ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
COUNTY OF ESSEX

Ordinance No. O-2025-00014

Proposed by:

SUBJECT: ORDINANCE AMENDING THE ESSEX COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN

INCLUSION OF THE CONTRACT BY AND BETWEEN THE ESSEX COUNTY UTILITIES AUTHORITY AND ADVANCED ENTERPRISES RECYCLING INC. FOR THE TRANSFER, TRANSPORTATION AND DISPOSAL OF SOLID WASTE TYPES 13, 13C, 23 (NON PROCESSIBLE PORTION) AND 27 (NONHAZARDOUS INDUSTRIAL WASTE) TO THE ADVANCED ENTERPRISES RECYCLING TRANSFER STATION IN NEWARK, NEW JERSEY LOCATED AT 540 DOREMUS AVENUE, NEWARK, NJ (BLOCK 5070, LOTS 25, 41 AND 43) AND THE APEX SANITARY LANDFILL IN OHIO AND THE KEYSTONE SANITARY LANDFILL IN PENNSYLVANIA AS THE COUNTY'S DESIGNATED FACILITIES FOR UP TO 200,000 TONS PER YEAR TO WHICH THESE SOLID WASTE TYPES ARE DIRECTED FOR DISPOSAL.

WHEREAS, pursuant to the provisions of the New Jersey Solid Waste Management Act, constituting Chapter 39 of the Pamphlet Laws of 1970, of the State of New Jersey, and the acts amendatory thereof and supplemental thereto, the County of Essex, New Jersey ("the County") has been designated as a Solid Waste Management District and as such is charged with the responsibility of adopting and providing for the implementation of the Essex County District Solid Waste Management Plan (the "County Plan") to provide for the disposal of solid waste generated within the geographic boundaries of the County; and;

WHEREAS, the Board of Chosen Freeholders of the County of Essex (the "County) developed, and the New Jersey Department of Environmental Protection (the "Department") subsequently approved, the County Plan for the Essex County Solid Waste Management District, which provides for, among other things, the development and implementation of a comprehensive solid waste system relating to the collection and disposal of County-generated solid waste; and;

WHEREAS, in order to, among other things, provide for the provision of solid waste management services in a more effective and efficient manner, the Board of Chosen Freeholders, by ordinance finally adopted on July 1, 1992, created The Essex County Utilities Authority (the "Authority") as a public body corporate and politic of the State of New Jersey, with all necessary and proper powers to acquire, construct maintain, and operate or contract for the operation of facilities for the collection, transportation, processing, recycling and disposal of solid waste generated within the geographic boundaries of the County in an environmentally sound manner; and;

WHEREAS, on August 4, 1993, the Board of Chosen Freeholders of the County adopted an Amendment to the County Plan designating the Authority as the sole agency responsible for implementation of the County Plan, and;

WHERAS the subject amendment is summarized as follows:

This Plan Amendment is prepared as a result of a non-discriminatory public bid procurement for the transfer, transportation and disposal of solid waste types 13, 13C, 23 and 27 generated within Essex County. The purpose of this Plan Amendment is to incorporate into the County Plan, the Advanced Enterprises Recycling Transfer Station in Newark, New Jersey and the Apex Sanitary Landfill in Ohio and the Keystone Sanitary Landfill in Pennsylvania as the County's designated facilities to which these solid waste types are directed for disposal, the Contract by and between the Authority and Advanced Enterprises Recycling Inc. for Type 13, 13C, 23 and 27 Solid Waste disposal services and the direction of all Type 13, 13C, 23 (non-processible portion) and 27 (nonhazardous industrial waste) to the Advanced Enterprises Recycling, Inc Transfer Station located at 540 Doremus Avenue, Newark, New Jersey pursuant to regulatory waste flow control and;

WHEREAS the Authority has engaged in a non-discriminatory procurement process in that the Authority advertised locally in Bergen Record on April 20, 2025 and throughout New Jersey in the Star Ledger on April 20, 2025 announcing the issuance of bid specifications calling for receipt of bids on May 20, 2025 for the provision of transfer transportation and disposal of Type 13, 13C, 23 (non-processible portion) and 27 (nonhazardous industrial waste) generated within Essex County for the period January 1, 2026 until December 31, 2030. The Authority further advertised announcing the issuance of bid specifications calling for receipt of bids on May 20, 2025 for the provision of transfer, transportation and disposal of Type 13, 13C, 23 (non-processible portion) and 27 (non- hazardous industrial waste) Solid Waste generated within Essex County for the period January 1, 2026 until December 31, 2030. These advertisements were placed in order to ensure a procurement process that was open to all bidders, regardless of geographic location, in order to ensure the continuation of regulatory flow control. The Authority received two bids: Waste Management of New Jersey and Advanced Enterprises Recycling Inc.;

WHERAS the bid of Advanced Enterprises Recycling Inc. was the lowest responsible bidder in full compliance with the bid specifications, bidding $89.00 for the first year, $91.00 for the second year and $91.00 for the third year, $94.00 for the fourth year and $97.00 for the fifth year;

WHEREAS the ECUA has advised that currently all solid waste types 13, 13C, 23 and 27 currently are directed to and disposal of at the Advanced Enterprise Recycling, LLC pursuant to a public bid contract which expires December 31, 2025 and regulatory waste flow control;

WHERAS this new public bid contract with Advanced Enterprises Recycling Inc. will result in a savings for Type 13, 13C, 23 (non-processible portion) and 27 (nonhazardous industrial waste) solid waste disposal costs over the five-year period bid contract which will also result in the continuance of low tipping fees for Essex County businesses, residents and entities for 2026 and thereafter;

WHEREAS the ECUA as the regulatory agency for the collection and disposal of solid waste generated within the geographic boundaries of Essex County has directed, pursuant to Regulatory Waste Flow control, all Type 13, 13C, 23 and 27 (non-processible portion) and 27 (nonhazardous industrial) solid waste to the Advanced Enterprises Recycling facility in Newark, New Jersey for the period of January 1, 2026 to December 31, 2030;

WHEREAS by Resolution # 06-25-28 duly adopted on June 17, 2025 the Authority has awarded a Contract to Advanced Enterprises Recycling, Inc. as lowest responsible bidder, for the provision of services for Type 13, 13C, 23 (non-processible portion) and 27 (non-hazardous industrial waste) Solid Waste Transfer, Transportation and / or Disposal Services for the period commencing on or about January 1, 2026 and terminating on December 31, 2030.

WHEREAS the Authority by Resolution #06-25-28 duly adopted on June 17, 2025 recommended to the Essex County Board of County Commissioners that the Plan Amendment be approved, after public hearing in accordance with the Solid Waste Management Act.

NOW THEREFORE, BE IT ORDAINED by the Essex County Board of County Commissioners, as follows:

1. The Essex County District Solid Waste Management Plan is hereby amended, pursuant to NJAC 7:26-6.11 (B)3 to include the within Plan Amendment, which is attached hereto and which by this reference is incorporated as if fully set forth herein, to include Advanced Enterprises Recycling Inc. Transfer Station Located at 540 Doremus Avenue, Newark, New Jersey and Apex Sanitary Landfill in Ohio and Keystone Sanitary Landfill in Pennsylvania as the County's designated facilities for Essex County Solid Waste Types 13, 13C, 23, (Non processible portion) and 27 (non-hazardous industrial waste) and inclusion of the Contract between Advanced Enterprises Recycling Inc. and the Essex County Utilities for Type 13, 13C, 23 (non-processible portion and 27 (non –hazardous industrial waste) solid waste disposal services for the period January 1, 2026 until December 31, 2030 and for the direction of all Type 13, 13C, 23 (non-processible portion) and 27 (non-hazardous industrial waste) to Advanced Enterprises Recycling Inc. Transfer Station located at 540 Doremus Avenue, Newark, New Jersey.

2. 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.

3. PLEASE TAKE NOTICE that a Public Hearing will be held by the Essex County Board of County Commissioners on Wednesday, December 2, 2026 at 5:00 p.m., at the Hall of Records, Room 506, 465 Dr. Martin Luther King, Jr., Blvd., Newark, NJ 07102, regarding Ordinance No. O-2025-00014, which amends the Essex County District Solid Waste Management Plan.

This Plan Amendment is being coordinated by the Essex County Solid Waste Coordinator, Wayne D. DeFeo whose offices are located in the Leroy F. Smith Public Safety Building 60 Nelson Place, 6th Floor Newark NJ, 07102.

This Plan Amendment and related documents may be reviewed at the offices of the Essex County Utilities Authority located in the Leroy F. Smith Public Safety Building 60 Nelson Place, 6th Floor Newark NJ, 07102 during regular business hours by appointment by contacting wdefeo@defeoassociates.com or calling the Essex County Utilities Authority at 973-792-9060. This Plan Amendment may also be reviewed online at www.ecuanj.com.

4. The Clerk of the Essex County Board of County Commissioners is hereby directed to send notice of said public hearing and copies of this Ordinance and the County Plan and the attached Plan Amendment to the Mayor of each municipality within the County.

5. This notice of said public hearing has been posted at least ten (10) days Prior to the hearing date on the Essex County Utilities Authority Website at www.ecuanj.com.

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

7. Upon adoption, the Clerk of the Essex County Board of County Commissioners shall forward certified copies of this Ordinance and Plan Amendment, a copy of the transcript of the Public Hearing to the Commissioner of the N.J. Department of Environmental Protection, the County Executive, and the Essex County Utilities Authority.

Approved as to form and legality _____Jerome St. John_____
County Counsel