

*Solid and Hazardous Waste Program
P.O. Box 414
Trenton, New Jersey 08625-0414
Tel. # 609-984-3438
Fax. # 609-633-1112*

August 26, 2010

Brian Walters, Principal Planner
Department of Regional Planning & Development
P.O. Box 719
New Road and Dolphin Avenue
Northfield, New Jersey 08225-0719

Dear Mr. Walters:

On July 16, 2010, the Department of Environmental Protection's (Department) Solid and Hazardous Waste Program received the July 12, 2010 Atlantic County administrative action to amend the Atlantic County Solid Waste Management Plan (County Plan). The July 12, 2010 administrative action was developed in response to the January 15, 2010 certification by the Department of the July 28, 2009 County Plan amendment which responded to the requirements of the updated Statewide Solid Waste Management Plan.

The January 15, 2010 certification noted areas in the County Plan that needed further attention. These areas were: timeline for approval/rejection for the inclusion of solid waste and recycling facilities into the County Plan; elements of the Enforcement Strategy as noted by the Division of County Environmental & Waste Enforcement (CE&WE); and, a detailed description of how the ACUA will assist municipal recycling.

The July 12, 2010 administrative action has adequately addressed only some of the issues noted in the January 15, 2010 certification and is therefore approved in part and rejected in part. Certain responses contained in the July 12, 2010 administrative action do not conform to either applicable statute or regulations, and are therefore rejected. Specifically, the Department notes that the timeframe indentified by the County to achieve the mandatory recycling goals do not comply with the statutory deadline to reach the 50% MSW recycling rate as specified at N.J.S.A. 13:1E-99.13. The Department also notes that certain elements of the enforcement strategy contained in the submission conflicts with N.J.A.C. 7:26A-1 et seq.

Pursuant to N.J.A.C. 7:26-6.11(b) 6&14., the Department considers modifications to the updated response to the Statewide Solid Waste Management Act an approvable administration action. Therefore, this request is hereby approved in part and rejected in part as an administrative action pursuant to N.J.A.C. 7:26-6.11(f). The Department approves all elements of the submission except those detailed as rejected above.

If you have any questions relative to this action, please contact Najwa N. Ali of my staff at (609) 984-9773 or email at najwa.ali@dep.state.nj.us.

Sincerely,

Guy Watson, Chief
Bureau of Recycling and Planning