



# UNION COUNTY UTILITIES AUTHORITY

1499 US Highway One, Rahway, New Jersey 07065

(732) 382-9400

info@ucua.org

RESOLUTION NO.: 52-2022

DATE: September 21, 2022

## RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY AUTHORIZING THE EXECUTION OF AN ADDENDUM WITH THE CITY OF PLAINFIELD TO THE MRF AGREEMENT WITH THE ENTITY FORMERLY KNOWN AS THE PLAINFIELD MUNICIPAL UTILITIES AUTHORITY.

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: Joseph C. Bodek

By: [Signature]

	PRESENT	ABSENT	AYE	NAY	ABSTAIN	MOTION	SECOND
<i>Eastman, Treasurer</i>	✓		✓				
<i>Holder</i>	✓		✓				
<i>Jackus</i>	✓		✓				
<i>Kahn</i>		✓					
<i>McManus, Secretary</i>	✓		✓				✓
<i>People</i>	✓		✓				
<i>Rachlin</i>	✓		✓				
<i>Scutari, Vice chairperson</i>	✓		✓			✓	
<i>Szpond, Chairperson</i>	✓		✓				
<i>Alma, Alternate No. 1</i>		✓					
<i>Scott-Bey, Alternate No. 2</i>	✓		✓				

**RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY  
AUTHORIZING THE EXECUTION OF AN ADDENDUM WITH THE CITY OF  
PLAINFIELD TO THE MRF AGREEMENT WITH THE ENTITY FORMERLY  
KNOWN AS THE PLAINFIELD MUNICIPAL UTILITIES AUTHORITY.**

**WHEREAS**, the Union County Utilities Authority (“UCUA”) is a public body corporate and politic of the State of New Jersey, created by the Union County Board of Chosen Freeholders (“Freeholders”) (now known as the “Union County Board of Commissioners”) in accordance with the provisions of the Municipal and County Utilities Authorities Law, N.J.S.A. 40:14B-1 et seq. (the “Act”), by an Ordinance adopted on June 5, 1986, as amended on December 11, 1986 and which exercises essential governmental functions for the public health, benefit and welfare of the citizens of Union County (“County”); and

**WHEREAS**, the Union County District Solid Waste Management Plan (“County Plan”) was developed in accordance with the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1, et seq. (“SWMA”) and initially adopted by the 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**, on December 11, 1986, the Freeholders designated the UCUA as the agency responsible for the implementation of the County Plan, pursuant to and in accordance with the SWMA as the UCUA is empowered, pursuant to the Act, 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, in its capacity as implementing agency for the County Plan, has previously developed, implemented and financed a solid waste management system which included the construction of the Union County Resource Recovery Facility (“UCRRF”) to provide for the processing and disposal of all solid waste generated within the geographic boundaries of the County; and

**WHEREAS**, following and in response to Atlantic Coast Demolition & Recycling, Inc. v. Board of Chosen Freeholders of Atlantic County, et al., 112 F.3d 652 (3d Cir. 1997), cert. den. 522 U.S. 966 (1997) (“Atlantic Coast”) the County Plan was amended on May 21, 1998 to, among other things define the County's new disposal strategy, based upon voluntary contracts, as to Solid Waste Types 10 and 25 (“Contract Waste”) for disposal at the UCRRF, and including the lease by the UCUA to Ogden Martin Systems of Union, Inc. (now known as Covanta Union, Inc.) of the UCRRF; and

**WHEREAS**, the County also adopted a series of amendments to the County Plan as supplemented by an administrative action adopted by the UCUA in response to Atlantic Coast resulting in the issuance of two certifications by the NJDEP dated July 20, 1998 and June 1, 1999 which were subsequently clarified by the NJDEP on June 29, 1999, re-establishing mandatory flow control over all Solid Waste Types 13, 13C, 23 and 27 (“Non-Processible Waste”) generated within the County and further directing all Non-Processible Waste to the County’s designated disposal facility at that time, the Hackensack Meadowlands Development Commission, following and pursuant to a non-discriminatory procurement consistent with Atlantic Coast; and

**WHEREAS**, on July 13, 2000, the NJDEP approved, by administrative action, an amendment to the County Plan allowing NJDEP-permitted Materials Recovery Facilities (“MRF”)s to enter into agreements with the UCUA to accept and recycle Non-processible Waste; but to deliver residual solid waste generated therefrom to the UCUA’s designated final disposal facility(ies); and

**WHEREAS**, Plainfield Municipal Utilities Authority (“PMUA”) was a public body corporate and politic of the State, which was created in accordance with the provisions of the Act by the City of Plainfield (“City”), and provided solid waste transportation and disposal services, including the operation of a solid waste transfer station and MRF, at 87-95 Rock Avenue in Plainfield, New Jersey 07060 (hereinafter the “Facility”); and

**WHEREAS**, the Authority and the PMUA entered into a MRF Agreement in November 2012 to allow the PMUA to lawfully accept and recycle Non-processible Waste in accordance with the County Plan (“MRF Agreement”); and

**WHEREAS**, the City has received approval from the Local Finance Board to dissolve the PMUA and, effective July 1, 2022, the City has now assumed the former PMUA’s operations and outstanding obligations, including the MRF Agreement; and

**WHEREAS**, the UCUA and the City wish to continue the terms of the MRF Agreement, but to modify it appropriately to reflect the City’s ownership and operational responsibility as set forth in the Addendum attached hereto.

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

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. The Authority hereby approves Addendum 1 to the MRF Agreement with the City of Plainfield and authorizes its Executive Director to execute Addendum in substantially the same form as is attached hereto.
3. This authorization is conditioned upon the receipt of any and all approvals which may be required by and from the NJDEP and the County to implement the terms of the Addendum to the MRF Agreement.
4. A copy of this Resolution and each agreement shall be available, upon execution by the parties, for public inspection at the offices of the Authority at 1499 Routes 1 & 9 North, Rahway, New Jersey.
5. This Resolution shall take effect immediately.

**ADDENDUM 1 TO AGREEMENT**

By and among the Union County Utilities Authority (“UCUA”), Union County Office of Health Management (“UCOHM”), and the City of Plainfield (also referred to as “City”, and “Operator”)

1. All references contained in the Agreement of which this Addendum shall hereby become a part (a copy of which is attached hereto) to “Plainfield Municipal Utilities Authority”, “PMUA” and “Operator”, are hereby replaced in their entirety with “the City of Plainfield”.
2. No other modifications to the terms of the Agreement are authorized by this Addendum 1, other than those set forth in paragraph 1 above. All other terms of the Agreement shall remain in full force and effect.
3. This Addendum shall become effective only upon execution by all parties hereto. It is understood, however, that the Agreement and this Addendum may be executed in counterparts, each of which shall be deemed an original, but all of which, when taken together, shall constitute one and the same Agreement and Addendum.

<<<<< SIGNATURE PAGE FOLLOWS >>>>>

**UNION COUNTY UTILITIES AUTHORITY**

**ATTEST:**

\_\_\_\_\_

By:

\_\_\_\_\_

Daniel P. Sullivan  
Interim Executive Director, UCUA

DATED: \_\_\_\_\_

**CITY OF PLAINFIELD**

**ATTEST:**

\_\_\_\_\_

By:

\_\_\_\_\_

(Sign Name)

DATED: \_\_\_\_\_

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Print Title)

**UNION COUNTY OFFICE  
OF HEALTH MANAGEMENT**

**ATTEST:**

\_\_\_\_\_

By:

\_\_\_\_\_

Andrea Alvare  
Health Officer, UCOHM

DATED: \_\_\_\_\_