

*Solid and Hazardous Waste Program
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Ernest J. Kuhlwein, Jr., Director
Dept. of Solid Waste Management
129 Hooper Avenue
P.O. Box 2191
Toms River, New Jersey 08754-2191

Dear Mr. Kuhlwein:

On November 29, 2007, the Department of Environmental Protection's Solid and Hazardous Waste Program received a request for an administrative action dated November 26, 2007 to amend the Ocean County Solid Waste Management Plan (County Plan) to include a revised enforcement strategy for violations of the Solid waste Management Act (Act).

Subsequent to the September 13, 2007 approval of an Ocean County administrative action which included a penalty schedule for violations of the Act, the Department was advised by the Office of the Attorney General that the Department may not approve county plan inclusions of penalty schedules for violations of the Act. The Act gives sole authorization for the development of such civil administrative penalty schedules to the Department. The November 26, 2007 administrative action proposes to include in the Ocean County Plan the revised enforcement strategy whereby the county can utilize the current civil administrative penalty schedule as contained in N.J.A.C. 7:26-5.4 (G)8 for non-specific violators, such as generators, transporters and solid waste facilities. Also, the County Environmental Health Act (CEHA) agency may settle a first offense for generator violations up to a maximum of 90% off the base penalty.

Pursuant to N.J.A.C. 7:26-6.11(b)6, the Department considers modifications of a recycling program enforcement strategy as an approvable administrative action. Therefore, the Ocean County Plan inclusion of the revised enforcement strategy is hereby approved as an administrative action pursuant to N.J.A.C. 7:26-6.11(f).

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

Sincerely,

Guy Watson, Chief
Bureau of Recycling and Planning