

RESOLUTION NO. 47 - 2004

Comm. mtg. Workshop
12/21/04
Jm

We offer the following Resolution and move for its adoption.

A RESOLUTION OF THE COUNTY COMMISSIONERS OF DAUPHIN COUNTY AUTHORIZING AND APPROVING A SETTLEMENT OF APPEALS FILED WITH THE PENNSYLVANIA ENVIRONMENTAL HEARING BOARD BY THE PENNSYLVANIA WASTE INDUSTRIES ASSOCIATION, REPUBLIC SERVICES OF PENNSYLVANIA, LLC AND PENN WASTE, INC. REGARDING THE COUNTY'S 2002 AND 2004 REVISIONS TO ITS ACT 101 WASTE MANAGEMENT PLAN.

WHEREAS, On December 17, 2002, the County approved its 2002 Consolidation of and Revision to its Act 101 Plan (the "2002 Plan Revision").

WHEREAS, On March 6, 2003, the Department approved the 2002 Plan Revision and thereafter published notice of its approval in the *PA Bulletin*.

WHEREAS, On or about April 22, 2003, Appellants filed a Notice of Appeal challenging to the Department's approval of the County's 2002 Plan Revision ("Appeal I").

WHEREAS, In November 2003, the County and the Department requested that the Board issue a stay of Appeal I so that the County could pursue further amendments to the County Plan.

WHEREAS, On December 3, 2003, the Board issued an Order staying Appeal I.

WHEREAS, Pursuant to a June 2003 Request for Proposals, on March 30, 2004, by Ordinance No. 3 - 2004, the County submitted a subsequent revision to its Plan to the Department for approval (the "2004 Plan Revision").

WHEREAS, As of July 17, 2004, the 2004 Plan Revision was approved by operation of law.

WHEREAS, On or about July 30, 2004, the Appellants appealed the 2004 Plan Revision ("Appeal II").


WHEREAS, By Order dated August 30, 2004, the Board consolidated Appeal I and Appeal II.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED BY THE OFFICE OF THE COUNTY COMMISSIONERS OF DAUPHIN COUNTY as follows:

1. The County Commissioners hereby accept and approve the Stipulation of Settlement with the Appellants, the Pennsylvania Waste Industries Association, Republic Services of Pennsylvania, LLC and Penn Waste, Inc., resolving Appeal I and Appeal II.
2. The County authorizes the proper officers of this County to take all other required, necessary or desirable action in connection with this Resolution.
3. This Resolution shall become effective immediately.

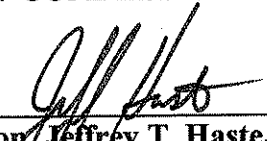
ADOPTED AND ORDAINED, this 22nd day of December 2004, by the Board of Commissioners of Dauphin County.

ATTEST:

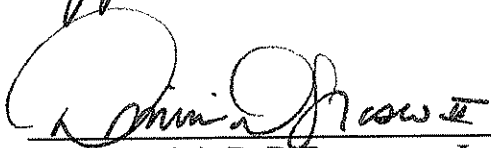


Chad Saylor
Chief Clerk/Chief of Staff

**DAUPHIN COUNTY BOARD
OF COMMISSIONERS**



Hon. Jeffrey T. Haste, Chairman



Hon. Dominic D. DiFrancesco, Jr., Vice-Chairman



Hon. George P. Hartwick, II, Secretary

Council meeting 12/22/04
jm

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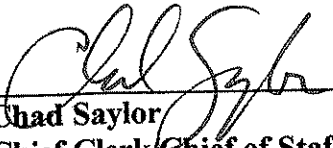
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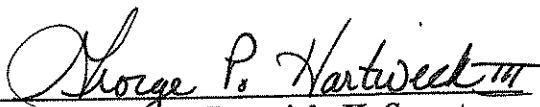
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