

6/7/2007

AN ORDINANCE AMENDING THE
 UNION COUNTY DISTRICT
 SOLID WASTE MANAGEMENT PLAN

1) REAFFIRM THE PRIOR INCLUSION OF THE NEW JERSEY MEADOWLANDS COMMISSION LANDFILL AND DISPOSAL FACILITIES IN KEARNY, NEW JERSEY, AS THE COUNTY'S DESIGNATED FACILITIES TO WHICH SOLID WASTE TYPES 13, 13C, 23 AND 27 ARE DIRECTED, 2) INCLUDE THE INTERLOCAL SOLID WASTE SERVICES AGREEMENT BY AND BETWEEN THE UNION COUNTY UTILITIES AUTHORITY AND THE NEW JERSEY MEADOWLANDS COMMISSION FOR THE DISPOSAL OF 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 NEW JERSEY MEADOWLANDS COMMISSION LANDFILL AND DISPOSAL FACILITIES IN KEARNY, NEW JERSEY, FOR DISPOSAL, PURSUANT TO REGULATORY WASTE FLOW CONTROL


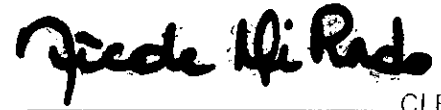
AS RECOMMENDED
 BY THE UNION COUNTY UTILITIES AUTHORITY

WHEREAS, pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., the County of Union is designated as a Solid Waste Management District and by law did develop and prepare a District Solid Waste Management Plan ("County Plan") that was adopted by the Union County Board of Chosen Freeholders on June 7, 1979, pursuant to and in accordance with the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq.; and

WHEREAS, 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; and

NO SUFFICIENCY OF FUNDS REQUIRED
Frank W. Adams
 6-7-07

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

| | |
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| 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 |
|---|---|

WHEREAS, on December 11, 1986, the Union County Board of Chosen Freeholders designated the Union County Utilities Authority (“UCUA”) as the agency responsible for the implementation of the County Plan, as amended from time to time, and the UCUA is empowered to plan, acquire, construct, maintain and operate facilities for the processing, disposal and/or recycling of solid waste generated in the County; and

WHEREAS, the UCUA has formulated a Plan Amendment, and recommends that this Board set a public hearing for the purpose of taking public testimony on the proposed plan amendment, and review and enact said amendment that is now on file with the Clerk of this Board and available for public inspection and is made a part hereof by reference; and

WHEREAS, the subject amendment is summarized as follows:

This Plan Amendment is prepared as a result of a determination of the Superior Court of New Jersey, Law Division, Union County, permanently enjoining the UCUA from implementing a contract awarded after a public, non-discriminatory procurement of solid waste services undertaken by the UCUA for the disposal of solid waste types 13, 13C, 23, and 27 generated in Union County (“Non-Processible Waste”). To provide for the uninterrupted disposal of Non-Processible Waste, the UCUA authorized the execution of an Interlocal Solid Waste Services Agreement, in accordance with the Local Public Contracts Law, with the New Jersey Meadowlands Commission at a price of \$60.00 per ton for disposal services, which price is lower than the best price obtained through the prior public, non-discriminatory procurement.

The purpose of this Plan Amendment is to reaffirm the prior inclusion in the County Plan of the New Jersey Meadowlands Commission landfill and disposal facilities in Kearny, New Jersey, as the County’s Designated facilities to which Non-Processible Waste is directed, to incorporate into the County Plan the Interlocal Solid Waste Services Agreement by and between the Union County Utilities Authority and the New Jersey Meadowlands Commission for the disposal of Non-Processible Waste, and to direct all Non-Processible Waste to the New Jersey Meadowlands Commission landfill and disposal facilities in Kearny, New Jersey for disposal, pursuant to regulatory waste flow control.

WHEREAS, pursuant to the Solid Waste Management Act, the County's Solid Waste Advisory Committee (“SWAC”) must be consulted with respect to amendment to the County Plan; and

WHEREAS, by Resolution No. 36-2007, duly adopted May 31, 2007, the UCUA approved the Plan Amendment and recommended that the Plan Amendment be approved by the Board of Chosen Freeholders of the County, after public hearing in accordance with the Solid Waste Management Act; and

WHEREAS, pursuant to and in accordance with the provisions of the Solid Waste Management Act, the Plan Amendment was presented to SWAC at a meeting on June __, 2007; and

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

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. The Plan Amendment, as prepared and recommended by the Union County Utilities Authority, is hereby adopted as an Amendment to the Union County District Solid Waste Management Plan.
3. Any provision of the County Plan that is inconsistent with the Plan Amendment is hereby repealed to the extent of said inconsistency and the provisions of the Plan Amendment shall be fully effective and shall control.
4. A certified copy of this Ordinance, as finally adopted, together with the Plan Amendment, shall be forwarded to the New Jersey Department of Environmental Protection, the County Clerk of the County of Union, and the Union County Utilities Authority.
5. The Clerk of this Board shall publish and disseminate notice of this Ordinance as provided by law.
6. The aforesaid Plan Amendment and a copy of the transcript of the public hearing to be held at such time as may be scheduled by said Board of Chosen Freeholders, and the necessary deliberations shall be submitted to the Commissioner of the New Jersey Department of Environmental Protection.
7. This Ordinance shall take effect in the manner prescribed by law.

It is hereby certified that at a regular meeting of the Board of Freeholders of the County of Union held on the ____ day of June 2007, the foregoing ordinance was finally adopted with ____ members voting in the affirmative and ____ in the negative.

Clerk

The foregoing ordinance having been duly presented to me, I hereby attest to and execute the same.

Dated: June , 2007

AMENDMENT TO THE UNION COUNTY
DISTRICT SOLID WASTE MANAGEMENT PLAN

**Recommended by the
Union County Utilities Authority
May 31, 2007**

AMENDMENT TO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN TO 1) REAFFIRM THE PRIOR INCLUSION OF THE NEW JERSEY MEADOWLANDS COMMISSION LANDFILL AND DISPOSAL FACILITIES IN KEARNY, NEW JERSEY, AS THE COUNTY'S DESIGNATED FACILITIES TO WHICH SOLID WASTE TYPES 13, 13C, 23 AND 27 ARE DIRECTED, 2) INCLUDE THE INTERLOCAL SOLID WASTE SERVICES AGREEMENT BY AND BETWEEN THE UNION COUNTY UTILITIES AUTHORITY AND THE NEW JERSEY MEADOWLANDS COMMISSION FOR THE DISPOSAL OF 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 NEW JERSEY MEADOWLANDS COMMISSION LANDFILL AND DISPOSAL FACILITIES IN KEARNY, NEW JERSEY FOR DISPOSAL, 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. ("Waste Management") 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 a result of the UCUA's non-discriminatory procurement of solid waste disposal services with regard to the Non-Processible Waste, the County Plan was amended on February 15, 2007 to 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 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 is a consequence of a complaint filed on December 26, 2006 by Waste Management in the Superior Court of New Jersey, Law Division, Union County (Waste Management of New Jersey, Inc. v. Union County Utilities Authority, et als., Docket No. UNN-L-4449-06), challenging the contract award by the UCUA to Canadian Pacific. The Honorable Marianne Espinosa, J.S.C., issued a decision on May 25, 2007 permanently enjoining the UCUA from implementing its contract award to Canadian Pacific. An appeal of the decision has been filed with the Superior Court of New Jersey, Appellate Division, and is presently

pending. The purpose of this Plan Amendment is to designate the landfill and disposal facilities owned and operated by the New Jersey Meadowlands Commission in Kearny, New Jersey, as the facilities 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 open, competitive, non-discriminatory and constitutionally-permissible procurement conducted by the UCUA, consistent with Atlantic Coast, and an Interlocal Solid Waste Services Agreement entered into by the UCUA and the New Jersey Meadowlands Commission pursuant to and in accordance with the Local Public Contracts Law at a price lower than any price bid in the non-discriminatory procurement.

II. THE CONTINUATION OF REGULATORY FLOW CONTROL OVER NON-PROCESSIBLE WASTE AS A RESULT OF A CONSTITUTIONALLY ACCEPTABLE, PUBLIC, NON-DISCRIMINATORY PROCUREMENT IN ACCORDANCE WITH THE SOLID WASTE MANAGEMENT ACT AND ATLANTIC COAST, AND THE EXECUTION OF AN INTERLOCAL SOLID WASTE SERVICES AGREEMENT WITH THE NEW JERSEY MEADOWLANDS COMMISSION CONSISTENT WITH THE LOCAL PUBLIC CONTRACTS LAW

Through this Plan Amendment, the County intends to designate the New Jersey Meadowlands Commission landfill and disposal facilities as the facilities to which all such NonProcessible Waste will be directed for recycling and disposal. Having issued Bid Specifications for the Provision of Disposal Services for Types 13, 13C, 23 and 27 Solid Waste Generated in Union County on September 25, 2006, and, in response to the Bid Specifications, received bids on October 20, 2006, and having advertised the solicitation of bids locally in The Home News & Tribune and The News Record, throughout the State of New Jersey utilizing The Star Ledger, regionally in The Philadelphia Enquirer, 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 was, 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 Canadian Pacific as the lowest complying and responsible bidder in accordance with the Local Public contracts Law.

Through a formal process consistent with the Solid Waste Management Act, the County adopted a Plan Amendment on February 15, 2007 to incorporate a contract with Canadian Pacific and continue regulatory flow control over Non-Processible Waste. While the Plan Amendment was pending before NJDEP, the UCUA was permanently enjoined by the Superior Court from implementing the contract with Canadian Pacific. In order to provide for the continuous disposal of Non-Processible Waste, the UCUA engaged in negotiations with the New Jersey Meadowlands Commission and authorized the execution of an Interlocal Solid Waste Services Agreement. Among other things, the terms of this agreement provide for a price of \$60.00 per ton for disposal services, which price is lower than the best price obtained

through the prior public, non-discriminatory procurement. Since the terms of the Interlocal Solid Waste Services Agreement are essentially identical to the services that were the subject of a public, non-discriminatory procurement, and the disposal price is lower than the best pricing obtained through the non-discriminatory procurement, the County is entitled to continue to exercise regulatory flow control over Non-Processible Waste in accordance with the requirements of Atlantic Coast.

The award of a contract to the New Jersey Meadowlands Commission complies with the Local Public Contracts Law as it is awarded to a governmental entity of the State of New Jersey. Having been awarded after the completion of a non-discriminatory procurement of solid waste disposal services by the UCUA in its role as the implementing agency for the County Plan, at a rate more favorable to the citizens of Union County than obtained in the non-discriminatory procurement, the County intends to direct all Non-Processible Waste to the New Jersey Meadowlands Commission facilities for disposal. The implementation of the contract is interim and contingent upon the outcome of the appeal in the Superior Court of New Jersey, Appellate Division, of the decision of the Superior Court of New Jersey, Law Division, Union County, in the matter entitled Waste Management of New Jersey, Inc. v. Union County Utilities Authority, et als., Docket No. UNN-L-4449-06. It is necessary to ensure the continuous provision of solid waste disposal services in Union County at the lowest possible cost and is, therefore, in the best interests of the citizens of the County. In the event the contract with Canadian Pacific is determined to be lawful upon appeal, the County intends to carry out the terms of that contract consistent with the rights reserved in the contract with the New Jersey Meadowlands Commission. Should the decision of the Superior Court in Docket No. UNN-L-4449-06 be upheld, the UCUA will reprocur solid waste services in accordance with the requirements of the Local Public Contracts Law.

Accordingly, based upon the terms and provisions of the non-discriminatory procurement, and the subsequent negotiations between the UCUA and the New Jersey Meadowlands Commission leading to the authorization to execute the Interlocal Solid Waste Services Agreement at pricing below the best prices bid in the public, non-discriminatory procurement, the County shall redirect Non-Processible Waste for disposal to the facilities as more fully described in Section III of this Plan Amendment pursuant to the terms of the Interlocal Solid Waste Services Agreement.

III. INCLUSION OF INTERLOCAL SOLID WASTE SERVICES AGREEMENT AWARDED BY THE UNION COUNTY UTILITIES AUTHORITY TO THE NEW JERSEY MEADOWLANDS COMMISSION AND THE REAFFIRMATION OF THE PRIOR INCLUSION OF LANDFILL AND DISPOSAL FACILITIES OF THE NEW JERSEY MEADOWLANDS COMMISSION INTO THE COUNTY PLAN AND REDIRECTION OF NON-PROCESSIBLE WASTE

The decision of the Superior Court in the Waste Management matter is the subject of a pending appeal in the Superior Court of New Jersey, Appellate Division, and will likely not be

resolved prior to the June 30, 2007 expiration of the UCUA's current contract with Waste Management for the disposal of Non-Processible Waste. In order to ensure adequate flow control and provide for the contingency that the appeal will not be resolved prior to the June 30, 2007 expiration date of the existing Waste Management contract, the UCUA engaged in negotiations with the New Jersey Meadowlands Commission of the terms for a contingent interlocal agreement for the provision of disposal services for Non-Processible Waste, for a period of 18-months commencing on July 1, 2007, at the rate of \$60 per ton.

The Interlocal Solid Waste Services Agreement entitles the UCUA to terminate services at the New Jersey Meadowland Commission facilities in the event the appeal of the decision in the Waste Management litigation is resolved in favor of the UCUA and Canadian Pacific and all necessary approvals of the contract with Canadian Pacific and related prior Plan Amendment of the County are obtained from DEP and/or any other governmental body exercising jurisdiction over the parties or the contract.

Therefore, the Interlocal Solid Waste Services Agreement by and between the UCUA and New Jersey Meadowland Commission for Non-Processible Waste disposal services is hereby included in the County Plan. The inclusion of the landfill and solid waste disposal facilities of the New Jersey Meadowlands Commission, in accordance with the terms of the Interlocal Solid Waste Services Agreement awarded by the UCUA, is hereby reaffirmed consistent with the prior Plan Amendment of the County, as the County's designated disposal facility for Non-Contract Waste:

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.

RESOLUTION NO.: 36-2007

DATED: May 31, 2007

**RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY
RECOMMENDING AN AMENDMENT TO THE UNION COUNTY
DISTRICT SOLID WASTE MANAGEMENT PLAN AUTHORIZING A
CONTINGENT INTERLOCAL SERVICES AGREEMENT WITH THE NEW
JERSEY MEADOWLANDS COMMISSION FOR THE PROVISION OF
DISPOSAL SERVICES FOR SOLID WASTE TYPES 13, 13C, 23 AND 27
GENERATED IN UNION COUNTY**

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

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

By: _____

By: _____

| | PRESENT | ABSENT | AYE | NAY | ABSTAIN | MOTION | SECOND |
|----------------|---------|--------|-----|-----|---------|--------|--------|
| <i>Badri</i> | | | | | | | |
| <i>Erdos</i> | | | | | | | |
| <i>Huff</i> | | | | | | | |
| <i>Jackus</i> | | | | | | | |
| <i>Kahn</i> | | | | | | | |
| <i>People</i> | | | | | | | |
| <i>Wolf</i> | | | | | | | |
| <i>Kulish</i> | | | | | | | |
| <i>Kennedy</i> | | | | | | | |
| <i>Jorn*</i> | | | | | | | |

* Alternate

WHEREAS, the Authority subsequently completed a public procurement process and awarded non-discriminatorily 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-discriminatorily 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, in or around December 28, 2006, WMI, a disappointed bidder, thereafter filed suit in the Superior Court of New Jersey, Law Division, against the Authority, and challenged the bid award, in the matter of Waste Management of New Jersey, Inc. v. Union County Utilities Authority, et als., Docket No. UNN-L-4449-06; and

WHEREAS, the parties agreed to a stay of the July 1, 2007 implementation date for the Canadian Pacific contract pending the opportunity for full briefing and a hearing in the Law Division on the merits of WMI's claims; and

WHEREAS, after said briefing and hearing, on May 25, 2007, the Law Division entered a final order permanently enjoining and restraining the Authority from proceeding with the contract award to Canadian Pacific; and

Waste, for a period of 18-months commencing on July 1, 2007;

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

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. The Authority hereby adopts by administrative action, or, in the alternative, recommends that the Union County Board of Chosen Freeholders adopt a formal amendment to the Union County District Solid Waste Management Plan that authorizes the execution of a contingent interlocal services agreement with NJMC for the provision of disposal services for Non-Processible Waste, for a period of 18-months commencing on July 1, 2007.
3. The Authority hereby authorizes and directs its Executive Director and/or its Special Counsel to forward a copy of this Resolution and all other supporting materials to NJDEP, and, to the extent necessary, to the Union County Board of Chosen Freeholders, for their review in accordance with the Solid Waste Management Act.
4. This Resolution shall take effect immediately.

PUBLIC NOTICE
 PLEASE TAKE NOTICE a Public Hearing will be held by the Union County Board of Chosen Freeholders on June 21, 2007, 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 1) REAFFIRM THE PRIOR INCLUSION OF THE NEW JERSEY MEADOWLANDS COMMISSION LANDFILL AND DISPOSAL FACILITIES IN KEARNY, NEW JERSEY, AS THE COUNTY'S DESIGNATED FACILITIES TO WHICH SOLID WASTE TYPES 13, 13C, 23 AND 27 ARE DIRECTED, 2) INCLUDE THE INTERLOCAL SOLID WASTE SERVICES AGREEMENT BY AND BETWEEN THE UNION COUNTY UTILITIES AUTHORITY AND THE NEW JERSEY MEADOWLANDS COMMISSION FOR THE DISPOSAL OF 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 NEW JERSEY MEADOWLANDS COMMISSION LANDFILL AND DISPOSAL FACILITIES IN KEARNY, NEW JERSEY FOR DISPOSAL, 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. 973.311.0752/22.03

STATE OF NEW JERSEY }
 COUNTY OF ESSEX } SS

Lauren Vercaid

Being duly sworn, according to law, on her oath sayeth that she is Clerk of the Star-Ledger, in said County of Essex, and that the notice, of which the attached is a copy, was published in said paper on the 9th day of June 2007 and continued therein for 6/11/07 successively, at least once in each week for 2 days
Lauren Vercaid

Sworn to and subscribed before me this 22nd day of June, 2007

Kathleen Scanzo
 NOTARY PUBLIC of NEW JERSEY

KATHLEEN SCANZO
 NOTARY PUBLIC OF NEW JERSEY
 MY COMMISSION EXPIRES NOV. 13, 2007

STATE OF NEW JERSEY }
COUNTY OF ESSEX } SS

Doreen Kuncoid

Being duly sworn, according to law, on 28 oath sayeth that
She is Clark of the
Star-Ledger, in said County of Essex, and that the notice, of

which the attached is a copy, was published in said paper
on the 1st day of June 2007
and continued therein for _____
successively, at least once in each
for 1 day
Doreen Kuncoid

Sworn to and subscribed
before me this 18th
day of June, 2007

Kathleen Soanzo
NOTARY PUBLIC of NEW JERSEY

KATHLEEN SOANZO
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES NOV. 13, 2007

PUBLIC NOTICE
PLEASE TAKE NOTICE a Public Hearing will be held by the Union County Board of Chosen Freeholders on June 21, 2007 at 7:00 p.m. at the Union County Administration Building, Freeholders Meeting Room, Administration Building, 615 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: Sami 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 REAFFIRM THE PRIOR INCLUSION OF THE NEW JERSEY MEADOWLANDS COMMISSION LANDFILL AND DISPOSAL FACILITIES IN KEARNY, NEW JERSEY, AS THE COUNTY DESIGNATED FACILITIES TO WHICH SOLID WASTE TYPES 13, 13C, 23 AND 27 ARE DIRECTED, TO INCLUDE THE INTERLOCAL SOLID WASTE SERVICES AGREEMENT BY AND BETWEEN THE UNION COUNTY UTILITIES AUTHORITY AND THE NEW JERSEY MEADOWLANDS COMMISSION FOR THE DISPOSAL OF SOLID WASTE TYPES 13, 13C, 23 AND 27 DISPOSAL SERVICES, AND TO DIRECT ALL SOLID WASTE TYPES 13, 13C, 23 AND 27 TO THE NEW JERSEY MEADOWLANDS COMMISSION LANDFILL AND DISPOSAL FACILITIES IN KEARNY, NEW JERSEY FOR DISPOSAL, 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 DiRaddo, Clerk of the Board of Chosen Freeholders. 6/9, 6/11/07 5222.00

10. APPROVED FILL AREAS

The following blocks and lots comprise the NJMC 1-E Landfill:

| <u>MUNICIPALITY</u> | <u>BLOCK</u> | <u>LOT</u> |
|---------------------|--------------|------------|
| Kearny | 149 | 10 |
| North Arlington | 175 | 1 |
| | 176 | 1 |
| | 177 | 1 |
| | 178 | 1 |
| | 180 | 1 |
| | 181 | 1 |
| | 182 | 1 |
| | 183 | 1 |
| | 185 | 1 |
| | 186 | 1 |
| | 187 | 1 |
| | 188 | 1 |
| | 189 | 1 |

