizens.

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

Section 1. The aforesaid recitals are hereby incorporated by reference, as though set forth at length herein.

Section 2. UCUA hereby formally recommends to the Freeholders that the County 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, to reflect the relocation of the Class B Facility from 888 Fairmount Avenue in Elizabeth, New Jersey to 341 Trumbull Street in Elizabeth, New Jersey as described in Rockrete's application, dated August 28, 2015, upon the requisite notice and public hearing being conducted in accordance with the Act, and the rules and regulations adopted by NJDEP.

Section 3. The Executive Director of the UCUA and Special Counsel are hereby authorized and directed to submit a certified copy of this Resolution, the attached Plan Amendment, and the application of Rockrete, to the Freeholders for formal consideration and action by way of an amendment to the County Plan, as well as to the Union County SWAC.

Section 4. A copy of this Resolution shall also be available for public inspection at the offices of the UCUA at 1499 Routes 1 & 9 North, Rahway, New Jersey.

Section 5. This Resolution shall take effect immediately.

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

Recommended by the
Union County Utilities Authority
September 2015

AMENDMENT TO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN MODIFYING THE INCLUSION OF A CLASS B RECYCLING FACILITY CURRENTLY OPERATED BY ROCKRETE RECYCLING CORPORATION IN THE CITY OF ELIZABETH

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 inclusion in the County Plan of a Class B recycling facility ("Facility") that is operated by Rockrete Recycling Corporation ("Rockerete") at 888 Fairmount Avenue in Elizabeth and was previously included in the County Plan by Certification of NJDEP. Rockrete has proposed to relocate the Facility, which recycles asphalt, brick, block, concrete, and rock, and requests that the Facility be included in the County Plan, on a permanent basis, at 341 Trumbull Street in Elizabeth.

II. MODIFICATION OF THE INCLUSION INTO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN OF A CLASS B RECYCLING FACILITY OPERATED BY ROCKRETE RECYCLING CORPORATION IN THE CITY OF ELIZABETH

Appendix 'A' contains a copy of the application by Rockerete for modification of the inclusion of the Facility in the County Plan, as supplemented, attached hereto and incorporated herein.

Appendix 'B' contains a Resolution of the UCUA, duly adopted on September 16, 2015, which is attached hereto and incorporated herein, recommending the approval of a modification of the County Plan as requested by Rockrete for the relocation of the Facility to 341 Trumbull Street in Elizabeth, New Jersey

The County Plan is hereby amended to modify the inclusion of the Facility to the following address:

Current Facility

Rockrete Recycling Corporation
888 Fairmount Avenue
Elizabeth, New Jersey

Proposed Relocated Facility

Rockrete Recycling Corporation
341 Trumbull Street
Lot 1, Block 951
Elizabeth, New Jersey

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 Amendments 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.