



UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

ORDINANCE NUMBER: 768-2015
DATE OF INTRODUCTION: 12/3/2015
DATE OF ADOPTION: 12/17/2015

12/3/2015

AN ORDINANCE TO AMEND TO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN BY THE INCLUSION OF A GENERAL CLASS B RECYCLING FACILITY TO BE LOCATED AT BLOCK 4, LOTS 1459 AND 1459A 2-74 SOUTH FRONT STREET, IN THE CITY OF ELIZABETH, NEW JERSEY TO BE OPERATED BY TREVCON CONSTRUCTION CO., INC.

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

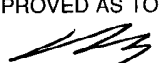
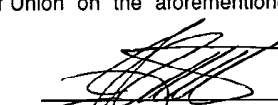
WHEREAS, on December 11, 1986, the Union County Board of Chosen Freeholders designated the Union County Utilities Authority ("UCUA") as the agency responsible for the implementation of the County Plan, as amended from time to time, and the UCUA is empowered to plan, acquire, construct, maintain and operate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

NO SUFFICIENCY OF FUNDS REQUIRED

Eric Masias 12/3/2015

Continued...

INTRODUCTION				RECORD OF VOTE				FINAL ADOPTION							
FREEHOLDER	Aye	Nay	Abs	Pass	Ord.	Sec	NP	FREEHOLDER	Aye	Nay	Abs	Pass	Ord.	Sec	NP
CARTER	✓							CARTER	✓						
ESTRADA	✓							ESTRADA	✓						
GRANADOS	✓							GRANADOS	✓						
HUDAK							✓	HUDAK							✓
KOWALSKI	✓					✓		KOWALSKI	✓					✓	
MIRABELLA	✓							MIRABELLA	✓				✓		
WRIGHT	✓							WRIGHT	✓						
BERGEN VICE CHAIRMAN	✓				✓			BERGEN VICE CHAIRMAN	✓						
JALLOH CHAIRMAN	✓							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

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) INCLUSION OF A GENERAL CLASS B RECYCLING FACILITY TO BE LOCATED AT BLOCK 4, LOTS 1459 AND 1459A 2-74 SOUTH FRONT STREET, IN THE CITY OF ELIZABETH, NEW JERSEY TO BE OPERATED BY TREVCON CONSTRUCTION CO., INC. THE PROPOSED FACILITY WILL HAVE AN 800 TON PER DAY CAPACITY FOR ACCEPTANCE OF CONCRETE, BRICK, BLOCK AND ASPHALT, WITH A MAXIMUM STORAGE CAPACITY FOR THE SITE OF 9,760 TONS ON ANY GIVEN DAY.

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. 73-2015, duly adopted November 10, 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.: 73-2015

DATED: November 10, 2015

**RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY
RECOMMENDING AN AMENDMENT TO THE UNION COUNTY DISTRICT
SOLID WASTE MANAGEMENT PLAN TO INCLUDE A GENERAL CLASS B
RECYCLING FACILITY TO BE OWNED AND OPERATED BY TREVCON
CONSTRUCTION COMPANY CO., INC. IN THE CITY OF ELIZABETH**

APPROVED AS TO FORM:
Lisa M. da Silva, RMC
Deputy Clerk of the Authority

APPROVED AS TO SUFFICIENCY OF FUNDS
 YES NO NONE REQUIRED
UNION COUNTY UTILITIES AUTHORITY

By: Lisa M. da Silva

By: [Signature]

	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 OF THE UNION COUNTY UTILITIES AUTHORITY RECOMMENDING AN AMENDMENT TO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN TO INCLUDE A GENERAL CLASS B RECYCLING FACILITY TO BE OWNED AND OPERATED BY TREVCON CONSTRUCTION COMPANY CO., INC. IN THE CITY OF ELIZABETH

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 received an application for inclusion in the County Plan as a general Class B recycling facility ("Facility"), located at 2-74 South Front Street, Elizabeth, New Jersey, to be operated by Trevcon Construction Co., Inc. ("Trevcon"); and

WHEREAS, Trevcon requested permission to operate a recycling facility to accept, process and transfer concrete generated from demolition and reconstruction projects in the area; and

WHEREAS, UCUA has received a report from CME, describing the proposed Facility, setting forth all engineering issues, and recommending that the Facility be included as general Class B recycling facility in the County Plan; 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 Trevcon requesting inclusion of the Facility in the County Plan; 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, 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 Facility, incorporating the terms and conditions of this Resolution and the attached Plan Amendment; and

WHEREAS, the approval of Trevcon's application to amend the County Plan to include the proposed general Class B recycling facility to owned and operated by Trevcon 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 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.

Section 3. A certified copy of this Resolution, the attached Plan Amendment, and the application of Trevcon Construction co., Inc. 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.

Section 4. A copy of this Resolution, together with a copy of the Plan Amendment, shall be available for public inspection at the offices of the UCUA in 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
November 2015

AMENDMENT TO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN TO INCLUDE A GENERAL CLASS B RECYCLING FACILITY TO BE OWNED AND OPERATED BY TREVCON CONSTRUCTION CO., INC. 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 County Plan to include a general Class B recycling facility ("Facility") to be owned and operated by Trevcon Construction Co., Inc. The Facility, located at 2-74 South Front Street, Elizabeth, New Jersey, is hereby being included in the County Plan to accept, process and transfer concrete generated from demolition and reconstruction projects in the area.

II. INCLUSION OF TREVCON CONSTRUCTION CO., INC. IN THE CITY OF RAHWAY, NEW JERSEY INTO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN AS A GENERAL CLASS B FACILITY

Appendix 'A' contains copies of the application by Trevcon Construction Co., Inc. for inclusion of a general Class B recycling center in the County Plan, as supplemented, that is attached hereto and incorporated herein.

Appendix 'B' contains a Resolution of the UCUA, duly adopted on November 10, 2015, which is attached hereto and incorporated herein, recommending that the Facility to be owned and operated by Trevcon Construction Co., Inc. be included in the County Plan as a general Class B recycling facility.

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

<u>Facility</u>	<u>Lot and Block</u>
Trevcon Construction Co., Inc. 2-74 South Front Street Elizabeth, New Jersey General Class B Recycling Facility	Elizabeth Lots 1459 and 1459A, Block 4

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.