



State of New Jersey

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BOB MARTIN
Commissioner

CERTIFICATION OF THE FEBRUARY 18, 2016 AMENDMENT TO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN

BY ORDER OF THE COMMISSIONER:

A. Introduction

The New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) established a comprehensive system for the management of solid waste in New Jersey. The Act designated all twenty-one (21) of the State's Counties, and the Hackensack Meadowlands District, as Solid Waste Management Districts, and mandated that the Boards of Chosen Freeholders and the Hackensack Meadowlands Development Commission (previously formally known as the New Jersey Meadowlands Commission, and now known as New Jersey Sports and Exposition Authority or NJSEA) develop comprehensive plans for waste management in their respective districts. On August 13, 1980, the Department of Environmental Protection (Department or DEP) approved the Union County District Solid Waste Management Plan (County Plan).

The Act further provides that a District may review its County Plan at any time and, if found inadequate, a new County Plan must be adopted. The Union County Board of Chosen Freeholders (County Freeholders) completed such a review and on February 18, 2016 adopted an amendment to its approved County Plan.

The February 18, 2016 Amendment (Amendment) proposes County Plan inclusion of the extension of the Union County Resource Recovery Facility (UCRRF) Lease Agreement and the amended and restated Waste Disposal Agreement (WDA) by and between the Union County Utilities Authority (UCUA) and Covanta Union, Inc. (Covanta) for the operation of the UCRRF.

The Amendment was considered administratively complete for review by the Department on March 21, 2016 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this Amendment, and has determined that the Amendment adopted by the County Freeholders on February 18, 2016 is approved as provided in N.J.S.A. 13:1E-24.

B. Findings and Conclusions with Respect to the Union County District Solid Waste Management Plan Amendment

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the February 18, 2016 Amendment to the County Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that the Amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the elements of the Amendment which are included below.

Elements of the February 18, 2016 Amendment

Element: UCRRF Lease Agreement & Amended and Restated Waste Disposal Agreement (WDA)

The Amendment proposes to extend the UCRRF Lease Agreement between UCUA and Covanta for a period of twenty-two (22) years from December 15, 2031 to December 15, 2053. The Amendment also proposes the amending and restating of the WDA between UCUA and Covanta to eliminate the requirement that obligates UCUA to deliver 100,000 tons of processible waste annually from governmental agencies outside of Union County to the UCRRF. The WDA expires on December 15, 2031 and was not proposed to be extended.

Element: Solid Waste Flow Control for Processible Waste Generated In Union County

On December 18, 1997, the Union County Board of Chosen Freeholders adopted an amendment to the County Plan which proposed County Plan inclusion of, amongst other things, a plan for the UCUA to offer 25-year voluntary contracts to each of the County's 21 municipalities and all commercial transporters servicing Union County customers for the disposal of processible solid waste types 10 and 25 at the UCRRF. These voluntary contracts were signed for a term of 25 years and were set to expire on July 15, 2023. The Department certified this component of the December 18, 1997 amendment to the County Plan as approved on April 30, 1998.

On November 8, 2007, the Union County Board of Chosen Freeholders adopted an amendment to the County Plan which proposed County Plan inclusion of, amongst other

things, the direction of all processible solid waste not subject to a voluntary contract by and between the UCUA and a Union County municipality or solid waste transporter servicing Union County customers to the UCRRF for processing and disposal. The last of the five one-year contracts by and between the UCUA and Union County municipalities and/or solid waste transporters servicing Union County customers for solid waste type 10 and 25 not subject to one of the 25-year voluntary contracts were due to expire on June 30, 2013. This amendment to the County Plan was certified as approved by the Department on April 25, 2008.

Lastly, on September 15, 2011, the Union County Board of Chosen Freeholders adopted an amendment to the County Plan which proposed County Plan inclusion of the direction of all processible solid waste generated within Union County to the UCRRF for processing and disposal as per executed Local Waste Agreements by and between the UCUA and other parties. The current maximum term of any existing or future Local Waste Agreements as per the subject amendment shall be December 15, 2031.

C. Certification of the Union County District Solid Waste Management Plan Amendment

In accordance with N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-21, which establishes specific requirements regarding the contents of County solid waste management plans, I have reviewed the Amendment to the approved County Plan and certify to the County Freeholders that the February 18, 2016 Amendment is approved as further specified below.

The County Plan inclusion of the extension of the UCRRF Lease Agreement and the amended and restated WDA by and between the UCUA and Covanta for the operation of the UCRRF is approved.

D. Other Provisions Affecting the Plan Amendment

1. Compliance

All solid waste facility operators and transporters registered with the Department and operating within the District and affected by the Amendment shall operate in compliance with this Amendment and all other approved provisions of the County Plan. Any facility operator or transporter who fails to comply with the provisions contained herein shall be deemed to be in violation of N.J.S.A. 13:1E-1 et seq., in violation of N.J.A.C. 7:26-1 et seq., and in violation of their registration to operate a solid waste facility or a collection system issued thereunder by the Department and shall be subject to the provisions and penalties of N.J.S.A. 13:1E-9 and 12 and all other applicable laws.

2. Certification to Proceed with Implementation of Amendment

This document shall serve as the Certification of the Commissioner of the Department to the County Freeholders and pursuant to N.J.S.A. 13:1E-24c. and f., the County Freeholders shall proceed with the implementation of the approved components of the Amendment certified herein.

3. Definitions

For the purpose of this Amendment and unless the context clearly requires a different meaning, the definitions of terms shall be the same as those found at N.J.S.A. 13:1E-3 and -99.12, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

4. Effective Date of Amendment

The approved components of the Amendment to the County Plan contained herein shall take effect immediately.

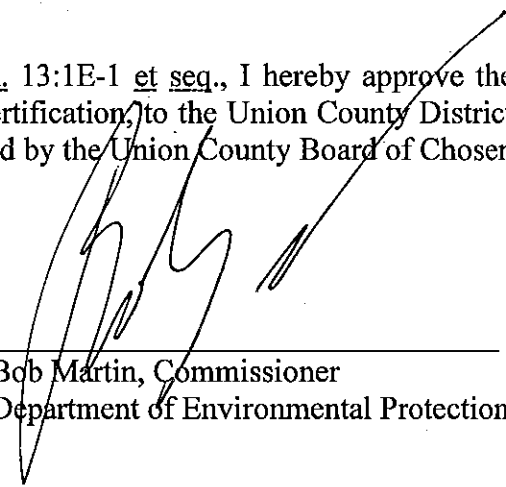
5. Reservation of Authority

Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any Amendment made thereto, shall conform with the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, and also includes the compilation of individual County Plans and Amendments as they are approved.

E. Certification of Approval of the Amendment by the Commissioner of the Department of Environmental Protection

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve the Amendment, as outlined in Section C. of this Certification, to the Union County District Solid Waste Management Plan which was adopted by the Union County Board of Chosen Freeholders on February 18, 2016.

6/30/2016
Date



Bob Martin, Commissioner
Department of Environmental Protection