

**BERGEN COUNTY
BOARD OF COUNTY COMMISSIONERS
ORDINANCE**

AN ORDINANCE TO MODIFY, BY ADOPTING AN AMENDMENT TO, THE BERGEN COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN TO 1) ESTABLISH A SOLID WASTE MANAGEMENT DISPOSAL FEE PAYABLE BY DISPOSAL FACILITIES RECEIVING SOLID WASTE GENERATED FROM WITHIN BERGEN COUNTY WHICH WOULD SERVE TO PROVIDE THE NECESSARY FUNDING FOR THE BERGEN COUNTY UTILITIES AUTHORITY'S SOLID WASTE SERVICE AND ASSISTANCE PROGRAMS, 2) ADD STEEL CONTAINERS AS A MANDATORY RECYCLABLE FOR THE COMMERCIAL, INSTITUTIONAL AND INDUSTRIAL SECTORS, 3) DESIGNATE THAT ALL NON-OPERATIONAL, PERMITTED IN-COUNTY FACILITIES REMAIN IN THE BERGEN COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN, ALLOWING THEM TO REMAIN AVAILABLE AS A SOURCE OF ADDITIONAL SOLID WASTE CAPACITY WITHIN BERGEN COUNTY, AND 4) MAKE MINOR TRAFFIC ROUTE MODIFICATIONS TO THE IWS TRANSFER SYSTEMS TRANSFER STATION AND MATERIAL RECOVERY FACILITIES LOCATED IN THE BOROUGH OF CLOSTER AND THE CITY OF GARFIELD, NEW JERSEY AND THE S&L ZEPPELLI TRANSFER STATION LOCATED IN THE BOROUGH OF MOONACHIE, NEW JERSEY

WHEREAS, the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. (hereinafter referred to as the "Act") designated each of the 21 counties in the State of New Jersey, and the Hackensack Meadowlands District, as solid waste management districts, and required each such district to adopt a solid waste management plan; and

WHEREAS, on or about October 1, 1979, the Bergen County Board of County Commissioners (then known and identified as the Bergen County Board of Chosen Freeholders and hereinafter referred to as the "Bergen County Board of County Commissioners"), pursuant to and in accordance with the Act, adopted the Bergen County District Solid Waste Management Plan (and, as amended from time to time, hereinafter referred to as the "County Plan"); and

WHEREAS, the New Jersey Department of Environmental Protection (hereinafter, the "NJDEP") issued a certificate of approval with modifications for the County Plan in its entirety on October 31, 1980; and

WHEREAS, the aforementioned County Plan has been previously amended from time to time by acts of the Bergen County Board of County Commissioners, and subsequently certified by the NJDEP; and

WHEREAS, the Bergen County Utilities Authority (hereinafter referred to as the "Authority") is a county utilities authority organized and existing pursuant to the Municipal and County Utilities Authority Law, N.J.S.A. 40:14B-1 et seq. (hereinafter referred to as the "MCUA Law") to provide the services enumerated in N.J.S.A. 40:14B-2; and

WHEREAS, on December 23, 1980, the Bergen County Board of County Commissioners designated the Authority as the agency charged with implementing the County Plan, and recommending updates and amendments to the County Plan from time to time and selected to plan, and to take control and responsibility for the various solid waste disposal systems and facilities operated in Bergen County; and

WHEREAS, the Authority, after careful consideration, formulated a proposed amendment to the County Plan (hereinafter referred to as the “Amendment”), and has recommended that the Bergen County Board of County Commissioners set a public hearing for the purpose of taking public testimony on the proposed Amendment, and review and enact said Amendment that is now on file with the Clerk of the Bergen County Board of County Commissioners and available for public inspection and is made a part hereof by reference; and

WHEREAS, the Amendment is summarized as follows:

- **Proposes the establishment of a Solid Waste Management Disposal Fee payable by disposal facilities receiving solid waste generated from within Bergen County which would serve to provide the necessary funding for the Authority’s solid waste service and assistance programs;**
- **Proposes the addition of Steel Containers as a mandatory recyclable for the commercial, institutional and industrial sectors;**
- **Proposes the designation that all non-operational, permitted in-county facilities remain in the County Plan, allowing them to remain available as a source of additional solid waste capacity within Bergen County; and**
- **Proposes minor traffic route modifications to the IWS Transfer Systems Transfer Station and Material Recovery Facilities located in the Borough of Closter and the City of Garfield, New Jersey and the S&L Zeppetelli Transfer Station located in the Borough of Moonachie, New Jersey.**

; and

WHEREAS, on January 10, 2023 the Authority conducted a public hearing regarding the proposed Amendment; and

WHEREAS, by Resolution No. 23-6-001 duly adopted January 12, 2023 by the Authority’s Board of Commissioners, the Authority approved the proposed Amendment as a further amendment to the County Plan and recommended that the Amendment be

approved by the Bergen County Board of County Commissioners, after public hearing in accordance with the Act; and

WHEREAS, pursuant to and in accordance with the provisions of the Act, the Amendment was presented to the Bergen County Solid Waste Advisory Council (“SWAC”) and, on January 19, 2023, the SWAC conducted a duly noticed public hearing regarding the proposed Amendment and, following the conclusion of the public hearing, the SWAC took formal action recommending the adoption of the proposed Amendment to the Bergen County Board of County Commissioners; and

WHEREAS, the Bergen County Board of County Commissioners has reviewed the Authority Resolution No. 23-6-001 and the recommendations of the SWAC and incorporates the same herein by reference; and

WHEREAS, on the basis of its review of the proposed Amendment as well as the recommendations of the Authority and SWAC, and the public hearings conducted by the Authority and the SWAC, and the public hearings conducted by the Bergen County Board of County Commissioners at 7:00 PM on February 15, 2023 and at 7:00 PM on March 1, 2023, and each public hearing having been conducted in accordance with the Act, the Bergen County Board of County Commissioners has concluded that the Amendment is in the public interest and does represent an appropriate solid waste planning strategy for the County of Bergen.

NOW, THEREFORE, BE IT ORDAINED:

Section I: The aforesaid recitals are incorporated herein by reference as though fully set forth at length.

Section II: The Amendment, as prepared and recommended by the Bergen County Utilities Authority and as recommended by the Bergen County Solid Waste Advisory Council, is hereby adopted as an Amendment to the Bergen County District Solid Waste Management Plan.

Section III: 7:00 PM on February 15, 2023 and 7:00 PM on March 1, 2023 at the Bergen County Board of County Commissioners Meeting Room, Fifth Floor, One Bergen County Plaza, Hackensack, New Jersey, are each fixed as the time and place when and where the Bergen County Board of County Commissioners shall conduct public hearings, and any and all persons interested shall be given an opportunity to be heard, concerning the Amendment to the Bergen County District Solid Waste Management Plan by the adoption of this Ordinance.

Section IV: A certified copy of this Ordinance, as finally adopted, together with the Amendment, shall be forwarded to the New Jersey Department of Environmental Protection, the County Clerk of the County of Bergen, the clerk of each municipality in the County of Bergen and the Bergen County Utilities Authority.

Section V: The Clerk of the Bergen County Board of Commissioners shall publish and disseminate notice of the adoption of this Ordinance as provided by law.

Section VI: The aforesaid Amendment to the Bergen County District Solid Waste Management Plan and a copy of the transcript of the public hearings held by the Bergen County Board of Commissioners on February 15, 2023 and March 1, 2023 shall be submitted to the Commissioners of the New Jersey Department of Environmental Protection.

Section VII: Any provision of the Bergen County District Solid Waste Management Plan that is inconsistent with the Amendment adopted by this Ordinance is hereby repealed to the extent of said inconsistency and the provisions of the Amendment adopted by this Ordinance shall be fully effective and shall control.

Section VIII: If any section or provision of this Ordinance shall be deemed invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section IX: This Ordinance shall take effect in the manner prescribed by law.