

**THE WARREN COUNTY SOLID WASTE ADVISORY COUNCIL
WAYNE DUMONT JR. ADMINISTRATION BUILDING
BELVIDERE, NEW JERSEY 07823**

RESOLUTION

On a motion by Mr. Finke, seconded by Ms. Gabel, the following resolution was adopted by the Solid Waste Advisory Council of the County of Warren at a meeting held on February 2, 2023.

**RESOLUTION TO RECOMMEND AGAINST INCLUDING VIVARIA ECOLOGICS, LLC IN THE
WARREN COUNTY SOLID WASTE MANAGEMENT PLAN AS A CLASS C FOOD WASTE
RECYCLING CENTER**

WHEREAS, On August 8, 2022 Vivaria Ecologics, LLC (Vivaria) submitted an application to the Warren County Solid Waste Advisory Council for inclusion in the Warren County Solid Waste Management Plan as a Class C Recycling Center to compost food waste; and

WHEREAS, Vivaria is proposing to construct and operate a Class C Recycling Center that would receive up to 17,000 tons of food waste and 33,000 tons of wood chips for a total of 50,000 tons per year; and

WHEREAS, Vivaria supplemented its application on August 25, 2022, September 23, 2022, and December 22, 2022 and provided a Traffic Study dated September 19, 2022; and

WHEREAS, Vivaria is located on Blau Road in Mansfield Township on Block 1204, Lot 24 on Blau Road, contains 42 acres and is currently farmed; and

WHEREAS, the New Jersey Land and Community Preservation Alliance, NJLCPA, has formally opposed the application and has presented materials at the SWAC meetings, including a Traffic Impact Study dated September 13, 2022 and other materials that were presented at the November 3, 2022 SWAC meeting; and

WHEREAS, the Township of Mansfield provided comments in letters dated March 15 and December 5, 2022; and

WHEREAS, additional comments were provided in writing from the Mansfield Township Board of Education, the Warren Hills Regional School District, the New Jersey Composting Council, as well as comments from the general public through Warren County's website; and

WHEREAS, the Solid Waste Advisory Council, (SWAC) formed a sub-committee to review, comment, and provide recommendations to the full SWAC; and

WHEREAS, the Solid Waste Advisory Council heard presentations from Vivaria, the NJLCPA, and public comments at its September 1, 2022 and November 3, 2022 meetings, and

WHEREAS, the SWAC sub-committee met on September 1, October 27, December 13 2022 and January 19, 2023 and conducted a site inspection with the applicant and consultant Wayne DeFeo, of the Vivaria site on Blau Road and Ag Choice, a compost facility in Andover Township on September 28, 2022; and

WHEREAS, the SWAC sub-committee prepared a report dated January 23, 2023, of its findings and recommendations and was distributed to the members of the Solid Waste Advisory Council; and

NOW, THEREFORE BE IT RESOLVED, that the Warren County Solid Waste Advisory Council recommends against including Vivaria Ecologics, LLC as a Class C Recycling Center for food waste into the Warren County Solid Management Plan under the Evaluation Criteria set forth in the Warren County Solid Waste Management Plan's Procedural and Evaluation Guidelines to Modify Existing and Include New Solid Waste and Recycling Facilities in the Warren County Solid Waste Management Plan, for the following reasons and for the additional reasons cited in the January 23, 2023 Report:

1. The proposed facility is not a complementary component of a coordinated strategy for solid waste management consistent with the Warren County Solid Waste Management Plan.
 - a. A food waste compost facility of the proposed capacity is not needed to address the anticipated requirement to reduce food waste generated within the county. The Vivaria application states that the majority of food waste will be imported from food waste generators located outside of Warren County. The County has no obligation to provide for the disposal and/or recycling of wastes from outside of Warren County
 - b. The County's Solid Waste Management Plan does not identify food waste as a designated recyclable.
 - c. The Food Waste Recycling and Food Waste-to-Energy Production Law requires large food waste generators that generate an average projected volume of 52 tons of food waste or more per year to source separate and recycle their food waste. Large food waste generators must comply with the Law if they are located within 25 road miles of

an authorized food waste recycling facility. The law does not require counties to amend their Solid Waste Management Plans to provide for an “authorized food waste recycling facility.”

- d. Until the time comes when all counties are required to prepare and adopt a food waste reduction and recycling plan, the County will undertake the proper study and analysis to identify appropriate strategies and methods to reduce the amount of food waste generated and disposed of in Warren County. It is more prudent to wait and conduct the proper evaluation to address the County’s needs.
2. The proposed Facility will impose new burdens on Warren County businesses and do so in a way which is not part of a coordinated effort to address food recycling waste nor shown to be necessary to address Warren County Waste.
 3. The applicant has not demonstrated that there will not be a negative effect on public or environmental health, safety or welfare, and such concerns outweigh any benefit the facility may provide.
 - a. There remain significant concerns regarding odors, pests and animals, noise, impacts on water, and overall environmental impact. The applicant has not demonstrated that these issues are not present or properly abated.
 - b. There are corollary environmental concerns regarding truck traffic, fire hazards, and attractive nuisance concerns, as a result of the operation.
 - c. The site is inappropriate for the capacity proposed. Facilities of this type and size are typically located adjacent to or near major transportation corridors, and/or buffered with acres of undeveloped property. The Blau Road site is located in area that contains no other noxious uses.
 - d. There are significant traffic concerns regarding the facility.
 4. The applicant has not demonstrated sufficient experience or expertise in operating a facility such as the one proposed by Vivaria.
 5. The technology proposed to be used at the facility is not a technology commonly deployed in New Jersey, and leads to some of the concerns present regarding odors, animals, and safety.
 6. The host municipality, some surrounding municipalities/public entities, and the public at large are overwhelming opposed to the project. The municipality

has raised many issues regarding the operation of the facility which could negatively impact its community.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the Board of Warren County Commissioners; Vivaria Ecologics, LLC; the Township of Mansfield; the New Jersey Land and Community Preservation Alliance and the New Jersey Department of Environmental Protection.

ROLL CALL: Tom Fey - Yes; Jim Banta – Yes, Greg Gaertner- Yes, Lin Gable – Yes, Lyn Rutkoski – Yes, Donald Niece – Yes, Robert Finke – Yes, Janice Lee – Yes, Jim Smith – Yes, Deborah Pasquarelli – Yes, Ellen Nerbak – Yes, Ingrid Gray - Abstain

I hereby certify the above to be a true copy of a resolution adopted by the Warren County Solid Waste Advisory Council on the date above mentioned.



Solid Waste Coordinator

David K. Dech