1. The generator completes the Waste Characterization Form (“WCF”) Sections A through H and submits it with supporting documents to the landfill.

2. The landfill completes Section I, Application for Minor Permit Modification (Application) and submits it with the WCF and supporting documents to the Solid Waste Permitting Unit (“SWPU”).

3. The SWPU Secretary:
   a. Assigns the SWPU tracking ID. This is of the form: YY-MM-NN, where “YY” is the two-digit year padded with a leading zero, “MM” is the two-digit month padded with a leading zero for months 1 through 9, and NN is a two-digit serial number that begins with 01 at the beginning of each month. The SWPU ID contains only numerals and dashes, and does not contain other punctuation marks or letters.
   b. Logs receipt of the Application and WCF in the Secretary’s portion of the Special Waste Log and attaches a Routing Slip.
   c. Completes the “Checked in by Secretary” section of the Routing Slip.
   d. Delivers the documents to the Environmental Resources Specialist (“ERS”).

4. The ERS:
   a. If a landfill asks for rush handling for a valid reason, the ERS writes “RUSH: Fax to landfill immediately upon signing,” on the top of the Routing Slip and follows the Application through the review process to ensure that it is handled promptly. The goal for rush handling is to fax the response to the landfill within 24 hours of the rush application’s being made. Rush handling is available only if unforeseen circumstances prevent the regular procedure from being followed. An example of an unforeseen circumstance might be a truck wreck that spills a waste that cannot be stored. Economic losses by the Generator, Landfill, or others, are not sufficient to qualify a waste for rush handling. For example, failure to plan for a two-week review of the permit modification application, or failure to properly estimate the amount of waste, by themselves, are not sufficient for rush handling.
   b. Determines whether copies of all documents should be provided to the Field Operations Unit Supervisor for possible investigation of RCRA violations, and if so, makes the copies and delivers them.
   c. If forms are administratively incomplete, the ERS notes the deficiency, initials and dates the Routing Slip, and returns all documents to the Secretary who:
      i. Completes the “Returned to Landfill by Secretary” section of the Routing Slip.
      ii. Copies all documents.
      iii. Mails the original Application and WCF, and a copy of the Routing Slip to the Landfill.
      iv. Puts the original Routing Slip and copied Application and WCF in the “To Be Filed” basket.
   d. If forms are administratively complete, the ERS:
      i. Determines whether an established disposal policy applies to this waste.
      ii. Completes the “Recommendation by ERS” section of the Routing Slip, indicating the granting or denial of the Application by initialing the proper space.
iii. Prepares the letter of response to the landfill.
iv. Completes the ERS’s portion of the Special Waste Log.
v. Forwards the Application to the SWPU Supervisor.

5. The SWPU Supervisor:
   a. Completes the “Recommendation by SWPU Supervisor” section of the Routing Slip and indicates his recommendation to grant or deny the Application by initialing the appropriate space.
   b. Forwards the Application to the Assistant Director.

6. The Assistant Director:
   a. Reviews all documents and asks for additional review or grants or denies the Application.
      i. If the Assistant Director grants the Application, the Assistant Director signs the letter.
      ii. If the Assistant Director does not accept the Supervisor’s recommendation, the Assistant Director writes instructions for the Supervisor.
   b. Completes the “Decision by Assistant Director” section of the Routing Slip, indicating his/her decision by initialing the proper space.
   c. Returns the Application to the SWPU Supervisor.

7. The SWPU Supervisor:
   a. If the Assistant Director asks for additional review, returns the Application to the ERS.
   b. If the Assistant Director approves or denies the Application, forwards the Application to the Secretary.

8. The SWPU Secretary for an administratively incomplete, approved, or denied application:
   a. Completes the “Mailed to Landfill by Secretary” section of the Routing Slip.
   b. Mails the letter to the landfill. If the application is administratively incomplete or denied, the Secretary includes in the letter copies of all review documents.
   c. Records in the Secretary’s portion of the Special Waste Log the Assistant Director’s decision and the date that the reply was mailed.
   d. Places original documents in the “To Be Filed” basket for filing.
Special Waste Routing Slip

Check-in by Secretary:   SWPU ID: _____________    By Fax: ____    Initials: ______   Date: ____________

Recommendation by ERS

Landfill: ___________________    Generator: _______________________

Waste: ___________________    Dated: _______    Place: _______________________

____________________________________ Amt.&Freq.: _______________    Until: ____________

____________________________________ Sample Freq.: _______________    Daily Cover: _______________________

____________________________________ G D O: _______________________

____________________________________ Rush Handling, Date: _______    Time: ________

Hold for: ________________________    Begin: _______    End: ________

Copy of all documents provided to Field Operations Unit Supervisor:  Yes  No   Date: __________

Administratively Incomplete: _______    Deny: ___________    Grant: ________   Date: __________

Recommendation by SWPU Supervisor

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

Deny: ___________    Grant: ________   Date: __________

Decision by Assistant Director

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

Add’l Review Req’d: ___________    Deny: ________    Grant: ________   Date: __________

Mailed to landfill by Secretary

____________________________________ Faxed: Initials: _______    Date: _______    Time: ________

____________________________________ Mailed: Initials: _______    Date: __________

Additional Notes:

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<thead>
<tr>
<th>Initials</th>
<th>Date</th>
<th>Note</th>
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</table>
The SWPU Secretary will maintain a log of the following information in an Excel file:

1. SWPU ID number
2. Receipt information:
   a. Date
   b. Received by Fax (check)
   c. Landfill name
3. Assistant Director’s Decision
   a. Date of review
   b. Decision: approved, denied, administratively incomplete, or additional review required
4. Notification of Landfill
   a. Date and time faxed, if applicable
   b. Date mailed

The ERS will maintain a log of the following in an Excel file:

1. SWPU ID number
2. Whether the application is a duplicate of a previously submitted application
3. Generator’s name
4. Waste description
5. Whether the current application is to add more waste or extend the time of an existing minor modification.
6. Amount to be disposed of
7. Disposal frequency
8. Whether the application was held for receipt of information, and what that information was
9. Date on which his review was completed
10. Recommendation to Approve or Deny the application, and whether the application was Administratively Incomplete (denied without review).
11. If a rush review is approved:
   a. Approval date
   b. Approval time

The SWPU Supervisor will maintain a log of the following in an Excel file:

1. Date of review
2. Recommendation or decision
Minor permit modification application is to be DENIED without review if any of the following are true.

1. **Illegible:** Significant information on one or more documents was not easily legible.

2. **Form:** Use of the Waste Characterization Form instead of the Solid Waste Profile is required for submissions received after March 31, 2004.

A. **Responsible Parties:** Missing or incomplete information for:
   1. Generator
   2. Transporter
   3. Contractor (N/A is ok)
   4. Laboratory (N/A is ok)

B. **Waste Description**
   1. Anticipated total weight was omitted.
   2. Length of time was omitted.
   3. Process description was omitted or was not sufficiently detailed.

C. **Hazardous Potential**
   1. One or more questions in Section C were blank or completed “N/A.”

D. **General Characteristics**
   1. Constituent weight percents were omitted or do not add to 100%.
   2. Consistency was not checked.
   3. Percent solids and/or method for determining were not provided for sludge.
   4. Color was not provided.
   5. Odor was not provided.

E. **Miscellaneous**
   1. Place of generation was not provided.

F. **Documents Enclosed**
   Following documents were omitted: 
   - MSDS
   - Chain of Custody
   - Lab Manager Signature
   - Lab Report
   - Analytical Summary
   - Photo
   - Report
   - Map
   - Other (specify)

G. **Generator Certification**
   not completed, or was completed improperly.

H: **Minor Permit Modification Application**
   1. **Analyses:** More than 1 yr old
   2. 

Notes:
________________________________________________________________________________
________________________________________________________________________________
________________________________________________________________________________
________________________________________________________________________________
________________________________________________________________________________

http://www.wvdep.org/item.cfm?ssid=10

February 2, 2004
Reviewing Special Waste Applications

February 2, 2004

Purpose

The purpose of requiring minor permit modifications, and therefore reviewing, applications for minor permit modifications to accept special waste, is to help competent, well-intentioned generators or their contractors, and competent, well-intentioned landfills from mistakenly disposing of hazardous waste or other prohibited waste in a municipal solid waste landfill.

The purpose of these Guidelines is to assist the reviewers of applications to make correct and consistent decisions to grant or deny permit modifications.

Application and Review

The Generator or its agent, usually a Contractor, completes a Waste Characterization Form and attaches relevant MSDSs, laboratory reports, and other information. The Waste Characterization Form and attachments are submitted to the Landfill.

The Landfill completes the Application for Minor Permit Modification to Accept Special Waste, and forwards the complete application package to the Solid Waste Permitting Unit.

The Solid Waste Permitting Unit (SWPU) reviews the Application. The ERS III and the SWPU Supervisor conduct the SWPU review. Next, the Assistant Director determines, based on information provided with the Application and the recommendations of SWPU reviewers, whether to grant or deny the minor permit modification. If the permit modification is granted, the Landfill may accept the waste.

General Guidelines for Review

Remembering that the purpose of requiring minor modifications is to help prevent capable and well-intentioned people from making mistakes, the reviewer should use common sense in making decisions and give the generator and landfill the benefit of the doubt.

Review for Administrative Completeness

Legibility

All information relevant to disposal of the waste must be easily legible. If relevant information cannot be read at arm’s length, consider it not to be easily legible.

Some documents may have information, like company name, repeated on each page. If this repeated information is illegible on some pages, but no attempt at deception is apparent, the documents should be accepted as being legible. If information that is not relevant to the disposal of the waste, such as a laboratory telephone number, is not legible, but the relevant information is legible, the document should be accepted as legible. Signatures that are illegible due to the signer’s poor handwriting should be accepted.

Responsible Parties

Enough information must be provided to allow the DEP to contact each Responsible Party.

Generator Certification

All blanks must be completed.
Review of Waste Characterization Form

Process Description

Review the composition and characteristics of the waste. Could the described process reasonably be expected to generate this waste?

Hazardous Potential

All blanks must be completed with “Yes” or “No.” If they were not, the application is administratively incomplete.

Constituent Weight Percents

The Generator must make a good faith effort to estimate accurately the weight percents of each constituent that is significant for the disposal of the waste. The weight percents must add to 100%, taking into account the constituents occurring at less than 1% by weight.

Percent Solids

The Generator must make a good faith effort to estimate accurately the percent solids, or to provide the appropriate test results. For sludge or material that used to be sludge, only moisture/solids determinations by EPA method 160.3 or 2540 are acceptable. If the Generator solidified the sludge, the method 160.3 or 2540 results must be provided. If the landfill solidified the sludge, a paint filter test is required.

Review of Application for Minor Permit Modification to Accept Special Waste

All information must be provided.

Review of Laboratory Analyses

Chain of Custody

A Chain of Custody must be provided for each sample. Samples must have been collected less than one year before the date that DEP received the minor modification application. If the Chain of Custody is not included for any sample, or if any sample is more than one year old, the application is administratively incomplete.

Laboratory Certification

A Laboratory Certification bearing the appropriate signature must be provided for each set of laboratory analyses. Preliminary laboratory results are not acceptable. If the Laboratory certification is not included for any sample, the application is administratively incomplete.

Analyses

Note the Analytical Guidelines for Special Waste, above.

Compare the sample numbers and requested analyses on the Chain of Custody with the analytical reports. The Generator must provide all analyses that were conducted on the waste and that are relevant to its disposal. If it appears that results were not provided for some samples or for some significant tests, the application is administratively incomplete.
The laboratory report should state clearly which tests were performed and what the results were. Check the qualifiers. If the laboratory report is not clear, or if results are invalid according to the qualifiers, the application is administratively incomplete.

**Review of MSDS**

If the waste is fully described by the MSDS, the MSDS is sufficient for characterizing the waste. If the material described by the MSDS is mixed with other materials, the other materials must also be characterized. If for any other reason the MSDS does not fully describe the waste, additional characterization is required.

As the following points are reviewed, highlight the MSDS with an orange or pink highlighter as an aid to subsequent reviewers. By using orange or pink, the highlights will be visible on photocopies.

**Product**

Verify that the provided MSDS represents the material present in the waste. Be skeptical if the MSDS is from a different manufacturer than the waste.

**NFPA and/or HMIS codes**

If NFPA and/or HMIS codes are given, check them for hazards that may be associated with this waste. Consider whether the permit modification should require special provisions for worker safety. Explanations of specific codes are attached. Following is an explanation of these two hazard code systems.

“**HMIS** is a complete system designed to aid employers and their employees in day-to-day compliance with OSHA's Hazard Communication Standard. It includes hazard evaluations; a rating system for acute and chronic health, flammability and physical hazards; labels providing at-a-glance information on the hazards and PPE; employee training; and a written compliance program. HMIS was developed by the NPCA.”* HMIS codes rate health effects, flammability, and physical hazard (approximately the same concept as reactivity or instability) on a 0 (less hazardous) to 4 (more hazardous) scale. HMIS has gone through two revisions, and these comments refer to HMIS III. Earlier versions of the HMIS used rated “reactivity” rather than “physical hazard.”

“**NFPA** is a fire protection hazard warning system designed to provide rapid, clear information to emergency responders on materials under conditions of fire, chemical spill, or other emergency situations. This labeling system was developed by the NFPA. Like HMIS, it includes labels and a numerical rating system, but the basic purpose of the label information is different.”* NFPA codes rate health effects, flammability, and reactivity on a 0 (less hazardous) to 4 (most hazardous) scale.

“The ratings in the Health and Flammability categories [of HMIS and NFPA ratings] are different because the defining criteria are not the same and because HMIS must be concerned with chronic as well as acute health hazards.”*

* Source: http://www.paint.org/hmis/hmis_faq3.cfm

**Regulations**

If the material is classified as a hazardous waste under RCRA, or should not be disposed of in a MSW landfill according to other regulations, the application must be denied.

**Disposal Considerations and Cleanup and Disposal**
Note any special conditions for cleanup of spills, and consider whether the permit modification should require special precautions for worker safety.
**NFPA® Hazard Rating Codes**

### Health Hazard Codes (Blue)

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Danger</td>
<td>May be fatal on short exposure. Specialized protective equipment required</td>
</tr>
<tr>
<td>3</td>
<td>Warning</td>
<td>Corrosive or toxic. Avoid skin contact or inhalation</td>
</tr>
<tr>
<td>2</td>
<td>Warning</td>
<td>May be harmful if inhaled or absorbed</td>
</tr>
<tr>
<td>1</td>
<td>Caution</td>
<td>May be irritating</td>
</tr>
<tr>
<td>0</td>
<td></td>
<td>No unusual hazard</td>
</tr>
</tbody>
</table>

### Flammability Hazard Codes (Red)

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Danger</td>
<td>Flammable gas or extremely flammable liquid</td>
</tr>
<tr>
<td>3</td>
<td>Warning</td>
<td>Flammable liquid flash point below 100° F</td>
</tr>
<tr>
<td>2</td>
<td>Caution</td>
<td>Combustible liquid flash point of 100° to 200° F</td>
</tr>
<tr>
<td>1</td>
<td>Caution</td>
<td>Combustible if heated</td>
</tr>
<tr>
<td>0</td>
<td></td>
<td>Not combustible</td>
</tr>
</tbody>
</table>

### Reactivity Hazard Codes (Yellow)

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Danger</td>
<td>Explosive material at room temperature</td>
</tr>
<tr>
<td>3</td>
<td>Danger</td>
<td>May be explosive if shocked, heated under confinement or mixed with water</td>
</tr>
<tr>
<td>2</td>
<td>Warning</td>
<td>Unstable or may react violently if mixed with water</td>
</tr>
<tr>
<td>1</td>
<td>Caution</td>
<td>May react if heated or mixed with water but not violently</td>
</tr>
<tr>
<td>0</td>
<td>Stable</td>
<td>Not reactive when mixed with water</td>
</tr>
</tbody>
</table>

### Special Notice Key (White)

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>W</td>
<td>Water Reactive</td>
<td>Magnesium metal</td>
</tr>
<tr>
<td>Oxy</td>
<td>Oxidizing Agent</td>
<td>Ammonium nitrate</td>
</tr>
<tr>
<td>Acid</td>
<td>Acid</td>
<td>Hydrochloric acid</td>
</tr>
<tr>
<td>Alk</td>
<td>Alkali or base</td>
<td>Sodium hydroxide</td>
</tr>
<tr>
<td>Corr</td>
<td>Corrosive</td>
<td>Sulfuric acid</td>
</tr>
<tr>
<td>☢</td>
<td>Radioactive</td>
<td>^{137}\text{Cesium}</td>
</tr>
<tr>
<td>☬</td>
<td>Biohazard</td>
<td>Medical waste</td>
</tr>
</tbody>
</table>

HMIS III® Hazard Rating Codes

Health Hazard Codes (Blue)
* Chronic Hazard  Chronic (long-term) health effects may result from repeated overexposure
4 Severe Hazard  Life-threatening, major or permanent damage may result from single or repeated overexposures
3 Serious Hazard  Major injury likely unless prompt action is taken and medical treatment is given
2 Moderate Hazard  Temporary or minor injury may occur
1 Slight Hazard  Irritation or minor reversible injury possible
0 Minimal Hazard  No significant risk to health

Flammability Codes (Red)
4 Severe Hazard  Flammable gases, or very volatile flammable liquids with flash points below 73° F, and boiling points below 100° F. Materials may ignite spontaneously with air. (Class IA)
3 Serious Hazard  Materials capable of ignition under almost all normal temperature conditions. Includes flammable liquids with flash points below 73° F and boiling points above 100° F as well as liquids with flash points between 73° F and 100° F. (Classes IB & IC)
2 Moderate Hazard  Materials that must be moderately heated or exposed to high ambient temperatures before ignition will occur. Includes liquids having a flash point at or above 100° F but below 200° F. (Classes II & IIIA)
1 Slight Hazard  Materials that must be preheated before ignition will occur. Includes liquids, solids and semi solids having a flash point above 200° F. (Class IIIB)
0 Minimal Hazard  Materials that will not burn

Physical Hazard Codes (Orange)
4 Severe Hazard  Materials that are readily capable of explosive water reaction, detonation or explosive decomposition, polymerization, or self-reaction at normal temperature and pressure.
3 Serious Hazard  Materials that may form explosive mixtures with water and are capable of detonation or explosive reaction in the presence of a strong initiating source. Materials may polymerize, decompose, self-react, or undergo other chemical change at normal temperature and pressure with moderate risk of explosion
2 Moderate Hazard  Materials that are unstable and may undergo violent chemical changes at normal temperature and pressure with low risk for explosion. Materials may react violently with water or form peroxides upon exposure to air.
1 Slight Hazard  Materials that are normally stable but can become unstable (self-react) at high temperatures and pressures. Materials may react non-violently with water or undergo hazardous polymerization in the absence of inhibitors.
0 Minimal Hazard  Materials that are normally stable, even under fire conditions, and will NOT react with water, polymerize, decompose, condense, or self-react. Non-Explosives.

See the HMIS Implementation Manual for complete descriptions of rating categories.

http://www.wvdep.org/item.cfm?ssid=10