



Pennsylvania Department of Environmental Protection

909 Elmerton Avenue
Harrisburg, PA 17110-8200

November 16, 2007
COMMISSIONER'S

Southcentral Regional Office

717-705-4706
FAX - 717-705-4930

NOV 19 P 3:22

CERTIFIED MAIL NO. 7006 2760 0002 1302 7025

Mr. Brian Clements, Chairman
Berks County Board of Commissioners
633 Court Street
14th Floor SC
Reading, PA 19601

Re: Non-substantial Plan Revision Approval
Berks County Municipal Waste Management Plan

Dear Commissioners:

Enclosed is a Non-substantial Plan Revision Approval for the addition of Western Berks Community Landfill and Recycling Center, LLC to the Berks County Municipal Waste Management Plan dated June 14, 2007. This Non-substantial Plan Revision is deemed approved and authorizes Berks 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 County must implement the approved plan revision and comply with the 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.

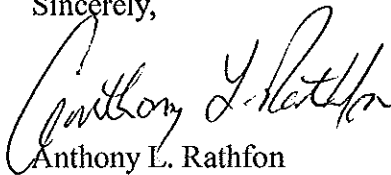


IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

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.

If you have any questions concerning the plan revision approval, please call Mr. Walt Dinda at 717-705-4927.

Sincerely,



Anthony L. Rathfon

Program Manager

Waste Management Program

Enclosure

cc: Jane Meeks, Executive Director

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WASTE MANAGEMENT PROGRAM

Plan Approval
Municipal Waste Management Plan Revision dated June 14, 2007
for Berks County

Date Issued: November 15, 2007

Under the provisions of the Municipal Waste Planning, Recycling and Waste Reduction Act of July 28, 1988, P.L. 556, 35 P.S. §§ 4000.101 - 4000.1904 (the Act), the Berks County Municipal Waste Management Non-substantial Plan Revision of June 14, 2007 is hereby approved. Berks 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 of 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.



Program Manager
FOR THE DEPARTMENT OF
ENVIRONMENTAL PROTECTION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WASTE MANAGEMENT PROGRAM

Municipal Waste Management Plan Approval

County: Berks

Date Issued: November 15, 2007

Plan Approval Conditions

1. The County shall implement its plan, as revised by the plan revision received by DEP on June 14, 2007 with additional information received by written correspondence dated September 26 and October 30, 2007. Executed implementing documents shall be submitted to DEP within one year of plan approval in accordance with Section 513 of the Act.
2. The County may not act in a manner contrary to the approved plan revision or otherwise fail to act in a manner consistent with the approved plan revision.
3. This plan approval is conditioned upon the requirement to submit an adopted and ratified revised plan at least three years prior to the time all remaining available permitted capacity for the County will be exhausted or at least three years prior to the expiration of the term of the County's approval plan, or when otherwise required by DEP. Each year the County will examine the remaining capacity available to the County.
4. The County will ensure adequate disposal capacity is available to them for the entire period of the plan.