

Division of Water and Waste Management
(Waste)

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**Hazardous Waste Treatment, Storage and
Disposal Facility Permit DWWM-2**

Hazardous Waste Management Emergency Permit DWWM-3

Solid Waste Permit DWWM-4

e-mail: <http://www.dep.gov>

The Division of Water and Waste Management (DWWM) manages environmental safety issues related to the generation and disposal of waste. Compliance is monitored with permit conditions and regulatory requirements at hazardous waste facilities. It enforces technical and financial assurance requirements related to the processing and disposal of solid waste. Oversight is also provided for the operation and closure of underground storage tanks and performing site inspections.

The Division of Waste Management is guided by the following laws and rules: WV Code, Chapter 22, Articles 15-19; rules 33 CSR Series 20, Articles 35-38. The rules require permit applicants to solicit public comments on proposed permits and major permit modifications. Permits may have unique public participation requirements, as described below.

Hazardous Waste Treatment, Storage and Disposal Facility Permit

Purpose

To ensure the proper treatment, storage or disposal of hazardous waste.

Who Must Apply

Anyone constructing, operating, modifying or closing a hazardous waste treatment, storage or disposal facility.

Generators of hazardous waste must apply for a treatment, storage or disposal facility permit under the following conditions:

Large-quantity generators (1000 kg or more of hazardous waste a month) must apply for a permit if waste is stored for more than 90 calendar days. Hazardous waste stored for 90 calendar days or less must be held in containers, tanks or containment buildings.

Small-quantity generators who generate less than 1,000 kg of hazardous waste in a month and who accumulate more than 6,000 kg of hazardous waste for more than 90 days (or for more than 270 calendar days if the distance for transport is more than 200 miles) must apply for a permit. Hazardous waste stored for 180 calendar days or less must be held in containers, tanks or containment buildings.

Any person or facility that treats, stores or disposes of hazardous waste generated by another owner or operator must apply for a permit. These facilities may be considered to be commercial hazardous waste management facilities and therefore, subject to additional requirements.

Related Laws/Rules

Laws

Hazardous Waste Management Act-WV Code, Chapter 22, Article 18

Commercial Hazardous Waste Facility Siting Approval-WV Code, Chapter 22C-6

Commercial Hazardous Waste Management Facility Siting Board-WV Code, Chapter 22c-5

Rules

Hazardous Waste Management Rule-33 CSR Series 20. The Hazardous Waste Management Rule incorporated EPA regulations (40 CFR, Parts 260-279) by reference.

Commercial Hazardous Waste Management Siting Fees-33 CSR Series 21
Hazardous Waste Management Fee Rule-33 CSR 24

Length of Permit

Permits are issued for ten years

Fees

Fees range from \$3,750 to \$25,000 per unit. If cumulative total of fees imposed equals or exceeds \$50,000, fees can be paid over a three-year period.

Typical Requirements of Owner/Operator(s)

Submit part A and part B permit applications that outline the proposed method of treatment, storage or disposal of hazardous waste. (EPA regulation 40 CFR, part 264 outlines federal requirements for treatment, storage, or disposal facilities. EPA regulation 40 CFR, part 270, outlines content requirements for part A and B permit applications.)

Public Participation

Place a public notice (class 1 legal advertisement) with a 45 calendar day public comment period in a local newspaper. The public comment period also must be advertised on one AM and on FM radio station in the area.

Public notice must be sent to individuals on the Hazardous Waste Management Section's mailing list and to state and federal agencies required by law or regulation.

A public hearing is conditional, based on the level of public interest in issues relevant to the draft permit.

Renewal Period

The permittee must apply for a permit renewal at least 180 calendar days before the current permit expires.

Contact

Hazardous Waste Management Section: (304) 926-0499, Ext. 1295

Application Processing Time

Technical review - 7 to 15 calendar months (depending on the completeness and complexity of the application)

Public participation - 2 to 3 calendar months

Total time required - 9 to 18 calendar months

Other Approvals

Applicant must receive an air pollution control permit for hazardous waste treatment in incinerators, boilers, industrial furnaces, and miscellaneous thermal units from the Division of Air Quality (DAQ).

Applicant also must receive approval from the Commercial Hazardous Waste Management Facility Siting Board (for new commercial hazardous waste management facilities).

Hazardous Waste Management Emergency Permit

Purpose

To allow for emergency treatment, storage or disposal of hazardous waste when an imminent and substantial danger to human health or the environment exists.

Who Must Apply

Permitted facilities seeking to treat, store or dispose of a hazardous waste not covered by an existing permit and non-permitted facilities seeking to store, treat or dispose hazardous waste.

Related Laws/Rules

Law

Hazardous Waste Management Act – WV code, Chapter 22, Article 18

Rules

Hazardous Waste Management Rule – 33 CSR, Series 20

The Hazardous Waste Management Rule incorporates EPA regulation (40 CFR, parts 260-279) by reference.

Length of Permit

Permits are valid for 90 calendar days

Fees

\$500 – Federal, state and local government agencies are exempt from fees.

Typical Requirements

Submit a written request that outlines the proposed method of treatment, storage or disposal of hazardous waste. (EPA regulation 40 CFR, part 264 outlines federal requirements from treatment, storage or disposal facilities).

Typical Application Requirements for New Solid Waste Facilities

- Submittal of a Part I application (site evaluation); and upon approval,
- Submittal and approval of a Part II (design) application.
- Applicant must concurrently receive a solid waste facility National Pollutant Discharge Elimination System (NPDES) permit from the DEP Division of Water and Waste Management (DWWM). In most cases, a NPDES permit and the operating permit are processed at the same time as a single permit.
- Background Investigation Disclosure Statement.
- Bonding/Financial Assurance documentation.

Public Participation

Pre-sitting requirements

- The applicant must place a Class II legal advertisement in a qualified local newspaper.
- A public hearing must be held in the community affected.

Draft permit requirements

- The DWWM must publish a Class II legal advertisement in a qualified newspaper serving the community affected.
- A public hearing may be held if there is a significant degree of public interest on issues relevant to the draft permit. During the public comment period any person may submit written comments and may request a public hearing. If a public hearing is held, the comment period will be extended for an additional 10 calendar days to receive additional public comments.
- Applicant must respond to all written comments by certified mail.
- After the agency makes a decision on the permit, interested parties may file an appeal (within 30 calendar days) with the Environmental Quality Board.

Renewal Period

Solid waste permits must be renewed every five years. Permittee must submit a complete permit renewal application at least 180 calendar days before is current permit expires.

Contact

(304) 926-0499, Ext. 1295

Application Processing Time

Completeness review – 30 calendar days

Technical review – up to 6 calendar months (depending on the type and complexity of the application)

Public participation – 2 to 3 calendar months

Response to public comments and final permit decision - 60 calendar days

Total time required: approximately 1 year