



Pennsylvania Department of Environmental Protection

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P. O. Box 2063  
Harrisburg, PA 17105-2063

October 16, 2000

The Secretary

717-787-2814

Robert E. Nyce  
Executive Director  
Independent Regulatory Review Commission  
14<sup>th</sup> Floor, Harrisstown 2  
333 Market Street  
Harrisburg, PA 17101

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INDEPENDENT REGULATORY  
REVIEW COMMISSION

Dear Bob:

Thank you for forwarding Senator Mary Jo White's October 12, 2000, letter expressing concern about Section 271.202(f) (Section 271.202(d) of the proposed regulations) of the municipal waste amendments.

Section 271.202(f) and Act 101 of 1988 do not contradict each other. While county plans and landfill permits have ten-year terms, they rarely correlate in time and do not need to. A county plan is acceptable even though it is based on capacity which is anticipated but not yet permitted. Counties are not required to include in their plans only landfills that are at the beginning of their ten-year permit term when the county plan is adopted. Rather, counties look to the likelihood that landfills and other facilities will be able to continue to operate throughout the ten-year planning cycle.

Section 271.202(f) does not deal with permit terms; it deals with the amount of capacity left at a landfill when an operator requests an expansion. Section 271.202(f) is designed to prevent new capacity from being permitted that may not be used for an extended period of time due to the fact that the landfill already has five years of capacity remaining. The objective is to prevent permits for additional capacity from being issued that might well be technologically obsolete by the time they are used. The five-year limitation also enables the more efficient use of Department staff who review permits.

I hope this addresses Senator White's concern. If you have any questions or need additional information, please contact me at the above number or Sharon Trostle, Regulatory Coordinator, at 717-783-1653.

Sincerely,  
  
James M. Seif  
Secretary

cc: The Honorable Mary Jo White