



August 26, 2016

Mail Code 401-02C
Scott Brubaker, Deputy Director
NJDEP Solid & Hazardous Waste Management Program
Bureau of Solid Waste Planning and Licensing
P.O. Box 420
Trenton, NJ 08625-0420

**RE: Administrative Action Request: Plan Inclusion Kirk Allen Trucking, LLC
20 Continental Drive, Mt. Olive Township (Block 106 portion, Lot 1)
Composting Operation Pursuant to N.J.A.C. 7:26A-1.4(a) Exemption #13**

Dear Mr. Brubaker:

In a letter dated July 8, 2016, Kirk Allen Trucking, LLC ("KAT"), requested its proposed composting operation, being proposed to operate pursuant to a recycling exemption #13, be included in the Morris County Solid Waste Management Plan ("Plan"). In accordance with N.J.A.C. 7:26A-1.4(a)13, requirement "v," a proposed facility must first be included in the district's solid waste plan if operating pursuant to exemption #13.

State regulations, specifically N.J.A.C. 7:26-6.11 (b)3, allows for modifications to the Plan with respect to the inclusion of a new recycling facility for the processing of Class C recyclable materials, such as the inclusion being requested herein, that may be achieved through an administrative action procedure. This administrative action procedure permits the county's designated implementing agency, which is the Morris County Municipal Utilities Authority ("MCMUA"), to submit a letter to the NJDEP describing and requesting the change to the Plan in lieu of going through the more formal and time-consuming Plan amendment process.

The MCMUA formally requests the Plan be modified to include the Kirk Allen Trucking, LLC composting operation for the composting of grass and leaves pursuant to the requirements of the recycling exemption described in N.J.A.C. 7:26A-1.4(a)13. This facility is located at 20 Continental Drive, Mount Olive Township, Morris County, New Jersey (being a portion of Block 106; Lot 1).

Although not specifically required by N.J.A.C. 7:26-6.11 (b)3, the MCMUA requested the host municipality of Mount Olive Township to forward its opinion on this change prior to the MCMUA requesting this administrative action. In a resolution adopted by its Council on August 9, 2016, Mount Olive Township supported and consented the proposed modifications to the Plan as described above. A copy of this resolution has been attached.

If you have any additional questions on this request please contact me.

Sincerely,



Larry Gindoff
Solid Waste Coordinator

Enclosure

Cc: Glenn Schweizer, MCMUA Executive Director
Christine Myers, Freeholder Liaison
Edward M. Dunne, Esq., Counsel representing the applicant
Michelle Masser, Municipal Clerk, Mount Olive Township

File Copy

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MOUNT OLIVE APPROVING INCLUSION OF THE RECYCLING OF VEGETATIVE WASTE BY KIRK ALLEN TRUCKING LLC IN THE MORRIS COUNTY SOLID WASTE MANAGEMENT PLAN

WHEREAS, the Mount Olive Township Planning Board adopted Resolution 15-02, which approved a use variance for Kirk Allen Trucking, LLC ("KAT") to conduct a recycling operation at 20 Continental Drive, Mount Olive, New Jersey, Block 106, Lot 1 ("the Site"); and

WHEREAS, KAT subsequently filed a New Jersey Department of Environmental Protection ("NJDEP") Notification of Exempt Recycling Activities for recycling activities exempt from NJDEP general approval pursuant to NJDEP regulations; and

WHEREAS, KAT requested to the Morris County Municipal Authority ("MCMUA") inclusion in the Morris County Solid Waste Management Plan ("Plan") as an exempt vegetative waste recycling center ; and

WHEREAS, the recycling of vegetative waste is an exempt activity pursuant to N.J.A.C. 7:26A-1.4(a); and

WHEREAS, N.J.A.C. 7:26-6.11(b)3 provides such inclusion may be achieved by the MCMUA submitting a letter to NJDEP rather than formally amending the Plan; and

WHEREAS, the MCMUA has requested that the Township of Mount Olive ("Township") adopt a resolution setting forth its position relative to the proposed inclusion of this recycling activity to the Plan; and

WHEREAS, the Administration recommends approving the proposed inclusion.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of Mount Olive, County of Morris and State of New Jersey, that the Township approves the inclusion of the recycling of vegetative waste by Kirk Allen Trucking LLC in the Morris County Solid Waste Management Plan.

TOWNSHIP OF MOUNT OLIVE



Joe Neastro, Council President

I hereby certify the above to be a true copy of a resolution passed by the Mount Olive Township Council at a duly convened meeting held on August 9, 2016.



Michelle Masser, Township Clerk

