

UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

ORDINANCE NO: *642-2007*
 DATE OF INTRO: *1/18/2007*
 DATE OF ADOPTION: *2/15/07*

1/18/2007

AN ORDINANCE AMENDING THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN TO 1) INCLUDE THE DELAWARE AND HUDSON RAILWAY COMPANY, INC. D/B/A CANADIAN PACIFIC RAILWAY TRANSFER STATION IN NEWARK, NEW JERSEY, AS THE COUNTY'S DESIGNATED FACILITY TO WHICH SOLID WASTE TYPES 13, 13C, 23 AND 27 ARE DIRECTED, 2) INCLUDE THE CONTRACT BY AND BETWEEN THE UNION COUNTY UTILITIES AUTHORITY AND THE DELAWARE AND HUDSON RAILWAY COMPANY, INC. D/B/A CANADIAN PACIFIC RAILWAY FOR SOLID WASTE TYPES 13, 13C, 23 AND 27 DISPOSAL SERVICES, AND 3) TO DIRECT ALL SOLID WASTE TYPES 13, 13C, 23 AND 27 TO THE DELAWARE AND HUDSON RAILWAY COMPANY, INC. D/B/A CANADIAN PACIFIC RAILWAY TRANSFER STATION IN NEWARK, NEW JERSEY, PURSUANT TO REGULATORY WASTE FLOW CONTROL.

WHEREAS, pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. (the "Act"), each county within the State of New Jersey is designated a solid waste management district with responsibility for the development of a solid waste management plan setting forth the solid waste disposal strategy to be applied in the district; and

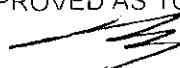
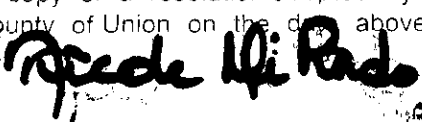
WHEREAS, the Board of Chosen Freeholders of the County of Union (the "County") has adopted the Union County District Solid Waste Management Plan, as amended from time to time (the "County Plan"); and

WHEREAS, the County has designated the Union County Utilities Authority (the "UCUA") as the agency responsible for implementing the County Plan; and

CONTINUED...

Frank W. Pedersen
 1-18-07

INTRODUCTION				RECORD OF VOTE				FINAL ADOPTION							
FREEHOLDER	Aye	Nay	Abs	Pass	Ord.	Sec	NP	FREEHOLDER	Aye	Nay	Abs	Pass	Ord.	Sec	NP
HOLMES							X	HOLMES					X		
MAPP	X							MAPP							
MIRABELLA	X							MIRABELLA							
PROCTOR	X						X	PROCTOR							
SCANLON	X							SCANLON							
SULLIVAN	X							SULLIVAN							
WARD	X							WARD							
ESTRADA VICE-CHAIRMAN	X					X		ESTRADA VICE-CHAIRMAN							
KOWALSKI CHAIRWOMAN	X				X			KOWALSKI CHAIRWOMAN							

APPROVED AS TO FORM  COUNTY ATTORNEY	I hereby certify the above to be a true copy of a resolution adopted by the Board of Chosen Freeholders of the County of Union on the date above mentioned.  CLERK
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WHEREAS, the UCUA did on January 17, 2007 adopt Resolutions 82-2006 and 83-2006, copies of which are attached hereto, which recommends to the Board of Chosen Freeholders that 1) Include The Delaware And Hudson Railway Company, Inc. D/B/A Canadian Pacific Railway Transfer Station In Newark, New Jersey, As The County's Designated Facility To Which Solid Waste Types 13, 13c, 23 And 27 Are Directed, 2) Include The Contract By And Between The Union County Utilities Authority And The Delaware And Hudson Railway Company, Inc. D/B/A Canadian Pacific Railway For Solid Waste Types 13, 13c, 23 and 27 Disposal Services, and 3) To Direct All Solid Waste Types 13, 13c, 23 and 27 to the Delaware and Hudson Railway Company, Inc. D/B/A Canadian Pacific Railway Transfer Station In Newark, New Jersey, Pursuant to Regulatory Waste Flow Control; and

WHEREAS, a copy of this Ordinance together with the attached is available for public inspection at the Office of the Clerk of the Board of Chosen Freeholders at the Union County Administration Building, Freeholders Meeting Room, Administration Building, 6th Floor, Elizabethtown Plaza, Elizabeth, New Jersey; at the offices of each Municipal Clerk in the County of Union; and at the offices of the Union County Utilities Authority, 1499 Routes 1 & 9 North, Rahway, New Jersey, during regular business hours; and

WHEREAS, a Public Hearing on the amendment will be held by the Board of Chosen Freeholders on February 15, 2007 at which time all persons having interest in the amendment will be given an opportunity to be heard and make comments or pose questions concerning the proposed amendment:

NOW, THEREFORE, BE IT ORDAINED by the Board of Chosen Freeholders of the County of Union that it hereby approves and adopts the Plan Amendment annexed hereto and that a certified copy of this Ordinance, as finally adopted, together with the Plan Amendment, supporting data and a copy of the transcript of the public hearing be forwarded to the New Jersey Department of Environmental Protection for review and certification as provided by law.

This Ordinance shall take effect at the time and in the manner provided by law.

The Clerk of the Board shall and is hereby directed to publish a notice in the appropriate newspapers of such introduction and the holding of a Public Hearing on February 15, 2007 and shall forward one certified copy, upon final passage, to each Clerk of all Municipalities located within the County of Union.



UNION COUNTY UTILITIES AUTHORITY

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

(732) 382-9400
FAX (732) 382-5862

RESOLUTION NO.: 92-8006

DATED: November 9, 2006

RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY (1) AWARDING A CONTRACT TO THE DELAWARE AND HUDSON RAILWAY COMPANY, INC. D/B/A CANADIAN PACIFIC RAILWAY FOR THE PROVISION OF DISPOSAL SERVICES FOR SOLID WASTE TYPES 13, 13C, 23 AND 27 GENERATED IN UNION COUNTY AND (2) AUTHORIZING THE EXECUTION OF A CONTRACT WITH DELAWARE AND HUDSON RAILWAY COMPANY, INC. D/B/A CANADIAN PACIFIC RAILWAY FOR SUCH SERVICES

APPROVED AS TO FORM:
Neil Cohen, Esq.
UCUA General Counsel

By: 

APPROVED AS TO SUFFICIENCY OF FUNDS
 YES NO NONE REQUIRED
UNION COUNTY UTILITIES AUTHORITY

By: 

	PRESENT	ABSENT	AYE	NAY	ABSTAIN	MOTION	SECOND
Badri		X					
Jackus		X					
Kahn		X					
Lapolla	X		X				
People	X		X			X	
Vollero		X					
Wolf	X		X				X
Kulish	X		X				
Kennedy		X					
Huff*	X		X				
Jorn**	X		X				

* Alternate No. 1
** Alternate No. 2

RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY (1) AWARDING A CONTRACT TO THE DELAWARE AND HUDSON RAILWAY COMPANY, INC. D/B/A CANADIAN PACIFIC RAILWAY FOR THE PROVISION OF DISPOSAL SERVICES FOR SOLID WASTE TYPES 13, 13C, 23 AND 27 GENERATED IN UNION COUNTY AND (2) AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE DELAWARE AND HUDSON RAILWAY COMPANY, INC. D/B/A CANADIAN PACIFIC RAILWAY FOR SUCH SERVICES

WHEREAS, pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. (the "Act"), each county within the State of New Jersey is designated a solid waste management district with responsibility for the development of a solid waste management plan setting forth the solid waste disposal strategy to be applied in the district; and

WHEREAS, the Board of Chosen 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 County has designated the Union County Utilities Authority (the "Authority") as the agency responsible for implementing the County Plan; and

WHEREAS, the County Plan was amended 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") to, among other things define the County's new disposal strategy, based upon voluntary contracts, as to Solid Waste Types 10 and 25, and including the lease by the UCUA to Ogden Martin Systems of Union, Inc. (now known as Covanta Union, Inc.) of the Union County Resource Recovery Facility (the "UCRRF") and the real property and improvements upon which the UCRRF is constructed, and re-affirm the County's disposal strategy, based upon regulatory flow control, as to Solid Waste Types 13, 23 and 27; and

WHEREAS, the County Plan was amended on May 21, 1998 (the "May Plan Amendment"), in pertinent part, to re-establish regulatory flow control over Solid Waste Types 13 (including 13C), 23 and 27, pursuant to a non-discriminatory procurement in accordance with Atlantic Coast; and

WHEREAS, by Certification of the New Jersey Department of Environmental Protection ("NJDEP") on July 20, 1998, the May Plan Amendment was approved, with modifications, contingent upon receipt and approval by the NJDEP of a subsequent plan amendment documenting the completion of a non-discriminatory procurement process and award of non-discriminatory bid contracts to provide for the disposal of Solid Waste Types 13 (including 13C), 23 and 27; and

WHEREAS, in 1998, the Authority completed a public procurement process and awarded non-discriminatory bid contracts to the Hackensack Meadowlands Development Commission ("HMDC") as the lowest responsible bidder for the disposal of Solid Waste Types 13 (including 13C), 23 and 27; and

WHEREAS, as a result of the contract award to the HMDC and in accordance with the NJDEP's July 20, 1998 Certification, the Authority recommended a Plan Amendment to the Union County Board of Chosen Freeholders for consideration, which was adopted by the County and approved by NJDEP; and

WHEREAS, in anticipation of the expiration of the contract with the HMDC, the Authority undertook a public procurement process in 2003 and awarded a non-discriminatory bid contract to Waste Management of New Jersey, Inc. ("WMI") as the lowest responsible bidder for the disposal of Solid Waste Types 13 (including 13C), 23 and 27; and

WHEREAS, the contract with WMI is scheduled to expire on July 1, 2007 and it is necessary for the Authority to procure and award a contract for the disposal of Solid Waste Types 13, 13C, 23 and 27 generated in the County ("Non-Processible Waste") in order to maintain safe, adequate and proper disposal services for the citizens of the County and for the efficient operations of the Authority; and

WHEREAS, on September 25, 2006, the Authority issued Bid Specifications for the provision of disposal services for Non-Processible Waste; and

WHEREAS, in response to said Bid Specifications, on October 20, 2006, the Authority received six bids from various entities in the solid waste disposal business, with the lowest ostensible bidder being the Delaware and Hudson Railway Company, Inc. d/b/a Canadian Pacific Railway Inc. ("Canadian Pacific"); and

WHEREAS, the bids have been reviewed by the Authority's Staff, Special Counsel, Consulting Engineer and Financial Advisor; and

WHEREAS, the Authority's Staff and professional consultants have recommended that a contract be awarded to Canadian Pacific at the prices bid as the lowest complying and responsible bidder, in accordance with the Local Public Contracts Law, for the provision of solid waste disposal services for Non-Processible Waste generated within the County; and

WHEREAS, it is necessary for the health, safety and welfare of the citizens of the County and the efficient operation of the Authority that a contract be awarded to Canadian Pacific for the provision of disposal services for Non-Processible Waste;

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. A contract for the provision of solid waste disposal services for Non-Processible Waste generated within the County be awarded to Canadian Pacific in accordance with the Bid Specifications.
3. The award of a contract to Canadian Pacific is expressly contingent upon the adoption of a plan amendment by the County, incorporating the contract with Waste

Management continuing waste flow control over Non-Processible Waste, and approval of the plan amendment by the NJDEP.

4. The Executive Director of the Authority is hereby authorized and directed to execute a contract with Canadian Pacific, substantially in the form included in the Bid Specifications, at the earliest possible date, and Special Counsel is hereby authorized and directed to prepare and submit any petitions to the New Jersey Department of Environmental Protection that may be necessary for approval of the disposal services contract and any rate to be charged for the disposal of Non-Processible Waste.
5. Notice of this action shall be published as required by law.
6. A copy of this Resolution, together with a copy of the executed contract, shall be forwarded to the Clerk of the County for public inspection, and this Resolution and contract authorized hereunder shall also 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.
6. This Resolution shall take effect immediately.



UNION COUNTY UTILITIES AUTHORITY

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

(732) 382-9400
FAX (732) 382-5862

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RESOLUTION NO.: 83-2006

DATED: November 9, 2006

RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY RECOMMENDING AN AMENDMENT TO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN TO INCLUDE THE DELAWARE AND HUDSON RAILWAY COMPANY, INC. D/B/A CANADIAN PACIFIC RAILWAY TRANSFER STATION INTO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN AS THE COUNTY'S DESIGNATED FACILITIES TO WHICH ALL NON-RECYCLED SOLID WASTE TYPES 13, 13C, 23 AND 27 ARE DIRECTED FOR DISPOSAL

APPROVED AS TO FORM:

Neil Cohen, Esq.
UCUA General Counsel

By:

APPROVED AS TO SUFFICIENCY OF FUNDS

YES NO NONE REQUIRED
UNION COUNTY UTILITIES AUTHORITY

By:

	PRESENT	ABSENT	AYE	NAY	ABSTAIN	MOTION	SECOND
Badri		X					
Jackus		X					
Kahn		X					
Lapolla	X		X				
People	X		X			X	
Vollero		X					
Wolf	X		X				X
Kulish	X		X				
Kennedy		X					
Huff*	X		X				
Jorn**	X		X				

Alternate No. 1

Alternate No. 2

**RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY
RECOMMENDING AN AMENDMENT TO THE UNION COUNTY
DISTRICT SOLID WASTE MANAGEMENT PLAN TO INCLUDE THE
DELAWARE AND HUDSON RAILWAY COMPANY, INC. D/B/A
CANADIAN PACIFIC RAILWAY TRANSFER STATION INTO THE UNION
COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN AS THE
COUNTY'S DESIGNATED FACILITIES TO WHICH ALL NON-
RECYCLED SOLID WASTE TYPES 13, 13C, 23 AND 27 ARE DIRECTED
FOR DISPOSAL**

WHEREAS, pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. (the "Act"), each county within the State of New Jersey is designated a solid waste management district with responsibility for the development of a solid waste management plan setting forth the solid waste disposal strategy to be applied in the district; and

WHEREAS, the County of Union ("County") has previously developed the Union County District Solid Waste Management Plan (the "County Plan") in accordance with the Act for the purpose of, among other things, managing the disposal and/or recycling of solid waste generated within the County; and

WHEREAS, the Union County Board of Chosen Freeholders ("Freeholders") has designated the Union County Utilities Authority (the "Authority") as implementing agency for the County Plan, in accordance with the Act; and

WHEREAS, the County Plan was amended 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") to, among other things, define the County's disposal strategy, based upon voluntary contracts, as to Solid Waste Types 10 and 25, and including the lease by the UCUA to Ogden Martin Systems of Union, Inc. (now known as Covanta Union, Inc.) of the Union County Resource Recovery Facility (the "UCRRF") and the real property and improvements upon which the UCRRF is constructed, and re-affirm the County's disposal strategy, based upon regulatory flow control, as to Solid Waste Types 13 (including 13C), 23 and 27; and

WHEREAS, the County Plan was further amended on May 21, 1998 (the "May Plan Amendment"), in pertinent part, to re-establish regulatory flow control over Solid Waste Types 13 (including 13C), 23 and 27, pursuant to a public, non-discriminatory procurement in accordance with Atlantic Coast; and

WHEREAS, by Certification of the New Jersey Department of Environmental Protection ("NJDEP") on July 20, 1998, the May Plan Amendment was approved with modification contingent upon receipt and approval by the NJDEP of a subsequent Plan Amendment documenting the completion of a non-discriminatory procurement process and award of non-discriminatory bid contracts to provide for recycling and disposal of Solid Waste Types 13 (including 13C), 23 and 27; and

WHEREAS, the Authority subsequently completed a public procurement process and awarded non-discriminatory bid contracts to the Hackensack Meadowlands Development Commission as the lowest responsible bidder recycling and disposal of Solid Waste Types 13 (including 13C), 23 and 27; and

WHEREAS, as a result of the contract award to the HMDC and in accordance with the NJDEP's July 20, 1998 Certification, the Authority recommended a Plan Amendment to the Union County Board of Chosen Freeholders for consideration, which was adopted by the County and approved by NJDEP; and

WHEREAS, in anticipation of the expiration of the contract with the HMDC, the Authority undertook a public procurement process in 2003 and awarded a non-discriminatory bid contract to Waste Management of New Jersey, Inc. ("WMI") as the lowest responsible bidder for the disposal of Solid Waste Types 13 (including 13C), 23 and 27; and

WHEREAS, the contract with WMI is scheduled to expire on July 1, 2007 and it is necessary for the Authority to procure and award a contract for the disposal of Solid Waste Types 13, 13C, 23 and 27 generated in the County ("Non-Processible Waste") in order to maintain safe, adequate and proper disposal services for the citizens of the County and for the efficient operations of the Authority; and

WHEREAS, on September 25, 2006, the Authority issued Bid Specifications for the provision of disposal services for Non-Processible Waste; and

WHEREAS, in response to said Bid Specifications, on October 20, 2006, the Authority received six bids from various entities in the solid waste disposal business, with the lowest ostensible bidder being the Delaware and Hudson Railway Company, Inc. d/b/a Canadian Pacific Railway Inc. ("Canadian Pacific"), and on November 9, 2006 awarded a contract to Canadian Pacific at the prices bid as the lowest complying and responsible bidder, in accordance with the Local Public Contracts Law, for the provision of solid waste disposal services for Non-Processible Waste; and

WHEREAS, it is necessary for the health, safety and welfare of the citizens of the County and the efficient operation of the Authority that an amendment to the County Plan be recommended to the Freeholders, incorporating the contract awarded to Canadian Pacific for the provision of disposal services for Non-Processible Waste, and including the transfer station owned and operated by Canadian Pacific as the designated facility where all non-recycled Non-Processible Waste is directed for disposal; and

WHEREAS, in accordance with the NJDEP's July 20, 1998 Certification, the Authority has caused to be prepared, has reviewed, and desires to recommend the attached Plan Amendment to the Freeholders for consideration;

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

1. The attached amendment to the Union County District Solid Waste Management Plan, attached hereto, is hereby approved and recommended to the Union County Board of Chosen Freeholders for adoption; and
2. A certified copy of this Resolution and attached Plan Amendment shall be forwarded to the Union County Board of Chosen Freeholders for consideration and action.

AMENDMENT TO THE UNION COUNTY
DISTRICT SOLID WASTE MANAGEMENT PLAN

**Recommended by the
Union County Utilities Authority
November 9, 2006**

AMENDMENT TO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN TO 1) INCLUDE THE DELAWARE AND HUDSON RAILWAY COMPANY, INC. D/B/A CANADIAN PACIFIC RAILWAY TRANSFER STATION IN NEWARK, NEW JERSEY, AS THE COUNTY'S DESIGNATED FACILITY TO WHICH SOLID WASTE TYPES 13, 13C, 23 AND 27 ARE DIRECTED, 2) INCLUDE THE CONTRACT BY AND BETWEEN THE UNION COUNTY UTILITIES AUTHORITY AND THE DELAWARE AND HUDSON RAILWAY COMPANY, INC. D/B/A CANADIAN PACIFIC RAILWAY FOR SOLID WASTE TYPES 13, 13C, 23 AND 27 DISPOSAL SERVICES, AND 3) TO DIRECT ALL SOLID WASTE TYPES 13, 13C, 23 AND 27 TO THE DELAWARE AND HUDSON RAILWAY COMPANY, INC. D/B/A CANADIAN PACIFIC RAILWAY TRANSFER STATION IN NEWARK, NEW JERSEY, PURSUANT TO REGULATORY WASTE FLOW CONTROL

I. INTRODUCTION

The Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., in pertinent part, designates each of the State's twenty-one (21) counties and the Hackensack Meadowlands Development Commission (now known as the New Jersey Meadowlands Commission) as a solid waste management district and further requires that each solid waste management district (including the County of Union) 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 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, including the designation of the Union County Utilities Authority ("UCUA") as the implementing agency for the County Plan.

The County Plan was amended on December 18, 1997, 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") 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"), and including the lease by the UCUA to Ogden Martin Systems of Union, Inc. (now known as Covanta Union, Inc.) of the Union County Resource Recovery Facility (the "UCRRF") and the real property and improvements upon which the UCRRF is constructed (collectively, the "System Restructuring"), and re-affirm the County's disposal strategy, based upon regulatory flow control, as to Solid Waste Types 13, 13C, 23 and 27.

The December 18, 1997 Plan Amendment was approved in part (as the System Restructuring), modified in part (as to the re-establishment of regulatory flow control as to Solid Waste Types 13, 13C, 23 and 27), and remanded in part (as to certain matters relating to the EIC), by the NJDEP's Certification dated April 30, 1998. The Certification rejected the

County's re-establishment of regulatory flow control as to Types 13, 13C, 23 and 27 on the grounds that the procurement process resulting in the initial selection of the J&J Facilities and Linden Landfill had not met all of the requirements for re-establishing regulatory waste flow pursuant to Atlantic Coast (i.e., that it was open, competitive and did not discriminate against interstate commerce).

The County Plan was amended and clarified on March 11, 1999 and June 16, 1999, respectively, and approved by the NJDEP on June 1, 1999 and June 29, 1999, to, in pertinent part, direct all solid waste Types 13, 13C, 23 and 27 generated in the County of Union, to the Hackensack Meadowlands Development Commission's ("HMDC") Solid Waste Transfer Station and Materials Recovery Facility, located at 100 Baler Boulevard, North Arlington, New Jersey for recycling and to the HMDC 1-E North Area Landfill, located at 100 Baler Boulevard, North Arlington, New Jersey for the disposal of residue remaining after such recycling of solid waste Types 13, 13C, 23 and 27 Solid Waste generated within Union County, all pursuant to a non-discriminatory procurement in accordance with Atlantic Coast.

The County Plan was subsequently amended on June 17, 2004, and approved by NJDEP on October 25, 2004, to direct all solid waste Types 13, 13C, 23 and 27 generated in the County of Union, to the Waste Management of New Jersey, Inc. transfer stations, located in Elizabeth and Linden, New Jersey, for recycling and disposal of residue remaining after such recycling of solid waste Types 13, 13C, 23 and 27 Solid Waste generated within Union County, all pursuant to a non-discriminatory procurement in accordance with Atlantic Coast.

As described below, this Plan Amendment is intended to supplement the prior plan amendments that have been adopted since the decision of the federal court in Atlantic Coast. This Plan Amendment will designate the transfer station owned and operated by the Delaware and Hudson Railway Company, Inc. d/b/a Canadian Pacific Railway Inc. ("Canadian Pacific") in the City of Newark as the facility to which Solid Waste Types 13, 13C, 23 and 27 generated within the County of Union ("Non-Processible Waste") are to be directed for recycling and disposal pursuant to regulatory waste flow as a result of the procurement of the disposal facilities in an open, competitive, non-discriminatory and constitutionally-permissible manner, consistent with Atlantic Coast, as described herein.

II. THE CONTINUATION OF REGULATORY FLOW CONTROL OVER NON-PROCESSIBLE WASTE PURSUANT TO A CONSTITUTIONALLY ACCEPTABLE, PUBLIC, NON-DISCRIMINATORY PROCUREMENT IN ACCORDANCE WITH THE ACT AND ATLANTIC COAST

As a result of the UCUA's non-discriminatory procurement of solid waste disposal services with regard to the Non-Processible Waste, the County intends to designate a new facility to which such NonProcessible Waste will be directed for recycling and disposal.

On September 25, 2006, the UCUA issued Bid Specifications for the Provision of Disposal Services for Types 13, 13C, 23 and 27 Solid Waste Generated in Union County, and, in response to the Bid Specifications, received bids on October 20, 2006. The solicitation of bids was advertised locally in The Home News & Tribune, throughout the State of New Jersey utilizing The Star Ledger, and nationally utilizing Waste News, a trade magazine circulated to solid waste industries and related entities throughout the country. The procurement was open to all bidders, regardless of geographical location, and is, in the County's view, consistent with the requirements set forth in Atlantic Coast. As a result of the public procurement, a contract for the provision of solid waste disposal services for Non-Processible Waste generated within the County was awarded to The Delaware and Hudson Railway Company, Inc. d/b/a Canadian Pacific Railway Inc. ("Canadian Pacific"). Simultaneous with this plan amendment process, the contract awarded to the Canadian Pacific as the lowest complying and responsible bidder will be filed with the NJDEP for approval and be available for inspection by the public.

Accordingly, based upon the terms and provisions of the non-discriminatory procurement, the County shall redirect Non-Processible Waste for disposal to the facility as more fully described in Section III of this Plan Amendment pursuant to the terms of the pertinent contracts.

III. INCLUSION OF CONTRACT AWARDED BY THE UNION COUNTY UTILITIES AUTHORITY TO THE DELAWARE AND HUDSON RAILWAY COMPANY, INC. D/B/A CANADIAN PACIFIC RAILWAY AND THE RECENTLY-PROCURED SOLID WASTE DISPOSAL FACILITY INTO THE COUNTY PLAN AND REDIRECTION OF NON-PROCESSIBLE WASTE

The contract by and between the UCUA and Canadian Pacific for Non-Processible Waste disposal services is hereby included in the County Plan.

The following solid waste facility, in accordance with the terms of the relevant contract awarded by the UCUA, are hereby included in the County Plan, as the County's designated disposal facility for Non-Contract Waste:

The Delaware and Hudson Railway Company, Inc. d/b/a Canadian Pacific Railway Inc. Transfer Station, located in the Oak Island Rail Yard in the City of Newark, New Jersey, for the disposal of Non-Processible Waste from all municipalities in the County

IV. 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 the 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 the Union County Utilities Authority, 1499 Routes 1&9 North, 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 Authority's policy with respect to photocopying and at the offices of the Clerk of the Union County Board of Chosen 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.

V. 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.

PUBLIC NOTICE

PLEASE TAKE NOTICE a Public Hearing will be held by the Union County Board of Chosen Freeholders on February 15, 1007, at 7:00 p.m. at the Union County Administration Building, Freeholders Meeting Room, Administration Building, 6th Floor, Elizabethtown Plaza, Elizabeth, New Jersey or at such other time as may be scheduled by said Board of Chosen Freeholders, for the purpose of hearing persons interested in, or who are affected by, the adoption of an Amendment to the Solid Waste Management Plan of the Union County Solid Waste Management District. The name and address of the Union County District Solid Waste Coordinator is Sunil K. Garg, Ph.D., Esq., c/o Union County Utilities Authority, 1499 Routes 1&9 North, Rahway, NJ. The Plan Amendment that is the subject of the Hearing has been prepared in accordance with the Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) For the purpose of providing that:

THE PURPOSE OF THIS PLAN AMENDMENT IS TO MODIFY THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN TO INCLUDE ALLSTATE POWER-VAC INC., BLOCK 343, LOTS 1 & 2, IN THE CITY OF RAHWAY AT 928 EAST HAZELWOOD AVENUE INTO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN AS AN INTERMODAL CONTAINER FACILITY TO ACCEPT UP TO 770 TONS PER DAY OF SOLID WASTE FROM OUTSIDE OF THE COUNTY OF UNION.

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 office of each Municipal Clerk in the County of Union, at the office of the Clerk of the Board of Chosen Freeholders of Union County, at the address stated above, during regular business hours and at the Offices of the Union County Utilities Authority, 1499 Routes 1 & 9 North, Rahway, New Jersey during regular business hours.

Nicole DiRado, Clerk of the Board of Chosen Freeholders.

PUBLIC NOTICE

PLEASE TAKE NOTICE a Public Hearing will be held by the Union County Board of Chosen Freeholders on February 15, 1007, at 7:00 p.m. at the Union County Administration Building, Freeholders Meeting Room, Administration Building, 6th Floor, Elizabethtown Plaza, Elizabeth, New Jersey or at such other time as may be scheduled by said Board of Chosen Freeholders, for the purpose of hearing persons interested in, or who are affected by, the adoption of an Amendment to the Solid Waste Management Plan of the Union County Solid Waste Management District. The name and address of the Union County District Solid Waste Coordinator is Sunil K. Garg, Ph.D., Esq., c/o Union County Utilities Authority, 1499 Routes 1&9 North, Rahway, NJ. The Plan Amendment that is the subject of the Hearing has been prepared in accordance with the Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) For the purpose of providing that:

THE PURPOSE OF THIS PLAN AMENDMENT IS TO MODIFY THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN TO 1.) INCLUDE THE DELAWARE AND HUDSON RAILWAY COMPANY, INC. D/B/A CANADIAN PACIFIC RAILWAY TRANSFER STATION AT 91A BAY AVENUE, NEWARK, NEW JERSEY, AS THE COUNTY'S DESIGNATED FACILITY TO WHICH SOLID WASTE TYPES 13, 13C, 23 AND 27 ARE DIRECTED AND 2.) INCLUDE THE CONTRACT BY AND BETWEEN THE UNION COUNTY UTILITIES AUTHORITY AND THE DELAWARE AND HUDSON RAILWAY COMPANY, INC., D/B/A CANADIAN PACIFIC RAILWAY FOR SOLID WASTE TYPES 13, 13C, 23 AND 27 DISPOSAL SERVICES, AND 3.) TO DIRECT ALL SOLID WASTE TYPES 13, 13C, 23 AND 27 TO THE DELAWARE AND HUDSON RAILWAY COMPANY, INC. D/B/A CANADIAN PACIFIC RAILWAY TRANSFER STATION IN NEWARK, NEW JERSEY PURSUANT TO REGULATORY WASTE FLOW CONTROL.

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 office of each Municipal Clerk in the County of Union, at the office of the Clerk of the Board of Chosen Freeholders of Union County, at the address stated above, during regular business hours and at the Offices of the Union County Utilities Authority, 1499 Routes 1 & 9 North, Rahway, New Jersey during regular business hours.

Nicole DiRado, Clerk of the Board of Chosen Freeholders.