



west virginia department of environmental protection

Division of Water and Waste Management
601 57th St. SE
Charleston, WV 25304
Phone: (304) 926-0499
Fax: (304) 926-0465

Harold D. Ward, Cabinet Secretary
dep.wv.gov

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APPLICATION FOR A NON-DISPOSAL SOLID WASTE FACILITY PERMIT

INSTRUCTIONS

Applicants for a non-disposal solid waste facility permit shall complete this application by providing, at a minimum, all information required hereafter. Two (2) copies of the completed application shall be submitted to:

West Virginia Department of Environmental Protection
Division of Water and Waste Management
Solid Waste Management
601 57th Street SE
Charleston, WV 25304

Construction and operations shall be performed in accordance with W.Va. Code, Chapter 22, Articles 11, 12, and 15, the approved plans and specifications, and any attached instructions, changes, amendments, or modifications.

Failure to comply with the conditions of the W.Va. Code Section 22-15-1, the rules promulgated thereunder, 33CSR3, and this registration, may result in revocation of the registration and/or enforcement action by the West Virginia Department of Environmental Protection (Department).

Compliance with any of the requirements of this application does not relieve the owner or operator from compliance with all applicable federal, state, county or local laws, rules, ordinances, restrictions, or codes.

If there are any questions regarding the proper procedure for completing the information required by this application, please contact Solid Waste Management at (304) 926-0499.

Promoting a healthy environment.

I. TYPE OF COMMERCIAL SOLID WASTE FACILITY

Please indicate which type of commercial solid waste facility for which you are making application. Please refer to Appendix "A", which defines the various types of facilities. If the proposed activities encompass more than one type of the following facilities, please indicate.

- _____ Commercial Yard Waste Composting Facility
- _____ Commercial Composting Facility
- _____ Waste Tire Processing Permit
- _____ Materials Recovery Facility
- _____ Mixed Waste Processing Facility
- _____ Resource Recovery Facility
- _____ Sewage Sludge Processing Facility
- _____ Transfer Station
- _____ Other

II. PRE-SITING REQUIREMENTS

All applicants are required to file a pre-siting notice in accordance with 33CSR1 "Solid Waste Management Rule".

III. PERMIT APPLICANT REQUIREMENTS

- A. Attach a copy of the Certificate of Need (CON) from the Public Service Commission of West Virginia.
- B. Attach a copy of the Certificate of Siting Approval from the county or regional solid waste authority, except for recycling facilities, as stipulated in §§22C-4-25.
- C. Attach a copy of the approval letter from the Division of Culture and History.
- D. Attach a copy of Lands Inquiry Response from the Wildlife Resources Section of the Division of Natural Resources.
- E. Provide proof of the applicant's liability insurance for the proposed facility.
- F. Describe the type of bonding and financial assurance, as required by 33CSR1 "Solid Waste Management Rule" section 3.13.. Bonding and financial assurance must be secured prior to the issuance of a solid waste facility permit.

IV. GENERAL INFORMATION

- A. Owner's/Applicant's Information
 - 1. Owner's Name, address, and telephone Number
 - 2. Name of Company
 - 3. Status as a federal, state, private, public, or other entity

- B. Operator's Information
 - 1. Operator's Name
 - 2. Name of Company
 - 3. Operator's Address
 - 4. Operator's Telephone Number

- C. Operating Hours
 - 1. Proposed hours of operation
 - 2. Proposed hours of construction
 - 3. Proposed hours for remedial work

- D. Provide the name, title, address and telephone number of the authorized agent of the applicant.

- E. Provide the following site information:
 - 1. Name of the proposed facility
 - 2. Written description of the location
 - 3. County
 - 4. Nearest town
 - 5. Latitude and longitude of the center of the proposed site
 - 6. Number of site acres
 - 7. A copy of the property deed or lease to site property
 - 8. Owners of record, both surface and subsurface
 - 9. If the applicant is not the property owner, written documentation, showing applicant's legal right to enter and conduct operations on said property
 - 10. USGS location map at a scale of 1" = 2000', including quadrangle map name and the date of the last revision
 - 11. Nearest linear distance in feet from a perennial stream and public highway
 - 12. Planned life of facility in years
 - 13. Local zoning ordinances

- F. Name, firm, address, telephone number, and the West Virginia registration number of the professional engineer responsible for the design of the proposed facility

V. GENERAL DESIGN REQUIREMENTS

Provide detailed drawings, specifications, maps, and narratives, as necessary, signed and sealed by a professional engineer registered in West Virginia, for review. Completely provide on a drawing or provide a written description of the following:

- A. A detailed description of the source, quality, quantity, and type of waste anticipated to be received at the proposed facility
- B. A written plan to dispose of unwanted solid waste from the facility on a daily basis (if applicable)
- C. Surface water management and erosion/sediment control. Will the discharge from any sediment control structure require a Stormwater Permit?
- D. Wastewater and/or leachate collection, storage, treatment, and disposal systems, including equipment and facility wash bays or facilities (NPDES permit required)
- E. A description of all outside storage areas including size and storage capacity
- F. All proposed structures and areas designed for unloading, sorting, storage, and loading, including dimensions, elevations and floor plans of these structures or areas and the general flow process
- G. A description of all activities to be located within a closed building or within a covered area. If the area is to be used as a storage area, sufficient area must be provided to store incoming material and material to be transported.
- H. Ventilation systems for enclosed areas
- I. Equipment, including:
 - 1. Stationary equipment layout, installation and specifications
 - 2. Vehicular equipment descriptions
 - 3. Safety equipment descriptions
 - 4. Ancillary equipment
- J. Safe access for passenger vehicles where public access to the facility is required
- K. The proposed provisions for year round maintenance of roadways
- L. An Operation and Maintenance Manual. The manual must contain general design information, detailed operational information and instructions. In addition, the manual must list the specific procedures and planned frequency for monitoring, sampling/analyzing, and record keeping.

VI. ENGINEERING REPORT

Provide detailed drawings, specifications, maps, and narratives, as necessary, signed and sealed by a professional engineer registered in West Virginia, for review, and include:

- A. A regional map or maps. These maps should delineate: the entire service area of the proposed facility, both existing and proposed, and the location of the closest population centers and all transportation systems. General highway county map(s) from the WVDOH are acceptable.
- B. Submit a United States Geological Survey (USGS) topographic map or portion thereof. The USGS map needs to show the location and property boundaries of the anticipated property site, and, if applicable, any other boundaries of each site being considered for the proposed facility. The USGS location map, at a scale of 1" = 2,000', needs to include the name of the quadrangle and the last revision date on the quadrangle.

- C. General site maps

Provide the following information on large scale maps with a minimum scale of 1 inch = 200 feet and a maximum contour interval of ten (10) feet, or on the 7.5 minute USGS topographic map, or both. Show the following information, existing and planned, that occur either within the site boundaries or within fifteen hundred (1,500) feet of the site boundary, or within the distances specified in 33CSR1 subsections 3.1 and 3.2..

- (1) Property lines of the facility
- (2) Identity and location of adjacent land owners
- (3) Owners of record both surface and subsurface
- (4) Uses of adjacent properties
- (5) Existing and proposed elevation contours
- (6) Location and extent of construction to be accomplished
- (7) Location of existing and proposed erosion/sediment control structures
- (8) Water supply wells
- (9) Springs
- (10) Wetlands
- (11) Streams
- (12) Diversion ditches
- (13) Ponds
- (14) Other bodies of water
- (15) 100-year flood plain boundary
- (16) Location of existing and proposed impoundments and other permanent sediment control structures

- (17) Drainage and culverts
 - (18) Public water supplies
 - (19) Sinkholes
 - (20) Groundwater discharge points
 - (21) Underground and surface mines
 - (22) Mine pools discharges
 - (23) Mine spoil piles and points of discharge
 - (24) Mine refuse spoil piles and impoundment capabilities
 - (25) Quarries or sand and gravel pits
 - (26) Gas and oil wells
 - (27) Surface and groundwater quality monitoring points
 - (28) Leachate or other wastewater discharge points
 - (29) Roads
 - (30) Access Roads
 - (31) Powerlines (indicate ownership)
 - (32) Pipelines (indicate ownership)
 - (33) All utilities (indicate ownership)
 - (34) All easements or right-of-ways (indicate ownership)
 - (35) Occupied dwellings
 - (36) Public buildings
 - (37) Storage facilities or areas
 - (38) Weighing facilities
 - (39) Sinkholes
 - (40) Fences, gates, roads, parking areas and loading areas
 - (41) Identity and location of any airports within fifteen hundred (1,500) feet of the site (insert may be used)
 - (42) Wastewater and/or leachate control structures
 - (43) Direction of prevailing winds
- D. Vicinity map. At a minimum, provide the following information on a topographic map of the site and the adjacent areas within fifteen hundred (1,500) feet of the facility boundaries. The map shall have a minimum scale of one inch equals two hundred (200) feet, unless the following items are instead shown on the 7.5 minute USGS topographic map:
1. Zoning and land uses
 2. Bridges
 3. Railroad
 4. Historic sites
 5. Schools
 6. Churches
 7. Residences
 8. Other existing and proposed man-made or natural features

- E. The location of weigh scales at the facility certified by the West Virginia Department of Labor, Weights and Measures. All vehicles containing waste must be weighed prior to entering the facility.
- F. A map showing current land use of the proposed site
 - 1. Is there mineable coal beneath the proposed site? If yes, explain why you believe the proposed facility would not be affected by mining activities.
 - 2. Does the owner/operator of the proposed site own the mineral rights? If not, provide the names and addresses of the owners of the mineral rights.
- G. A soils map indicating the seasonal high groundwater table
- H. Engineering calculations
- I. Detail sheets
- J. Provide a Hazardous Waste Exclusion Plan.

NOTE: If this application is being submitted for a commercial yard waste composting facility, mixed waste processing facility, resource recovery facility and/or sewage sludge processing facility, please include the location of existing and proposed soil borings and groundwater monitoring wells on the site plan map. Include narratives, plans, and cross sections, which characterize and describe the geology and hydrology of the site.

VII. QUALITY ASSURANCE/QUALITY CONTROL PLAN

The application must include a quality assurance/quality control (Q.A./Q.C.) plan for the construction and installation of the facility. If the facility is required by Department rules or code to have a liner system designed to protect the environment, such liner system construction and installation, acceptable to the Director, shall also be included in the Q.A./Q.C. Plan.

VIII. OPERATIONS PLAN

The operations plan shall describe the following in detail:

- A. A schedule of operation, including the days and hours that the facility will be open, preparations before opening, procedures to be followed after closing for the day, and preventative maintenance schedule for machinery and facility housekeeping.
- B. Personnel who will be on duty during daily operating and/or receiving hours and particularly when mechanical equipment is in operation at the facility.
- C. Fire protection program and suppression equipment to be available at the facility.
- D. Traffic control:
 - 1. Signs
 - 2. Traffic lights, if necessary
 - 3. Other traffic control devices
 - 4. Traffic flow patterns
- E. All activities to be conducted at the proposed facility
- F. Safety plan designed to prevent hazards and accidents including training of equipment operators and other personnel concerning the operations of the facility, and personal protective clothing and equipment required to be worn by personnel
- G. Contingency plans detailing corrective (remedial) action to be taken in the event of equipment breakdown, air pollution (odors), unacceptable waste delivered to the facility, groundwater contamination, spills, and undesirable conditions such as fires, dust, noise, vectors, lack of a market for the product, and unusual traffic conditions.
- H. Operational records. The method(s) of record keeping for the facility's daily logs specifying the quantity, source, type of material received and/or transported, and/or destination of waste or product, users of the facility, and surface water, groundwater, wastewater monitoring and reporting.

IX. REPORTING

Daily logs, monthly reports and an annual operational report must be submitted in accordance with 33CSR1 subsection 4.12., unless otherwise stipulated for a specific type of non-disposal solid waste facility in accordance with 33CSR2 "Sewage Sludge Management Rule" or 33CSR3 "Yard Waste Composting Rule".

X. MONITORING

All monitoring requirements shall be reported as required by the rules governing the type of facility or activity for which application is being made.

XI. COMPOSTING OPERATOR TRAINING AND CERTIFICATION

Applicants for commercial yard waste composting facilities shall comply with the requirements of section 5 of 33CSR3 "Yard Waste Composting Rule".

XII. BACKGROUND DISCLOSURE STATEMENT REQUIREMENTS

A Background Investigation Disclosure Statement application must be completed and submitted as part of the application for any person, or persons, who is an applicant, permittee, operator, owner, or other person of a solid waste facility unless it is exempt by 33CSR1. Disclosure statements submitted shall include one (1) original and one (1) certified copy of all papers and the appropriate fee to the Department.

XIII. APPLICATION FEES

The application fee for a non-disposal solid waste facility, which shall be submitted with the application, is two thousand five hundred dollars (\$2,500.00), except for a commercial yard waste composting facility which is five hundred dollars (\$500.00). An incomplete application may require a refiling fee of ten (10) percent of the original application fee. The term of all above-referenced permits is five (5) years and all have a permit renewal fee of one thousand dollars (\$1,000.00).

APPENDIX A

DEFINITIONS

"Approved Solid Waste Facility" means a solid waste facility or practice that has a valid permit under the Act.

"Commercial Solid Waste Facility" means any solid waste facility that accepts solid waste generated by sources other than the owner or operator of the facility and does not include an approved solid waste facility owned and operated by a person for the sole purpose of the disposal, processing or composting of solid wastes created by that person or such person and other persons on a cost-sharing or nonprofit basis and does not include land upon which reused or recycled materials are legitimately applied for structural fill, road base, mine reclamation, and similar applications.

"Commercial Yard Waste Composting Facility" means any solid waste facility which is authorized to handle or accept up to thirty-six thousand (36,000) tons per year of yard waste and/or other compostable solid waste materials generated by sources other than the owner or operator of the facility, provided that, a commercial yard waste composting facility does not include an approved solid waste facility owned and operated by a person for the sole purpose of composting yard waste created by that person or other persons on a cost-sharing or nonprofit basis and shall not include land upon which finished compost is applied for use as a soil amendment/soil conditioner.

"Commercial Composting Facility" means any solid waste facility processing solid waste by composting, including sludge composting, organic waste or yard waste composting, but does not include a composting facility owned and operated by a person for the sole purpose of composting waste created by that person or such persons on a cost-sharing or nonprofit basis and shall not include land upon which finished or matured compost is applied for use as a soil amendment or conditioner.

"Materials Recovery Facility" means any solid waste facility at which source-separated materials or materials recovered through a mixed waste processing facility are manually or mechanically shredded or separated for purposes or reuse and recycling, but does not include a composting facility.

"Mixed Solid Waste" means solid waste from which materials sought to be reused or recycled have not been source separated from general solid waste.

"Mixed Waste Processing Facility" means any solid waste facility at which materials are recovered from mixed solid waste through manual or mechanical means for purpose of reuse, recycling or composting.

"Resource Recovery Facility" means any solid waste facility at which solid wastes are physically, mechanically, biologically, chemically, or thermally transformed for the purpose of separating, removing, or creating any material or energy for reuse or sale and at which land disposal of solid waste does not occur. Resource recovery facilities include incinerators equipped with integral or separate heat recovery systems, and other such solid waste facilities not herein specified, but does not include sewage sludge processing facilities.

"Sewage Sludge Processing Facility" means a solid waste facility that processes sewage sludge for land application, incineration or disposal at an approved landfill. Such processes include, but are not limited to, composting, lime stabilization, thermophilic digestion and anaerobic digestion.

"Solid Waste Facility" means any system, facility, land, contiguous land, improvements on the land, structures, or other appurtenances or methods used for processing, recycling, or disposing of solid waste including landfills, solid waste disposal surface impoundments, transfer stations, incinerators, recycling facilities, materials recovery facilities, mixed waste processing facilities, sewage sludge processing facilities, commercial composting facilities and other such facilities not herein specified, but not including land upon which sewage sludge is applied in accordance with W.Va. Code §22-15-20. Such facility is deemed to be situated, for purposes of this rule, in the county where the majority of the spatial area of such facility is located: Provided, That a salvage yard, licensed and regulated pursuant to the terms of W.Va. Code §17-23-1 is not a solid waste facility.

"Transfer Station" means a structure, or combination of structures, machinery, or devices at a place, location or facility where solid waste is taken from collection vehicles, and placed in other transportation units for movement to another solid waste management facility; Provided that when the generator of solid waste disposes of said waste into a container such as a roll-off, green box or bin which is temporarily positioned (i.e., not more than five days) at a specific location for transport by a transportation unit, such container will not be considered a transfer station. Under any circumstances, leachate, litter and windblown materials must be properly managed.

We will process your personal information (email address, mailing address and/or telephone number) in accordance with the State of West Virginia's Privacy Policy for appropriate and customary business purposes. Your personal information may be disclosed to other state agencies or third parties in the normal course of business or as needed to comply with statutory or regulatory requirements, including Freedom of Information Act requests. The Division of Water and Waste Management will appropriately secure your personal information. If you have any questions about our use of your personal information, please contact the DEP's Chief Privacy officer at depprivacyofficer@wv.gov.