

**NOTICE**

A Public Hearing on an Ordinance Amending the Hudson County District Solid Waste Plan will be held at a meeting of the Board of Chosen Freeholders of the County of Hudson on September 12, 2019 at 6:00 p.m. in the Freeholders' Assembly Chamber, first floor, Hudson County Administration Annex, 567 Pavonia Avenue, Jersey City, New Jersey. You may appear in person, or by agent, or by attorney, and present comments relative to the Plan Amendment. A copy of the Plan Amendment is available for public inspection at the offices of each Municipal Clerk in the County of Hudson, at the office of the Clerk of the Board of Chosen Freeholders of the County of Hudson, at the address stated above, and at the Offices of the Hudson County Improvement Authority, 830 Bergen Avenue, Ninth Floor, Jersey City, New Jersey 07306, during regular business hours. A copy is also available on the Authority website at: [www.hcia.org](http://www.hcia.org).

ALBERTO G. SANTOS, Clerk  
Board of Chosen Freeholders

**BOARD OF CHOSEN FREEHOLDERS  
COUNTY OF HUDSON  
ORDINANCE**

No. -8-2019

**On Motion of Freeholder Vainieri  
Seconded by Freeholder Rivas**

**AN ORDINANCE AMENDING THE HUDSON COUNTY DISTRICT  
SOLID WASTE MANAGEMENT PLAN**

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**MODIFYING THE TERMS TO 1) INCLUDE THE WASTE  
MANAGEMENT OF NEW JERSEY, INC. FACILITIES, AS THE  
COUNTY'S DESIGNATED FACILITIES TO WHICH SOLID WASTE  
TYPES 13, 13C, 23 AND 27 ARE DIRECTED FOR DISPOSAL, 2)  
INCORPORATE THE SOLID WASTE DISPOSAL SERVICES  
AGREEMENT BY AND BETWEEN THE HUDSON COUNTY  
IMPROVEMENT AUTHORITY AND WASTE MANAGEMENT OF NEW  
JERSEY, INC. FOR THE PROVISION DISPOSAL SERVICES FOR  
SOLID WASTE TYPES 13, 13C, 23 AND 27, AND 3) DIRECT ALL SOLID  
WASTE TYPES 13, 13C, 23 AND 27 TO THE WASTE MANAGEMENT  
OF NEW JERSEY, INC. FACILITIES FOR DISPOSAL, PURSUANT TO  
REGULATORY WASTE FLOW CONTROL**

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**WHEREAS**, pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., the County of Hudson is a designated Solid Waste Management District and, in accordance with law, the Board of Chosen Freeholders adopted the Hudson County District Solid Waste Management Plan ("County Plan") on April 26, 1979, pursuant to Ordinance No. 167-4-1979, which has been amended from time to time by the Board; and

**WHEREAS**, by Ordinance No. 423-11-1985, the Board designated the Hudson County Improvement Authority ("Authority") as the implementing agency for the County Plan; and

**WHEREAS**, the Authority, at its public meeting of July 30<sup>th</sup>, 2019, duly enacted its Resolution No. 7-2019-4SBM under the caption:

**RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT  
AUTHORITY AWARDED A CONTRACT FOR THE PROVISION  
OF SOLID WASTE DISPOSAL SERVICES FOR ALL  
NON-PROCESSIBLE WASTE TYPES 13 (INCLUDING 13C),  
23 & 27 GENERATED WITHIN HUDSON COUNTY**

**WHEREAS**, the Authority also duly enacted at its public meeting of July 30<sup>th</sup>, 2019 Resolution No. 7-2019-5SBM under the caption:

**RESOLUTION OF THE HUDSON COUNTY IMPROVEMENT  
AUTHORITY RECOMMENDING AN AMENDMENT TO THE HUDSON  
COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN  
MODIFYING THE TERMS CONSISTENT WITH THE AWARD OF A  
CONTRACT FOR THE PROVISION OF DISPOSAL SERVICE FOR ALL  
NON-PROCESSIBLE WASTE TYPES 13 (INCLUDING 13C) 23 AND 27  
GENERATED WITH HUDSON COUNTY**

**WHEREAS**, the above-referenced resolutions of the Authority are now on file with the Clerk of this Board of Chosen Freeholders and available for public inspection, and further, are made part of this Ordinance by reference; and

**WHEREAS**, the Authority awarded a contract to Waste Management of New Jersey, Inc. for the provision of solid waste disposal services for 50,000 tons on non-processible waste Types 13, 13C, 23 & 27 generated within the County of Hudson, at the per ton rate of \$78.00, as the lowest responsible bidder for such services, in accordance with the Bid Specifications; and

**WHEREAS**, it is the further recommendation of the Authority to this Board of Chosen Freeholders that the County Plan be amended to include the following solid waste facility as the County of Hudson's designated disposal facility for the specific solid waste types set forth below:

**Waste Management of New Jersey, Inc.** Transfer Station/Materials Recovery Facility, 840 Julia Street, Elizabeth, New Jersey, Block 8, Lots 818, 819, 820, 1042, 1060B and 1060C; Transfer Station/Materials Recovery, 625-640 South Front Street, Elizabeth, New Jersey, Block 4, Lot 1452; and Transfer Station/Materials Recovery Facility, 61 Broad Avenue, Fairview, New Jersey, Block 501, Lots 7 and 8, for disposal of all Solid Waste Types 13, 13C, 23 and 27 generated within Hudson County.

and,

**WHEREAS**, the Authority has also recommended to this Board of Chosen Freeholders that the County Plan be amended as a result of the non-discriminatory procurements undertaken by the Authority for Non-Processible Waste disposal services consistent with the decision in Atlantic Coast Demolition & Recycling, Inc. v. Board of Chosen Freeholders of Atlantic County, and the award and execution of the contract with Waste Management of New Jersey, Inc., the County will continue to exert regulatory waste flow control over all Non-Processible Waste generated within the County as reflected below:

All Solid Waste Types 13, 13C, 23 and 27 generated within the County shall be directed to the Waste Management of New Jersey, Inc. Transfer Station/Materials Recovery Facility, 840 Julia Street, Elizabeth, New Jersey; Transfer Station/Materials Recovery, 625-640 South Front Street, Elizabeth, New Jersey; and Transfer Station/Materials Recovery Facility, 61 Broad Avenue, Fairview, New Jersey, for disposal. Generators and/or transporters of Solid Waste Types 13, 13C, 23 and 27 generated within the County shall have the option to deliver such waste to a NJDEP-approved MRF provided, however, that (1) such generator and/or transporter shall notify HCIA of the name and location of the MRF to which such Types 13, 13C, 23 and 27 Solid Waste is delivered prior to such delivery, and (2) all residue therefrom shall be delivered to the Waste Management of New Jersey, Inc. Transfer Station/Materials Recovery Facility, 840 Julia Street, Elizabeth, New Jersey; Transfer Station/Materials Recovery, 625-640 South Front Street, Elizabeth, New Jersey; and Transfer Station/Materials Recovery Facility, 61 Broad Avenue, Fairview, New Jersey, for disposal.

**NOW, THEREFORE BE IT ORDAINED**, by the Board of Chosen Freeholders of the County of Hudson, that:

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. The amendment of the County Plan to include a contract with Waste Management of New Jersey, Inc. for the provision of solid waste disposal services for approximately 50,000 tons on Non-Processible Waste Types 13, 13C, 23 & 27 generated within the County of Hudson is hereby adopted.
3. The amendment of the County Plan to include the continued exercise of regulatory waste flow control by the County over all Non-Processible Waste generated within the County requiring the delivery of all Solid Waste Types 13, 13C, 23 and 27 to the Waste Management of New Jersey, Inc. Transfer Station/Materials Recovery Facility, 840 Julia

Street, Elizabeth, New Jersey; Transfer Station/Materials Recovery, 625-640 South Front Street, Elizabeth, New Jersey; and Transfer Station/Materials Recovery Facility, 61 Broad Avenue, Fairview, New Jersey, for disposal. Generators and/or transporters of Solid Waste Types 13, 13C, 23 and 27 generated within the County shall have the option to deliver such waste to a NJDEP-approved MRF provided, however, that (1) such generator and/or transporter shall notify HCIA of the name and location of the MRF to which such Types 13, 13C, 23 and 27 Solid Waste is delivered prior to such delivery, and (2) all residue therefrom shall be delivered to the Waste Management of New Jersey, Inc. Transfer Station/Materials Recovery Facility, 840 Julia Street, Elizabeth, New Jersey; Transfer Station/Materials Recovery, 625-640 South Front Street, Elizabeth, New Jersey; and Transfer Station/Materials Recovery Facility, 61 Broad Avenue in Fairview, New Jersey, for disposal.

4. The name and address of the Hudson County District Solid Waste Coordinator is Norman M. Guerra, Chief Executive Officer c/o Hudson County Improvement Authority, 830 Bergen Avenue, Ninth Floor, Jersey City, New Jersey 07306.
5. A copy of the this Ordinance, Hudson County Improvement Authority Resolution Nos. 7-2019-4SBM and 7-2019-5SBM, together with a copy of the plan amendment shall be available for public inspection at the offices of each Municipal Clerk in the County of Hudson, at the office of the Clerk of the Board of Chosen Freeholders of the County of Hudson, and at the Offices of the Hudson County Improvement Authority, 830 Bergen Avenue, Ninth Floor, Jersey City, New Jersey 07306, during regular business hours. Copies shall also be available on the Authority's website at: [www.hcia.org](http://www.hcia.org)
6. A copy of this Ordinance shall be forwarded to the New Jersey Department of Environmental Protection, Division of Solid and Hazardous Waste, and the Hudson County Improvement Authority, and the Clerk of the County of Hudson.

I, ALBERTO G. SANTOS, Clerk of the Board of Chosen Freeholders of the County of Hudson in the State of New Jersey, DO HEREBY CERTIFY the attached ordinance to be a true copy of an ordinance introduced at a meeting of said Board held on August 15, 2019.

ALBERTO G. SANTOS  
Clerk

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ALBERTO G. SANTOS, Clerk  
Board of Chosen Freeholders