



UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

ORDINANCE NUMBER: *815-2020*
 DATE OF INTRODUCTION: *6/18/2020*
 DATE OF ADOPTION: *7/23/2020*

6/18/2020

AN ORDINANCE TO AMEND THE UNION COUNTY SOLID WASTE MANAGEMENT PLAN BY INCLUDING A CLASS "C" RECYCLING FACILITY TO BE OWNED AND OPERATED BY LINDEN RENEWABLE ENERGY, LLC LOCATED AT 4900 TREMLEY POINT, LOT 8.02, BLOCK 587, LINDEN, NEW JERSEY TO ACCEPT ORGANIC WASTE OR ORGANIC SUBSTRATE AND UTILIZE ANAEROBIC DIGESTION TO CREATE RENEWABLE NATURAL GAS, A MARKETABLE SOIL AMENDMENT, AND LIQUID DIGESTATE THAT WILL BE PROCESSED ON SITE TO PRODUCE LIQUID ORGANIC FERTILIZER.

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

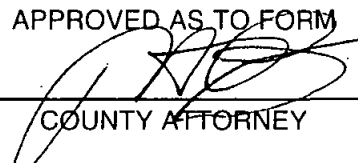

WHEREAS, the County Plan was approved, with modifications, by the Department of Environmental Protection ("NJDEP") on August 13, 1980, and has since been amended and modified from time to time; and

Continued...

**NO SUFFICIENCY
OF FUNDS REQUIRED**

Ernie Merson 6/18/2020

INTRODUCTION								RECORD OF VOTE								FINAL ADOPTION							
FREEHOLDER	Aye	Nay	Abs	Pass	Ord.	Sec	NP	FREEHOLDER	Aye	Nay	Abs	Pass	Ord.	Sec	NP								
GARRETSON	✓							GARRETSON	✓						✓								
GRANADOS	✓							GRANADOS	✓														
HUDAK	✓				✓			HUDAK	✓					✓									
KOWALSKI	✓							KOWALSKI	✓														
PALMIER-MOUEDED	✓							PALMIER-MOUEDED	✓														
STATEN							✓	STATEN	✓														
WILLIAMS	✓					✓		WILLIAMS	✓														
ESTRADA VICE CHAIRMAN	✓							ESTRADA VICE CHAIRMAN	✓														
MIRABELLA 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.
 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, 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:

TO MODIFY THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN TO INCLUDE A CLASS C RECYCLING FACILITY TO BE OWNED AND OPERATED BY LINDEN RENEWABLE ENERGY, LLC LOCATED AT 4900 TREMLEY POINT, LOT 8.02, BLOCK 587, LINDEN, NEW JERSEY TO ACCEPT ORGANIC WASTE OR ORGANIC SUBSTRATE AND UTILIZE ANAEROBIC DIGESTION TO CREATE RENEWABLE NATURAL GAS, A MARKETABLE SOIL AMENDMENT, AND LIQUID DIGESTATE THAT WILL BE PROCESSED ON SITE TO PRODUCE LIQUID ORGANIC FERTILIZER.

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. 33-2020, duly adopted June 17, 2020, 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.: 33-2020

DATE: June 17, 2020

RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY RECOMMENDING AN AMENDMENT TO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN TO INCLUDE A CLASS C RECYCLING FACILITY TO BE OWNED AND OPERATED BY LINDEN RENEWABLE ENERGY, LLC IN THE CITY OF LINDEN

APPROVED AS TO FORM:
Joseph C. Bodek, RMC
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>Eastman</i>							
<i>Jackus</i>							
<i>Kahn</i>							
<i>Lombardo</i>							
<i>McManus</i>							
<i>People</i>							
<i>Rachlin</i>							
<i>Szpond</i>							
<i>Scutari</i>							
<i>Alma, Alternate No. 1</i>							
<i>Scott Bey, 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 A CLASS C RECYCLING
FACILITY TO BE OWNED AND OPERATED BY LINDEN RENEWABLE
ENERGY, LLC IN THE CITY OF LINDEN**

WHEREAS, the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. (“Act”), designated each of the twenty-one counties in the State of New Jersey, and the Hackensack Meadowlands District (now known as the New Jersey Sports and Exposition Authority), 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 designated 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, UCUA received an application for inclusion in the County Plan as a Class C recycling facility (“Facility”), to be located at Block 587, Lot 8.02 on the Tax Map for the City of Linden, also known as 4900 Tremley Point Road, Linden, New Jersey, that will be owned and operated by Linden Renewable Energy, LLC; and

WHEREAS, Linden Renewable Energy, LLC, a wholly-owned subsidiary of RNG Energy Solutions, LLC, requests inclusion of the Facility in the County Plan to accept organic waste or organic substrate that is processed by third parties off-site in satellite de-packaging facilities and will utilize anaerobic digestion to create renewable natural gas, a marketable soil amendment, and liquid digestate that will be processed on site to produce a liquid organic fertilizer; and

WHEREAS, Linden Renewable Energy, LLC, has represented that the Facility will operate in compliance with the waste flow and other requirements of the County Plan, will not accept feed stock derived from de-packaged food products that remain in original containers when disposed of and that are generated in the County, unless and until the New Jersey Department of Environmental Protection determines that the separation of these packaged materials for de-packaging fits within the definition of “source separation,” and all solid waste generated during Facility operations will be disposed of in accordance with the County Plan; and

WHEREAS, UCUA has received documentation from CME Associates, describing the proposed Facility, setting forth all engineering issues that have been resolved through discussions with Linden Renewable Energy, and recommending that the Facility be included as Class C recycling facility in the County Plan; and

WHEREAS, on behalf of the City of Linden, the Mayor has expressed in correspondence addressed to UCUA’s Executive Director, dated December 3, 2019, his full support for the proposed location and operation of the Facility; and

WHEREAS, in accordance with the SWMA, UCUA proposes to consult with the Union County Solid Waste Advisory Council (“SWAC”) through a telephonic meeting during the quarantine for Covid-19 to determine whether there are any objections to the application of Linden Renewable Energy, LLC requesting inclusion of the Facility in the County Plan; and

WHEREAS, the solid waste and recycling regulations of New Jersey Department of Environmental Protection (N.J.A.C. 7:26-1.1 et seq.) provide for certain actions to amend a county solid waste management plan that 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 Associates, 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, UCUA wishes to recommend to 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 Linden Renewable Energy, LLC’s application to amend the County Plan to include the proposed Facility to be owned and operated by Linden Renewable Energy, LLC 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. The recommendation of inclusion of the Facility is expressly conditioned upon the representation by Linden Renewable Energy, LLC that the Facility will be operated in compliance with the waste flow and other requirements of the County Plan, will not accept feed stock derived from de-packaged food products that remain in original containers when disposed of and that are generated in the County, unless and until the New Jersey Department of Environmental Protection determines that the separation of these packaged materials for de-packaging fits within the definition of "source separation," and all solid waste generated during Facility operations will be disposed of in accordance with the County Plan.

Section 4. A certified copy of this Resolution, the attached Plan Amendment, and the application of Linden Renewable Energy, LLC 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 5. A copy of this Resolution, together with a copy of the Plan Amendment, shall be available for public inspection at the offices of UCUA in Rahway, New Jersey.

Section 6. This resolution shall take effect immediately.

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

Recommended by the
Union County Utilities Authority
June 2020

AMENDMENT TO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN TO INCLUDE A CLASS C RECYCLING FACILITY TO BE OWNED AND OPERATED BY LINDEN RENEWABLE ENERGY, LLC IN THE CITY OF LINDEN

I. INTRODUCTION

The Solid Waste Management Act, N.J.S.A 13:1E-1 et seq. (the "Act"), in pertinent part, designates each of the State's twenty-one counties and the Hackensack Meadowlands Development Commission (now known as the New Jersey Sports and Exposition Authority) 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 C recycling facility ("Facility") to be located at Block 587, Lot 8.02 on the Tax Map for the City of Linden, also known as 499 Tremley Point Road, Linden, New Jersey, that will be owned and operated by Linden Renewable Energy, LLC. The Facility intends to accept organic waste or organic substrate that is processed by third parties off-site in satellite de-packaging facilities and will utilize anaerobic digestion to create renewable natural gas, a marketable soil amendment, and liquid digestate that will be processed on site to produce a liquid organic fertilizer

II. INCLUSION OF THE LINDEN RENEWABLE ENERGY, LLC FACILITY IN THE CITY OF LINDEN, NEW JERSEY, INTO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN AS A CLASS C RECYCLING FACILITY

Appendix 'A' contains a copy of the application by Linden Renewable Energy, LLC for inclusion of a Class C recycling facility in the County Plan, as supplemented, that is attached hereto and incorporated herein.

Appendix 'B' contains a Resolution of the UCUA, duly adopted on June 17, 2020, which is attached hereto and incorporated herein, recommending that the Facility to be owned and operated by Linden Renewable Energy, LLC be included in the County Plan as a Class C recycling facility.

The County Plan is hereby amended to include the following recycling facility, subject to the specific conditions set forth in UCUA's June 17, 2020 Resolution, as are also set forth below:

<u>Facility</u>	<u>Lot and Block</u>
Linden Renewable Energy, LLC 9400 Tremley Point Road Linden, New Jersey Class C Recycling Facility	City of Linden Lot 8.02, Block 587

The Facility will be operated in compliance with the waste flow and other requirements of the County Plan, will not accept feed stock derived from de-packaged food products that remain in original containers when disposed of and that are generated in the County, unless and until NJDEP determines that the separation of these packaged materials for de-packaging fits within the definition of "source separation," and all solid waste generated during Facility operations will be disposed of in accordance with the County Plan.

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 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 UCUA, 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 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.



JOHN H. ALLGAIER, 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

TIM W. GILLEN, PE, PP, CME (1991-2019)
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

June 9, 2020

Daniel P. Sullivan, Executive Director
Union County Utilities Authority
1499 Routes 1 & 9 North
Rahway, New Jersey, 07065

**Re: Application for Inclusion into the Union County
Solid Waste Management Plan
Linden Renewable Energy LLC
4000 Tremley Point Road
Block 587, Proposed Lot 8.02
Linden, New Jersey 07036
Our File No.: PUC00035.59**

Dear Mr. Sullivan:

Pursuant to the Authority's request, this office has reviewed the application package for an organic waste anaerobic digester project that will receive processed food waste and other organic material to produce renewable natural gas as submitted by Linden Renewable Energy LLC. (LRE) for inclusion into the Union County District Solid Waste Management Plan. We note the following:

Description:

The Applicant, Linden Renewable Energy, LLC, is seeking inclusion in the Union County Solid Waste Management Plan for construction and operation of a Class C Recycling facility to anaerobically digest off-site generated organic substrate material to produce renewable natural gas, liquid digestate and a soil amendment. The soil amendment and liquid digestate will be processed to produce marketable organic fertilizers. The facility will receive organic waste processed by third parties off-site in satellite de-packaging facilities. The de-packaging process removes packaging and creates an anaerobically digestible slurry feedstock. Delivery to the LRE facility will be in 6,000-gallon capacity tanker trucks and by barge. Periodic testing / sampling of substrate will be performed at the de-packaging facilities to ensure the purity and non-hazardous nature of the feedstock. Material will only be accepted from previously approved sources. The anaerobic digesters will use the SUEZ Biowaste Process and be designed to process an average of 350,000 gallons per day of liquid substrate feedstock. The process will produce approximately 3,085 dekatherms of renewable natural gas (RNG) per day. The RNG will be injected into the TETCO interstate pipeline approximately 1 mile north of the site.

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Daniel P. Sullivan, Executive Director
Union County Utilities Authority
Re: Application for Inclusion into the Union County
Solid Waste Management Plan
Linden Renewable Energy LLC

June 9, 2020
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LRE is proposing to receive up to 1,400 tons per day (TPD) of organic waste and substrate, which may include up to 300 TPD of fats, oils, grease (FOG) and dissolved air flotation (DAF) waste from food processing operations. The Applicant is seeking confirmation from the NJDEP that the organic waste, other than FOG and DAF, is classified as solid waste Type 72. The facility will only accept this material from third party de-packaging facilities under contract with LRE. The Applicant has indicated that any de-packaging facilities located in Union County or which receive waste generated in Union County will comply with the County Solid Waste Management Plan. In addition, the Applicant has indicated that any truck or barge load delivered to the site, if rejected, shall be disposed of in accordance with the Union County Solid Waste Management Plan.

The facility will produce three (3) forms of solid waste which will include; typical municipal solid waste generated by operating personnel in the Administration and other buildings, inorganic grit (less than 1 cubic yard per day) from degritting of the incoming organic waste (feedstock) and spent activated carbon and metal oxide media (45-65 tons per year) from odor control operations. The Applicant has indicated that all waste material generated on site is non-hazardous, with no special handling requirements and will be disposed of in accordance with Union County's Solid Waste Management Plan.

There will not any on-site disposal of solid or hazardous wastes. Operation of the facility is proposed to be twenty-four (24) hours/seven (7) days per week. Truck delivery of organic waste for processing at the facility is proposed to be from Route 1 & 9 by either of two alternates. Alternate A will route delivery vehicles from Route 1 & 9 to South Stiles Street to West 21st Street onto South Wood Avenue to Tremley Avenue to the facility. Alternate B vehicle routing will be from Route 1 & 9 to South Wood Avenue then Tremley Point Road ending at the LRE facility.

The Applicant has appropriately addressed: operating procedures and requirements; required equipment; quality control inspections; odor control; noise control; litter control; storm water management; fire prevention, equipment, and training as appropriate to prevent and fight fires at the facility.

Comments

Comments resulting from our review of the application and subsequent submissions were presented in emails dated March 11, 2020 and April 16, 2020. The comments have been satisfactorily addressed by the applicant.



Daniel P. Sullivan, Executive Director
Union County Utilities Authority
Re: Application for Inclusion into the Union County
Solid Waste Management Plan
Linden Renewable Energy LLC

June 9, 2020
Our File No. PUC00035.59
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Recommendations

As the comments have been satisfactorily addressed by the applicant, we would advise that the Authority can recommend that, subject to the Authority's Enforcement Counsel's concurrence, Linden Renewable Energy LLC be Included into the Union County Solid Waste Management Plan.

Should you have any questions regarding 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

JNG:EJT

cc: Kraig Dowd, Esq.
Kevin Conti, Esq.
Lisa M. da Silva
Thomas Brennan
Jeffrey Hummel