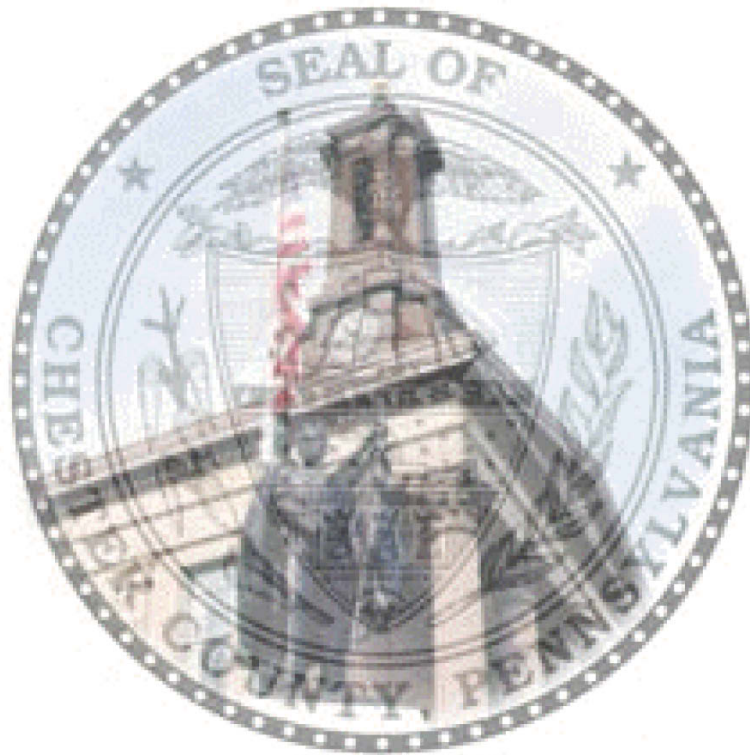


CHESTER COUNTY
MUNICIPAL WASTE MANAGEMENT
PLAN REVISION
CHESTER COUNTY, PENNSYLVANIA



December 2010

CHESTER COUNTY

MUNICIPAL WASTE MANAGEMENT PLAN REVISION

CHESTER COUNTY, PENNSYLVANIA

Prepared for:
COUNTY OF CHESTER
The Chester County Health Department
Bureau of Environmental Health Protection

Prepared by:
Chester County Municipal Waste Management Plan
Implementation Committee

November 2010

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Draft September 20, 2010 last revised December 23, 2010

1.0 INTRODUCTION AND PUBLIC PARTICIPATION

1.1 Purpose

On September 7, 2010, the Pennsylvania Department of Environmental Protection (DEP) issued its Plan Revision Approval for the Chester County Municipal Waste Management Plan Revision dated August 2009 (2009 Plan Revision). The Plan Revision Approval is set forth in Appendix A. The County has developed this Municipal Waste Management Plan Revision (2010 Plan Revision) in order to correct the narrative in Section 2.2 of the 2009 Plan Revision regarding County imposed administrative fees. By letter dated August 5, 2010 from the County Health Director to DEP, the County stated its intention to reword the second paragraph of Section 2.2 of the Plan through the nonsubstantial plan review process. The August 5, 2010 letter is set forth in Appendix B. By letter dated September 7, 2010 from DEP to the County Board of Commissioners, DEP confirmed its understanding that the County would revise Section 2.2 of the Plan as set forth in the August 5, 2010 letter through the nonsubstantial plan review process. The September 7, 2010 letter is set forth in Appendix C. The regulations found in 25 Pa. Code 272, describe the process by which each county will develop a solid waste advisory committee, the content of the plan revision, and the public participation requirements, prior to adoption of a nonsubstantial plan revision.

1.2 Written Notice to DEP.

Section 272.252(a) of the Department's regulations require written notice to DEP when plan revision development begins. By letter dated October 15, 2010, the County Health Director sent written notice to DEP of the commencement of plan revision development. The October 15, 2010 letter is set forth in Appendix D.

1.3 Formation of Solid Waste Advisory Committee

Chester County convened its Solid Waste Advisory Committee (Advisory Committee) as outlined in 25 Pa. Code §§272.252(c)(2) and 272.202 on October 29, 2010. The following is a list of Advisory Committee members that served during preparation of the Plan Revision:

CHESTER COUNTY SOLID WASTE ADVISORY COMMITTEE

Margaret Rivello	Chester County Health Department
Nancy Fromnick	Chester County Recycling Coordinator
Mary Alice Reisse	Pennsylvania Department of Environmental Protection
Robert Watts	Executive Director, Chester County Solid Waste Authority
William G. Stullken	Manager, Southeastern Chester County Refuse Authority
Carrie J. Conwell	Chester County Planning Commission
Robert G. Struble, Jr.	Executive Director, Brandywine Valley Association
Don Wilkinson	City of Coatesville
Greg Prowant	Caln Township Board of Commissioners
Terry Woodman	Manager, East Whiteland Township
Kevin Hennesey	North Coventry Township
Jack Hines	West Bradford Township or
John Haiko	West Bradford Township
Brian Watson	Phoenixville Borough
Robin Marcello	Penn Township
Paul Bickhart	Recycling Express, Incorporated
Anthony Blosenski	A.J. Blosenski, Inc.
Charles Blosenski	Charles Blosenski Disposal
Tim O'Donnell	Republic Services, Inc.
Mark Harlacker	Interstate Waste Services
Vince Carosella	Armstrong & Carosella, PC

The members of the Advisory Committee represent diverse interests, including all classes of municipalities, private industry, waste haulers, disposal facilities, recycling centers, and public interest groups.

25 Pa. Code §272.252(c)(3) requires the County to submit a copy of the proposed nonsubstantial plan revision to the Advisory Committee at least 30 days before submitting the proposed plan revision to DEP. The County submitted a copy of the proposed plan revision to the Advisory Committee on October 18, 2010. 25 Pa. Code §272.252(c)(3) also requires that the Advisory Committee will hold at least one public meeting to review the plan and make comment. The Advisory Committee held a public meeting on October 29, 2010 pursuant to public notice. The committee meetings were moderated by Chester County Health Department Director Margaret C. Rivello. The County Health Director recorded minutes of the Advisory Committee meeting. A summary of comments received from the Advisory Committee is included in Appendix E.

1.4 Municipal Input

25 Pa. Code §272.252(c)(3) requires the County to submit a copy of the proposed nonsubstantial plan revision to each municipality in the County at least 30 days before submitting the proposed plan revision to DEP. The County submitted the proposed plan revision to the municipalities on October 15, 2010. A copy of the municipal letter is set forth in Appendix F. No comments were received from the municipalities in response to the October 15, 2010 letter.

1.5 Solid Waste Implementation Committee

In accordance with the 2009 Plan Revision a working committee has been created to: (a) review progress made executing the Plan Revision; and (b) resolve any issues related to implementing the County Municipal Waste Management Plan. This committee, named the Solid Waste Implementation Committee (Implementation Committee), has and will continue to be represented by two representatives of each Authority and one representative of the County. The Implementation Committee was responsible for the development of this Plan Revision during one meeting in 2010.

2.0 PLAN REVISION

2.1 Revision to Section 2.2 of the 2009 Plan Revision

The second paragraph of Section 2.2 of the 2009 Plan Revision is revised to read as follows:

Prior to adoption of the 2007 Plan Revision, DEP advised counties that licensing programs conflict with the Pennsylvania hauler registration program authorized under Act 90 which was passed in 2002. In 2007 the County solid waste hauler licensing program was discontinued. It was also noted early in 2007 that a New York State flow control case had been accepted by the US Supreme Court. A decision by the US Supreme Court was expected later in 2007, but would not be decided until after the Commissioners' approval of the 2007 Plan Revision in March 2007. It was decided not to delay final approval of the 2007 Plan Revision and to reserve the option to review new legal precedent or court decisions regarding flow control at a future time.

Appendix A

September 7, 2010 DEP Plan Revision Approval

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF LAND RECYCLING AND WASTE MANAGEMENT

Plan Revision Approval
Municipal Waste Management Plan Revision Dated August 2009
For Chester County

Date issued September 7, 2010

Under the provisions of the Municipal Waste Planning, Recycling and Waste Reduction Act of July 28, 1988, P.L. 556, 53 P.S. §§ 4000.101-4000.1904, the Chester County Municipal Waste Management Plan Revision of August 2009 is hereby approved. Chester County (County) is authorized to implement the approved plan revision and execute ordinances, contracts, or other requirements necessary to implement the plan revision.

This plan approval is subject to modification, amendment, and supplement by the Department of Environmental Protection (DEP). This approval is further subject to rescission by DEP for any violation of the applicable laws or the rules and regulations adopted thereunder, for failure to comply in whole or in part with the conditions of this plan approval and the provisions set forth in the approved plan revision (which is made a part hereof), or for causing any condition inimical to the public health, safety, or welfare.



REGIONAL PROGRAM MANAGER
FOR THE DEPARTMENT OF
ENVIRONMENTAL PROTECTION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF LAND RECYCLING AND WASTE MANAGEMENT

Plan Revision Approval
Municipal Waste Management Plan Revision Dated August 2009
For Chester County

Date Issued September 7, 2010

Plan Approval Conditions

1. The County shall implement its plan, as revised by the plan revision that was received by DEP on March 29, 2010. Executed implementing documents shall be submitted to DEP within one year of the date of this plan approval, in accordance with Section 513 of Act 101.
2. The County may not act in a manner contrary to the approved plan or otherwise fail to act in a manner consistent with the approved plan.
3. This plan approval is conditioned upon the requirement to submit an adopted revised plan at least three years prior to the time all remaining available permitted capacity for the County will be exhausted or when otherwise required by DEP. This date will be determined by the Municipal Waste Landfill Annual Operation Reports from the facilities identified in Section 3 of the plan revision on the amount of remaining disposal capacity available to the County, and by other pertinent data.
4. The County will ensure disposal capacity through the use of the facilities identified in Section 3 of the plan revision, by entering into disposal capacity agreements that will ensure the County's available capacity for the entire period of the plan.

Re 30 (GJS10WM)228

Appendix B

August 5, 2010 Health Department Letter to DEP



THE COUNTY OF CHESTER

COMMISSIONERS
Carol Aichele
Terence Farrell
Kathi Cozzano

MARGARET C. RIVELLO, M.B.A.
County Health Director

CHESTER COUNTY HEALTH DEPARTMENT
Chester County Government Services Center
601 Westtown Road, Suite 290
West Chester, PA 19380-0990
610-344-6325 FAX: 610-344-6727
www.chesco.org/health



August 5, 2010

Mr. Calvin E. Ligons, Solid Waste Supervisor
Waste Management Program
Commonwealth of Pennsylvania
Department of Environmental Protection
Southeast Regional Office
2 East Main Street
Norristown, PA 19401-4915

Re: Chester County Municipal Waste Management Plan

Dear Mr. Ligons:

As a follow up to my letter of June 7, 2010, the County understands that your counsel has requested a change to Section 2.2 of the Chester County Municipal Waste Management Plan ("Plan"). It is the County's intention to revise Section 2.2 of the Plan through the non-substantial revision process after the Plan is approved by the PA Department of Environmental Protection.

This non-substantial revision would reword the second paragraph of Section 2.2 as follows:

Prior to adoption of the 2007 Plan Revision, Chester County was advised that the licensing programs conflict with the Pennsylvania hauler registration program authorized under Act 90 which was passed in 2002. In 2007 the County solid waste hauler licensing program was discontinued. It was also noted early in 2007 that a New York State flow control case had been accepted by the US Supreme Court. A decision by the US Supreme Court was expected later in 2007, but would not be decided until after the Commissioners' approval of the 2007 Plan Revision in March 2007. It was decided not to delay final approval of the 2007 Plan Revision and to reserve the option to review new legal precedent or court decisions regarding flow control at a future time.

"Protecting You and Your Environment"

Page 2
Mr. Calvin Ligons
August 5, 2010

Due to the County's intention to revise Section 2.2 as set forth above, we request that the Plan be approved by the Department with the understanding that the County will finalize this non-substantial revision upon receipt of the letter approving the Plan. We look forward to your final review and approval of the Plan.

If you have any further questions, please feel free to contact me directly at 610-344-6233.

Sincerely,

Margaret C. Rivello, M.B.A.
County Health Director

cc: William H. Blasberg, Assistant Counsel
Susan M. Seighman, Assistant Counsel
Robert A. Watts, Chester County Solid Waste Authority
William G. Stulken, Southern Chester County Refuse Authority
Thomas Whiteman, Esquire, Solicitor, Chester County
Vincent M. Pompo, Esquire

Appendix C

September 7, 2010 DEP Letter



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SOUTHEAST REGIONAL OFFICE

September 7, 2010

CERTIFIED MAIL NO. 7001 2510 0005 9959 1402

Ms. Carol Aichele
Board of Commissioners
2 North High Street, Suite 512
West Chester, PA 19380-3066

Re: Plan Revision Approval
Chester County Municipal Waste Management Plan

Dear Ms. Aichele:

Enclosed is a Plan Revision Approval for the Chester County Municipal Waste Management Plan dated August 2009 and received in this office on March 29, 2010. This Plan Revision Approval authorizes Chester County (County) to proceed in implementing the approved plan revision and in submitting the implementing documents to the Department of Environmental Protection (DEP). Implementing documents must be submitted to DEP within one year of the date of plan approval. The DEP understands that, after the receipt of this approval, the County will undertake to revise Section 2.2 of the Plan, as set forth in Ms. Rivello's August 5, 2010, letter through the nonsubstantial revision process.

The County must implement the approved plan revision and comply with conditions as set forth in the enclosed Plan Revision Approval document. Failure to implement the approved plan revision or comply with plan approval conditions is a violation of Section 1701 of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 556, 53 P.S. Section 4000.1701 and may result in enforcement action by DEP.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717.787.3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800.654.5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717.787.3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Southwest Regional Office | 3 East Main Street | Norristown, PA 19381-4915

484.250.5960 | Fax 484.250.5961

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Ms. Carol Aichele

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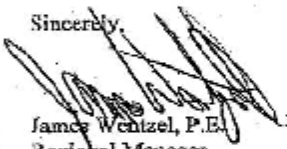
September 7, 2010

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717.787.3483) FOR MORE INFORMATION.

Questions concerning the plan revision approval should be directed to Ms. Mary Alice Reisse at 484.250.5754.

Sincerely,



James Wentzel, P.E.
Regional Manager
Waste Management Program

Enclosure

cc: Ms. Reisse
Mr. Ligonis
Ms. Rivello, Chester County Health Department
Re 30 (GJS10WM)228a

Appendix D

October 15, 2010 Letter to DEP



THE COUNTY OF CHESTER



COMMISSIONERS

Carol Aichele
Terence Farrell
Kath Cozzone

MARGARET C. RIVELLO, M.B.A.
County Health Director

CHESTER COUNTY HEALTH DEPARTMENT

Chester County Government Services Center
601 Westtown Road, Suite 290
West Chester, PA 19380-0990
610-344-6225 FAX: 610-344-6727
www.chesco.org/health

October 15, 2010

Mr. Calvin E. Ligons, Solid Waste Supervisor
Waste Management Program
Commonwealth of Pennsylvania
Department of Environmental Protection
Southeast Regional Office
2 East Main Street
Nurristown, PA 19401-4915

Dear Mr. Ligons:

This letter serves as official notification that the County of Chester is beginning the process to update its Solid Waste Management Plan originally adopted by the Chester County Commissioners in 1990 and revised March, 2007 and September, 2010.

The proposed revision is deemed by the County to be a non-substantial Plan revision pursuant to §272.252 (e) (3) of Act 101. The revision will consist of rewording the second paragraph of Section 2.2.

We are notifying all municipalities in Chester County of the initiation of this process and are convening the Chester County Solid Waste Advisory Committee.

Sincerely,

Margaret C. Rivello, MBA
County Health Director

MCR/jg

cc: Robert A. Watts, Chester County Solid Waste Authority
William G. Stulken, Southern Chester County Refuse Authority
Thomas Whiteman, Esquire, Solicitor, Chester County

LR Ligons SWP Revision Update Notification - Oct 15 2010.doc

"Protecting You and Your Environment"

Appendix E
Solid Waste Advisory Committee Minutes and Comments

**Solid Waste Advisory Committee
SWAC
Meeting Minutes
Oct 29, 2010**

Committee Members Present

Margaret Rivello, Director
Chester County Health Department

Bill Stulken, Manager
Southeastern Chester Co. Refuse Authority

Greg Prowant, Manager
Caln Township Board of Commissioners

Bob Watts, Executive Director
Chester County Solid Waste Authority

Terry Woodman, Manager
East Whiteland Township

Lee Zimmerman, Div. Manager
Republic services, Inc.

Mary Alice Reisse, Waste Mgt. Program
DEP/PA SE Region

Don Wilkinson, Public Works Director
City of Coatesville

Vince Pompo, Esq.
Lamb McErlane PC

Mark Harlacker, V.P. Environmental Mgt.
Interstate Waste Services

Margaret Rivello welcomed all present and asked that everyone introduce themselves and identify their organization.

Margaret reported that PA Department of Environmental Protection (DEP) had approved the County's 2009 Plan via a letter dated September 7, 2010. This approval was also published in the October 23, 2010 Pennsylvania Bulletin.

Vince Pompo reported that DEP's approval was based upon Chester County taking immediate action to begin a non-substantial plan revision to clarify Section 2.2 in the Plan that related to administrative fees and licensing. He noted that Chester County had terminated its licensing program several years ago.

Vince then directed those SWAC members present to review a new Plan revision that he had prepared which clarified this issue. After some discussion, Terry Woodman moved and Greg Prowant seconded a motion to proceed with the proposed non-substantial plan revision.

SWAC
10/29/2010
Meeting Minutes
Page 15

Mary Alice Reisse noted that because this was a non-substantial plan revision, no ratification by the municipalities would be necessary.

Margaret reported that the Commissioners had approved the Designated Site Ordinance at their public meeting on October 7, 2010. Vince briefly reviewed the Ordinance then he and Bob Watts fielded questions thereafter.

Bill Stulken provided the following update for SECCRA:

- Waste receipts are down in all areas; 10% below projections; attributable to the poor economic situation
- Rapidly approaching their current license cap; pursuing expansion which will extend their capacity (1.8 million tons) and give them another 10 years
- Commissioning their third engine next month; will generate 1.6 megawatts of power.

Bob Watts provided the following update for Lanchester:

- Waste receipts are down by 10% also; construction waste also down
- Out of County MSW tonnage has been up for the past few years
- Granger energy – second engine installed; generating 3 megawatts; 13 mile pipeline to neighboring Landfill; also supply users in Lancaster County
- Have extended landfill's life by approximately 1 year because of greater compaction and decreased in incoming tonnage; existing cap is 2014
- Expansion application still under review by DEP; hopeful it will be approved by end of year.

Mary Alice Reisse reported that trash receipts are down all over the State and that percentage decreases were greater in many areas than what SECCRA and Lanchester are experiencing. Some of the out-of-state waste generated in NJ and NY that previously came into PA is now going to West Virginia. She also noted the recycling fund is not as flush as before and that more plastics are being recycled (high volumes, but not higher tonnage).

Bill Stulken asked if there was any movement on grant assistance; the rate has been \$2/ton for a long time. Mary Alice indicated there was discussion for an increase second quarter of 2011. She also noted that 901 grants would be open the end of the year, but are limited to \$75K. 903 Recycling Coordinator Grants have not changed. 904 Grants will keep going as long as there money; accepting receipts from 1998.

SWAC
10/29/2010
Meeting Minutes
Page 16

Discussion turned to the issue of East Marlboro Township being out of recycling compliance and the steps Nancy Fromnick has been doing to try and bring them into compliance. During the discussion, Mary Alice noted that Nancy is the best Recycling Coordinator in the State and praised her for her actions/accomplishments.

Mary Alice also noted that DEP can do compliance surveys for municipalities to help them come into compliance. It was also noted the new census results will surely bring other Chester County municipalities into the required recycling category.

Meeting was adjourned.

Appendix F

October 15, 2010 Letter to Municipalities



THE COUNTY OF CHESTER



COMMISSIONERS

Carol Aichele
Terence Farrell
Kathi Cozzone

MARGARET C. RIVELLO, M.B.A.
County Health Director

CHESTER COUNTY HEALTH DEPARTMENT

Chester County Government Services Center
601 Westtown Road, Suite 295
West Chester, PA 19380-0990
610 -344-6225 FAX: 610-344-4705
www.chesco.org/health

October 15, 2010

Dear Municipal Official:

This letter is official notification to each Chester County municipality regarding the County's third revision to the Chester County Solid Waste Management Plan (1990), as provided for and required by the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101 of 1988), encoded as 25 Pa. code - §272.252 (a) and (e).

The proposed revision is deemed by the County to be a "non-substantial Plan revision" pursuant to §272.252 (e) (3) of Act 101. The Plan Revision will be an updated version of the existing Chester County Solid Waste Management Plan adopted by the County Commissioners in 1990 and revised in March, 2007 and September, 2009. The Revision will consist of the rewording of Section 2.2.

In accordance with §272.203 of Act 101, this is official notification to all municipalities of the non-substantial Plan Revision and the process that the County will follow in completing this task. Chester County Commissioners will reconvene its Chester County Solid Waste Advisory Committee. The Committee will participate in this process by reviewing the County's proposed Plan Revision.

Chester County will follow the procedures as set forth in the 25 Pa. Code – Chapter 272 regulations with regard to the Plan revision process. A copy of the draft Plan Revision will be provided to you for comment. Once the document has been revised, we will send you a copy of the Plan Revision. If you have any questions, please contact me at (610) 344-6233 or email me at mrivello@chesco.org.

Sincerely,

A handwritten signature in cursive script that reads "Margaret C. Rivello".

Margaret C. Rivello, MBA
County Health Director

MCR/ifg