

UNION COUNTY UTILITIES AUTHORITY

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

(732) 382-9400

FAX (732) 382-5862

RESOLUTION NO.: 58-2013

DATED: September 18, 2013

RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY ACCEPTING THE CITY OF LINDEN'S REQUEST TO WITHDRAW ITS PLAN INCLUSION APPLICATION FOR A CLASS B RECYCLING FACILITY

APPROVED AS TO FORM:

Joseph C. Bodek
Clerk of the Authority

By:

APPROVED AS TO SUFFICIENCY OF FUNDS

YES NO NONE REQUIRED
UNION COUNTY UTILITIES AUTHORITY

By:

	PRESENT	ABSENT	AYE	NAY	ABSTAIN	MOTION	SECOND
<i>Badri</i>	X		X				
<i>Eastman</i>	X		X				
<i>Erdos</i>	X		X				X
<i>Huff</i>	X		X				
<i>Kennedy, Secretary</i>	X		X			X	
<i>Kulish</i>	X		X				
<i>People, Treasurer</i>	X		X				
<i>Kahn, Vice Chairman</i>		X					
<i>Jackus, Chairman</i>	X		X				
<i>Bonanno, Alternate No. 1</i>	X		X				
<i>Lombardo, Alternate No.2</i>	X						

**RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY
ACCEPTING THE CITY OF LINDEN'S REQUEST TO WITHDRAW ITS PLAN
INCLUSION APPLICATION FOR 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 ("Authority") 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 Authority 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, following the Authority's receipt of an application from the City of Linden ("City") for permanent inclusion in the County Plan of a Class B recycling facility ("Facility"), located at 1451 Lower Road, Linden, New Jersey, to be operated by the City, the Authority adopted Resolution No. 96-2012 on January 16, 2013 recommending to the Freeholders that a Plan Amendment be adopted to include the Facility in the County Plan as a Class B Recycling Facility; and

WHEREAS, on or about March 14, 2013, the Freeholders adopted Ordinance No.: 746-2013 amending the County Plan to include the Facility and thereafter forwarded same to the New Jersey Department of Environmental Protection ("NJDEP") for its review, consideration and approval, which approval by the NJDEP has not yet been granted; and

WHEREAS, the Authority has received a copy of the City of Linden, City Council's, September 17, 2013 Resolution (a copy of which is attached hereto) formally requesting the withdrawal of the City's application for inclusion in the County Plan of the Facility as a Class B Recycling Facility; and

WHEREAS, the Authority wishes to recommend to the Freeholders that the Freeholders accept the City of Linden's withdraw request, take appropriate action to rescind Ordinance No. 746-2013 and provide formal notice of such action to the NJDEP.

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

1. The Authority formally recommends to the Union County Board of Chosen Freeholders that it accept the City of Linden's request to withdraw the City's application to include the above referenced Facility as a Class B Recycling Facility in the Union County District Solid Waste Management Plan.
2. The Authority formally recommends to the Union County Board of Chosen Freeholders that appropriate action be taken to rescind Ordinance No. 746-2013, and to provide formal notice to the New Jersey Department of Environmental Protection as to the County's actions regarding the Facility.
3. A certified copy of this Resolution and the attached Resolution of the City of Linden City Council shall be forwarded to the Union County Board of Chosen Freeholders for consideration and action.
4. A copy of this Resolution shall be available for public inspection at the offices of the Authority in Rahway, New Jersey.
5. This Resolution shall take effect immediately.

RESOLUTION TO WITHDRAWAL OF THE UNION COUNTY SOLID WASTE
MANAGEMENT PLAN AMENDMENT REQUEST

WHEREAS, the City of Linden has determined that it is in the best interests of the City to request a withdrawal by the County of Union of the Union County Solid Waste Management Plan Amendment request for a recycling operation in the Union County Solid Waste Management Plan consisting of the City's wood chipping operation at the City of Linden Landfill site as an exemption under N.J.A.C 7:26A-1.4a (3); and

WHEREAS, to effectuate said withdrawal the Department of Environmental Protection has requested a letter authorizing the withdrawal of amendment from the City of Linden and the County of Union; and

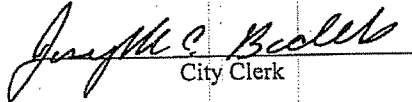
NOW, THEREFORE IT BE RESOLVED BY THE COUNCIL OF THE CITY OF LINDEN as follows:

1. The Mayor is hereby authorized to forward a letter to the New Jersey Department of Environmental Protection setting forth that the City is in support of withdrawing the amendment to the Union County Solid Waste Management Plan that provide for a wood chip recycling operation being at the Linden Landfill site.
2. This Resolution shall take effect immediately.

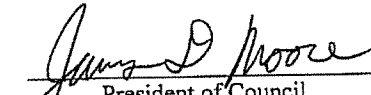
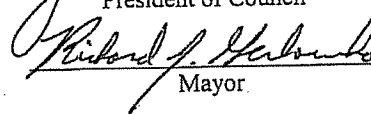
PASSED: September 17, 2013

APPROVED: September 18, 2013

ATTEST:


City Clerk

rwithdrawlucwastemgmt


President of Council

Mayor

Certified to be a true and exact copy


City Clerk, City of Linden, N.J.

Date: Sept 18, 2013