Maryland
Department of
the Environment

# SOLID WASTE PERMITTING PROCESS FOR LANDFILLS

## What You Need to Know

The Maryland Department of the Environment (MDE) issues Refuse Disposal Permits for sanitary landfills and other waste disposal facilities under the authority of the Environment Article, §9-204 of the Annotated Code of Maryland, and regulations at COMAR 26.04.07. The following steps have been instituted to insure the complete review of applications for Refuse Disposal Permits for municipal, rubble, and industrial landfills.

### PHASE I – Preliminary Information

Reviewed to see if there are any major, readily-identifiable issues such as endangered species, wetlands, floodplains, Scenic Rivers, Critical Areas, historical sites, proximity to airports or regulation under the Highway Beautification Act of 1965. The application is sent to the county government and other agencies; application is held at Phase I until the county affirms that the project has all necessary local zoning and land-use approvals and is in conformance with the county's 10-year Solid Waste Master Plan. A public informational meeting is scheduled and held to inform the local community of the application. This meeting is held on a weeknight near the proposed landfill site, and is advertised by mailings to the property owners within 1,000 feet of the site and the elected legislative representatives for the area. Also, notices are published in a local newspaper at least once a week for two consecutive weeks prior to the meeting. Representatives of MDE and the applicant are present to provide information about the application process and the proposed activity. Comments received from other agencies help MDE decide whether to proceed with the application process, and if so, what other permits or approvals may be required (e.g., Army Corps of Engineers wetlands permit, etc.).

### PHASE II – Geological and Hydrological Report

A site-specific environmental investigation of the property based on borings and wells installed across the site. The report must be prepared by a geologist or geotechnical engineer acceptable to MDE, and must describe the soils, geology, meteorology and hydrology of the proposed site. The report provides further definition of wetlands, floodplains, historical sites (if needed) and other information needed for further design and monitoring plan development. This report is principally reviewed by MDE but is also distributed to other interested agencies, including the Maryland and United States Geological Surveys, the Maryland Department of Natural Resources and the Army Corps of Engineers.

### PHASE III – Engineering Report

Detailed plans, operating manuals, contingency plans and monitoring plans. These plans that depict the nature and function of the pollution control systems; how the landfill will be built and operated; how it will be monitored; the types of equipment and personnel to be used; what the initial and final elevations will be; a conceptual plan for closure and post closure use of the facility; and contingency plans for dealing with operational problems that sometimes occur at landfills (fires, equipment breakdown, etc.) in order to prevent impact to the environment or the community. This report is principally reviewed by MDE and is also distributed to other interested agencies. Before final approval, the plan must be signed and sealed by a registered professional engineer and the sediment and erosion control plan approved by the local Soil Conservation District or other appropriate agency. Plans may go through several revisions before final approval.

## PHASE IV – Internal Review and Preparation

When the technical requirements have been satisfied, MDE makes a final check of the application for completeness and satisfaction of all laws and regulatory requirements. Within 60 days of the completion of Phase III, MDE then makes a tentative determination whether to issue the permit or not and notice of the tentative determination — whether issued or denied — is advertised. If the application is deficient or there is good cause for denial, the applicant is notified and afforded an opportunity for appeal. If the application is acceptable, the MDE project manager then prepares the draft permit and public notices. Copies of the draft permit and the application documents (the reports submitted for Phases I, II and III) are placed in a local repository — usually a public library or county office near the proposed landfill site. A public hearing is scheduled and is advertised as required by law.

## PHASE V – Public Comment

A formal public hearing is scheduled and held to obtain comment from the local community concerning the application. It is generally held on a weeknight at a location near the proposed landfill site and is advertised by mailings to owners of property within 1,000 feet of the proposed site and the elected legislative representatives for the area, as well as by publication of notices in a local newspaper at least once a week for two weeks prior to the public hearing. The public record is generally left open for 30 days, during which time the hearing takes place, so that interested individuals can submit additional written testimony or evidence for consideration.

## Final Determination

The hearing officer, an official of MDE, reviews the testimony and evidence presented, and the applicable laws and regulatory requirements and makes recommendations for a final determination by the agency. This determination may be to issue the permit as is; to issue the permit with changes to address concerns raised during the hearing; or to deny the permit, among other possible outcomes. The final determination may be appealed by the applicant or parties who have legal standing and who are aggrieved by the decision. Such appeals are handled in accordance with Maryland's rules for administrative appeals of environmental permits (see Title 1, Subtitle 6 of the Environment Article).

## For Land clearing Debris Landfills and Incinerators

Phase I, Phase III, Phase IV, Phase V, and Final Determination are applicable.

## For Transfer Stations and Processing Facilities

Phase I, Phase III, and Phase IV are applicable.

*Please note: This is a summary of Maryland State law and regulation requirements, cited in part. To view the Solid Waste Management Regulations, visit the Division of State Documents website at www.dsd.state.md.us/ – follow the link to "COMAR Online", and search for Title 26, Subtitle .04, Chapter .07, Solid Waste Management.*

*For more information, contact MDE's Solid Waste Program at 410-537-3315 or toll free at 800-633-6101 x3315.*