

DELAWARE SOLID WASTE AUTHORITY

Statutory Authority: 7 Delaware Code, Section 6403 (7 **Del.C.** §6403)

FINAL

502 Statewide Solid Waste Management Plan

ORDER

1. This is the Final Order and Decision of the Directors of the Delaware Solid Waste Authority (the "Authority") on proposed amendments to the Statewide Solid Waste Management Plan (the "SSWMP").

2. On March 1, 2010, the Delaware Solid Waste Authority caused to be published, in the Delaware Register of Regulations, notice of proposed amendments to the SSWMP. The proposed amendments to the SSWMP were also the subject of publication in the Delaware News Journal and the Delaware State News on February 17, 2010.

3. In accordance with 7 **Del.C.** §6403(i) and 29 **Del.C.** §10117, on Wednesday October 7, 2009 a hearing was held before Michael W. Arrington, Esquire, the Authority's designated hearing officer. At the hearing, documents and sworn testimony and one written comment was received into evidence. The record was held open until April 8, 2010 to allow for any further comment from the public.

4. The Authority issues this Final Order and Decision in accordance with 29 **Del.C.** §10118 after a review of the documents and evidence admitted into the record at the hearing, as well as a careful review of the hearing officer's Proposed Order and Recommendations dated April 8, 2010.

Summary of Evidence

5. The proposed amendments to the SSWMP were made a part of the record, as were proof of publication in two newspapers of general circulation and publication in the Delaware Register of Regulations.

6. Rick Watson, Chief Operating Officer for the Authority, testified that the SSWMP was last adopted in 1994 and the Authority staff has determined that the passage of time and changes in circumstances require wholesale revisions to all facets of the existing SSWMP. The Authority staff therefore is proposing to replace the 1994 SSWMP in its entirety with the proposed amendment. If adopted, the amendments to the SSWMP will establish policies and goals for statewide solid waste disposal and will identify the programs necessary to implement these policies and goals. As amended, the SSWMP is intended to address the roles and responsibilities of the Authority and other stakeholders in solid waste disposal and recycling, diversion activities as they relate to both public bodies (State, counties, municipalities) and private enterprise. The amended SSWMP is based on "zero waste" principles, which involve the design and management of products and processes to systematically reduce and eliminate the volume of waste and to maximize the conservation and recovery of resources.

7. One member of the public submitted a comment through the Online Regulation Public Comment System. This comment, from Ruth Ashby, stated, "Great report and even better plan! I think you are on the right path and hope you are able to reach your goals with this plan. At least it's a good beginning. Thank you for all of your efforts." No other written comments have been received into the record.

8. No public comment was offered at the hearing.

Findings of Fact and Conclusions of Law

9. Pursuant to 7 **Del.C.** 6403(j), the Authority is required to adopt the SSWMP and to amend such SSWMP as necessary.

10. The SSWMP has not been amended since 1994.

11. The Authority finds that the passage of time and significant changes in circumstances in Delaware since the adoption of the 1994 SSWMP compels the Authority to revise the SSWMP in its entirety.

12. The Authority finds that goals set forth in the proposed amendments to the SSWMP and the programs identified therein to attain these goals are appropriate and necessary. The Authority further finds that the use of zero waste principles as a basic premise underlying the proposed amendments to the SSWMP is also appropriate.

Decision

13. For the reasons set forth above, the Statewide solid Waste Management Plan is amended in the form set forth in Exhibit A hereto.

SO ORDERED, this 22nd Day of April, 2010.

***Please Note: Due to the size of the final regulation, it is not being published here. A copy of the regulation is available at:**

<http://regulations.delaware.gov/register/may2010/final/502.pdf> **502 Statewide Solid Waste Management Plan**