

*This is a copy of the Union County Utilities Authority Administrative Action signed by Director John A. Castner on August 07, 1998.*

Division of Solid and Hazardous Waste  
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Mr. Joseph Spatola, Director  
Union County Utilities Authority  
1499 Routes 1 & 9 North  
Rahway, New Jersey 07065

Dear Mr. Spatola:

On July 16, 1998 the New Jersey Department of Environmental Protection's Division of Solid and Hazardous Waste received the July 14, 1998 Union County Utilities Authority's (UCUA) request for administrative action pursuant to the provisions of N.J.A.C. 7:26-6.11(b)9. This administrative action request represents the ACUA's supplemental response to the May 1, 1997 decision of the United States Court of Appeals for the Third Circuit which declared unconstitutional New Jersey's historic system of solid waste flow control. [See Atlantic Coast Demolition and Recycling, Inc. v. Board of Chosen Freeholders of Atlantic County et al. 112 F.3d 652 (3rd Cir. 1997), cert. den., November 10, 1997.] As a result of that decision, each solid waste district must reevaluate its strategy and, if necessary, initiate appropriate amendments thereto.

The UCUA request for administrative action responds to the Department's April 30, 1998 certification of the December 18, 1997 amendment to the Union County District Solid Waste Management Plan which, among other things, proposed the imposition of an Environmental Investment Charge (EIC) to be assessed against all solid waste generators in the County that elect not to utilize the Union County Resource Recovery Facility (UCRRF). Any transporter who does not utilize the UCRRF must pass through designated in-district weighing facilities before removing waste from Union County for out-of-district disposal. The weighing facilities will collect data to be used for recordkeeping and assessment of the EIC. The April 30, 1998 certification approved with modification this concept contingent upon the receipt and approval by the Department of an administrative action designating one or more in-district weighing facilities.

The July 14, 1998 request designates the USA Waste, Inc, Transfer Station located at 864 Julia Street in Elizabeth, Union County and the Plainfield Municipal Utilities Authority (PMUA) Transfer Station located on Rock Avenue in Plainfield, Union County as in-district weighing facilities. Since the UCUA has complied with the directive specified within the Department's April 30, 1998 certification, the DEP hereby approves pursuant to N.J.A.C. 7:26-6.11(f) the two designated in-district weighing facilities.

The County is reminded that consistent with Department regulations in-district weighing is restricted to a 6 month period and requires the adoption and submission of an amendment which identifies an alternative long-term strategy for collection of outstanding debt. This amendment shall be submitted within 6 months of the date of this administrative action. Following the submission of this

amendment, the County may continue to collect any charges through in-district weighing pending the DEP's review of the alternative method of collection.

Further, the County is advised that on July 8, 1998, the Division of Solid and Hazardous Waste issued a letter to the PMUA informing that agency that the weighing of vehicles to collect an EIC was subject to certain conditions including but not limited to revising the "Internal Traffic Pattern of the Plainfield Municipal Utilities Authority Transfer Station" and the Operations and Maintenance Manual for the facility.

Should you have any further questions in this regard, please contact Frank Coolick, Assistant Director, Division of Solid and Hazardous Waste, at 609-633-1418.

Sincerely,

John A. Castner  
Director