

## 2.01 REFUSE DISPOSAL PERMITS

❑ *Question: Do I accept, process, transfer or dispose of solid waste?*

### Why do I need this approval?

This permit ensures the proper disposal of solid waste in an environmentally acceptable manner while protecting public health and the environment including surface and ground water.

Any person who installs, materially alters, or extends a refuse disposal system must obtain this permit. Refuse disposal systems which require this permit include:

- Municipal landfills
- Land clearing debris landfills
- Industrial waste landfills, including coal combustion byproducts and residuals
- Rubble landfills
- Incinerators (municipal and special medical wastes)
- Transfer stations
- Processing facilities
- Processing and transfer facilities

### What laws or regulations give MDE the legal authority to issue this approval?

FEDERAL: Resource Conservation and Recovery Act (RCRA) Subtitle D and 40 CFR Parts 257 and 258 for municipal landfills only

STATE: Environment Article - Title 9, Subtitle 2, Annotated Code of Maryland; COMAR 26.04.07.

### What is the process to get this approval?

For transfer stations; processing facilities; processing and transfer facilities which are not subject to the public participation requirements of §1-601 of the Environment Article:

1) The required number of hard copies of the completed application and supporting information are filed.

Type of Facility	Number of Copies of Completed Application Required
Transfer Stations	12
Processing Facilities	12
Processing and Transfer Facilities	12
Landfills	13

The Department also appreciates a digital copy of the application and supporting documents, which can facilitate our review.

2) The Department reports the finding of its preliminary technical review in writing to the local government. Approval from the local government for zoning and land use requirements, and conformance with the jurisdictions 10-year solid waste management plan, must be received prior to the processing of the permit application.

3) The applicant prepares and submits detailed engineering plans and specifications including an operating manual for the proposed facility.

4) The Department distributes the application to interested local, State, and federal agencies for review and comment, and conducts an inspection of the proposed site.

5) Once the application is deemed technically complete and the review process is complete, the Department issues the permit.

For incinerators and all landfills which are subject to the public participation requirements of §1-601 of the Environment Article:

1) In addition to steps 1-2 above, the Department prepares and publishes a notice of the receipt of the application and an opportunity to request or schedule a public information meeting in accordance with §1-601 of the Environment Article. Designated elected and local officials are notified by certified mail.

2) For incinerators: a) The applicant prepares and submits detailed engineering plans and specifications including an operating manual for the proposed facility. b) The Department distributes these documents to interested local, State and federal agencies for review and comments.

3) For landfills: a) The applicant must submit a hydrogeological assessment of the site, a conceptual facility plan, and detailed engineering plans and specifications, including an operating manual for the proposed landfill, (municipal landfills must also submit one year of ground water data). b) The Department distributes these documents to interested local, State and federal agencies for review and comments. c) After review, the Department holds a plan review meeting with the applicant and other interested agencies. d) After evaluating this information, recommendations for design considerations are presented to the applicant, and plans and specifications are developed and submitted for review and comment. The plans are also submitted to other interested agencies for review and comment. e) Once the Department's technical requirements are satisfied, a draft tentative determination is prepared and a public hearing is scheduled.

4) Owners of adjacent properties are notified. The applicant is required to post a notice of the permit application and information relating to the public meeting and public hearing. Application documents are placed in a local repository for public review.

5) After completion of the technical review, the Department prepares and publishes:

a. A notice of tentative determination regarding the permit application, which may include a draft permit and provide an opportunity to request a public hearing or to schedule a public hearing.

b. After the close of the record, the Department provides written responses to the comments, makes a final determination on the application, and publishes a notice.

c. If a final determination is not required, the Department's tentative determination becomes a final decision. The issuance of a permit may be subject to a contested case proceeding pursuant to §1-605 of the Environment Article.

\* Public hearings for other permit applications for the same facility may be consolidated.

**Before I apply for this approval, do I need to get any approvals from the local or federal government?**

The local government must provide a written statement to the Department that the proposed refuse disposal system is in conformity with the approved solid waste management plan and meets all applicable local zoning and land-use requirements. For rubble landfills, specified wastes which are authorized to be disposed in the landfill must be listed in the county solid waste management plan.

A local construction or occupancy permit may also be required.

For incinerators, §9-204.1 of the Environment Article provides that the Department may not issue a permit unless the county where the proposed incinerator is to be located has a recycling plan submitted and approved in accordance with §9-505 of the Environment Article. Local authorities also approve any erosion and sediment control plans, and grading or building plans required for most proposals.

**Is this approval directly related or contingent on other approvals?**

Other approvals that may be required include:

Various facilities including landfills and processing facilities may require air management or water discharge permits, a water quality certification issued by the Water and Science Administration and/or a joint State/Federal Wetlands permit.

Unlined rubble landfills are required to maintain a groundwater discharge permit until such time as the Department determines that a regulated discharge is no longer occurring (2.02);

Erosion/sediment control approval (3.21);

Federal Aviation Administration approval of stack height or landfill location.

In some instances, State/Federal Joint wetlands permits (3.19, 3.20) may also be required.

**Are there any other requirements?**

PRE-APPROVAL:

Applications for refuse disposal permits for landfills and incinerators are subject to the public participation requirements of the Administrative Procedure Act (APA) as defined in §1-601 of the Environment Article.

§9-204(e)(1)(::) of the Environment Article provides that an applicant for any solid waste acceptance facility in areas of Baltimore City designated by the U.S Post Office as zip codes 21225, 21226 and 21230 must submit to the Department a groundwater and surface water impact analysis prepared at the expense of the

applicant regarding the proposed installation, alteration or extension.

§9-204(k)(1) of the Environment Article provides that the Department may not issue any permit to construct or operate an incinerator for disposal of a solid waste stream within one (1) mile of a public or private elementary or secondary school.

§9-204(l)(1) of the Environment Article provides that the Department may not issue any permit to construct or operate a transfer station in Prince George's County for disposal of solid waste within 2 miles of Bowie State University.

§9-204(m) of the Environment Article provides that the Department may not issue a permit to construct and operate a landfill within 4 miles of Unicorn Lake in Queen Anne's County, or within 1 mile of any other tributary in Prince George's County that flows directly or indirectly into the Potomac River.

Also, §9-225 of the Environment Article provides that the Department may not issue a permit for a landfill that would be located within one half mile of any hospital.

Prior to issuance of a permit to a private person for a landfill, incinerator or transfer station, the applicant must provide a bond or security payable to the county government where the facility is to be located in an amount consistent with the provisions of §9-211 of the Environment Article.

Applicants for landfills must provide documentation of deed amendments which restrict future land use on the site and must submit documentation of compliance with worker's compensation insurance coverage as required by §1-202 of the Environment Article.

**How long should I expect it to take to get this approval once I submit a complete application?**

Applicants may expedite this process by submitting complete applications with all supporting documentation and approvals.

Type of Facility	Turnaround Time
Solid waste transfer station	7 months
Solid waste processing facility	9 months
Processing and transfer facility	9 months
Solid waste incinerator & land clearing debris landfill	12 months
Industrial landfill	24 months
Rubble and municipal landfills	36 months

**Once I get this approval, how long will it last?**

Maximum of five years

**How much will this approval cost?**

No fee.

**Who do I contact with additional questions?**

The Solid Waste Program Operations Division at 410-537-3315.