

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Bureau of Waste Management**

**DOCUMENT NUMBER:** 251-2100-755

**TITLE:** Guidance Manual for Permitting of New Commercial Hazardous Waste Treatment and Disposal Facilities

**EFFECTIVE DATE:** Upon publication as final in the *Pennsylvania Bulletin*.

**AUTHORITY:** The Hazardous Sites Cleanup Act (HSCA, Act 108 of 1988), The Solid Waste Management Act (SWMA, Act 97 of 1980) and the regulations issued pursuant to that legislation at 25 Pa. Code Chapters 260a to 270a.

**POLICY:** It is the policy of the Department of Environmental Protection (DEP) to carry out the requirements of HSCA, Section 309 by developing this manual. Furthermore, the DEP implements the SWMA in accordance with the regulations contained in 25 Pa. Code Chapters 260a – 270a, as described in this guidance manual.

**PURPOSE:** DEP has developed this manual to assist applicants in understanding DEP’s process of permitting commercial hazardous waste treatment and disposal facilities. This manual provides information on the separate phases and siting of new facility sites. This document replaces the existing “*Guidance Manual for Permitting of Commercial Hazardous Waste Treatment or Disposal Facilities*”.

**APPLICABILITY:** The guidance in this manual is applicable to any person or person submitting a permit application to the DEP for a new commercial hazardous waste treatment and/or disposal facility.

**DISCLAIMER:** The policies and procedures outlined in this guidance document are intended to supplement existing requirements. Nothing in the policies or procedures will affect regulatory requirements.

The policies and procedures herein are not an adjudication or a regulation. There is no intent on the part of DEP to give these rules that weight or deference. This document establishes the framework within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

**PAGE LENGTH:** 18 pages

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## **INTRODUCTION**

In 1988 the Pennsylvania state legislature passed the Hazardous Sites Cleanup Act (HSCA), which required a number of changes to assist and expedite the siting of new commercial hazardous waste treatment and disposal facilities in the state. To clarify these changes and to assist applicants through the lengthy and often complex permitting process, Section 309 of HSCA required the development of a guidance document to explain the permitting process and application requirements.

This guidance document will serve as a road map to the permitting process, answering the most commonly asked questions and providing the references to forms and information necessary to complete an application. This should reduce the amount of time needed for the applicant to complete an acceptable application and make review of applications more efficient for the DEP. This document also contains some information which, while not directly pertinent to the permitting process, is important for the applicant to know.

In addition, this guidance document provides host municipalities and the general public information to make their opportunities for the involvement in the permitting process more productive. The DEP believes that the better the public understands the permitting and application review process, the greater will be the public's trust in the final permit decision. Additionally, this type of permit is considered a trigger permit under DEP's Environmental Justice Policy (015-0501-002). Permit applicants are encouraged to consult the [PennEnviroScreen](#) tool to see if their project falls in a designated Environmental Justice Area which would automatically trigger this policy. This tool can also provide information on burdens and vulnerabilities faced by the community, which may come up during the permitting process. DEP staff is available to assist in this process.

This document contains a brief narrative description of the process requirements and review procedures.

## **DEP'S HAZARDOUS WASTE FACILITY SITING TEAM**

HSCA requires the DEP to establish a Hazardous Waste Facilities Siting Team (Siting Team) to ensure prompt and consistent actions on commercial hazardous waste treatment and disposal permitting applications. HSCA requires the Secretary to appoint a Siting Team consisting of DEP personnel with the particular expertise necessary for the complete review of permit applications for new commercial hazardous waste treatment and disposal facilities. In implementing the Siting Team requirements, the DEP has determined that the appointment of a Siting Team Leader is essential. The Secretary appoints the Team Leader, who reports directly to the Secretary. The responsibilities of the Team Leader are to ensure that a team of experts (in both Central and the Regional Offices) are assigned to specific technical, legal and advisory roles so that applications move quickly through the review process.

The Siting Team Leader's responsibilities are to:

- serve as the first point of contact within DEP for developers and the public on the hazardous waste facility siting process;
- provide consultation and guidance to the regulated community and public on the hazardous waste siting process;
- chair public meetings and hearings on siting applications and the siting process;
- ensure that the team is adequately staffed;
- regularly brief the Secretary and key staff members of the status and issues on siting applications;
- develop policy and procedures, in consultation with the advisory personnel, specific to the siting program;
- provide responses to applicants and the public on siting issues and site-specific permit applications.

The Siting Team members' functions are to:

- conduct technical review of applications;
- report to the Siting Team Leader on a regular basis on the progress of each application;
- assist with site visits;
- anticipate technical issues which could delay the permitting process and bring them to the attention of the Team Leader for resolution;
- consult with the Team Leader to ensure that adequate staff and expertise are readily available to all aspects of the review in a timely manner.

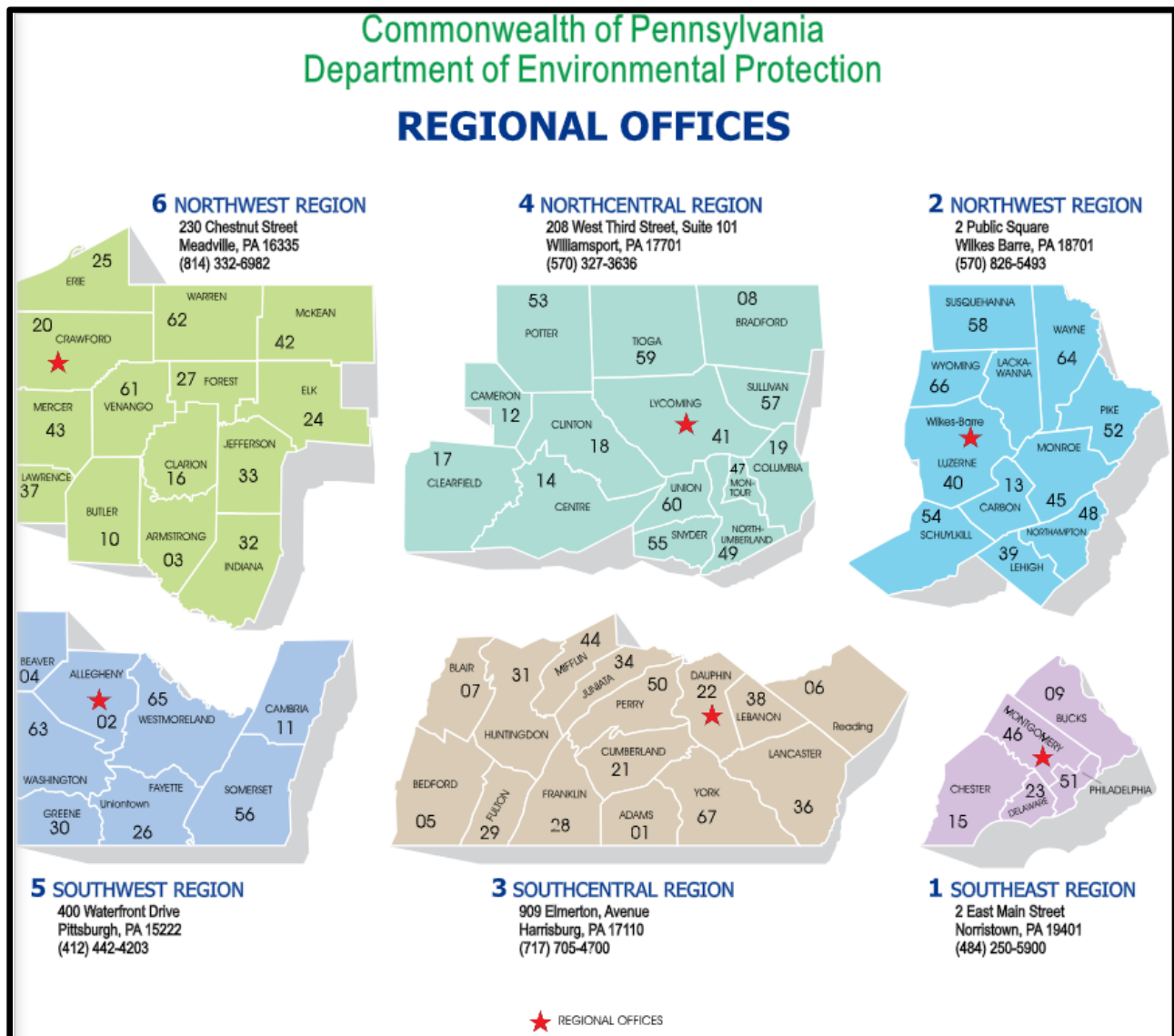
The Siting Team is also supported by an advisory group consisting of policy level and legal staff, which are available to consult with the Team or Team Leader to provide prompt and consistent decisions on policy and procedural issues.

### Informal Conferences

The DEP encourages developers, local government and the public to contact the Siting Team Leader at any point in the siting process to discuss:

- how the siting process works;
- where to get information;
- host community benefits;
- public participation;
- other areas of concern or interest in the hazardous waste siting process.

The DEP Siting Team Leader can be contacted at the regional office that provides service to the location of the proposed facility site. The DEP Central Office Hazardous Waste Management Division Chief can be reached at: 400 Market Street; Harrisburg, PA 17105; Telephone: 717.787.6239.



## **STEPS IN THE PERMITTING PROCESS**

Below is a simplified listing of the permitting process for a new commercial hazardous waste treatment or disposal facility. Following this outline is a detailed section on each of these steps.

### **Step I - Pre-Application Process**

- Applicant starts and submits DEP Permit Application Consultation Tool (PACT). (<https://www.ahs.dep.pa.gov/PACT/>)
- Applicant submits pre-application materials to DEP Siting Team Leader.
- Applicant has pre-application meeting and field visit of proposed site.
- Meeting summary is prepared and distributed.
- If the facility site located in an Environmental Justice (EJ) area, DEP's EJ Public Participation Policy is followed. Otherwise, the applicant will still need to follow the standard public participation procedures as explained in the sections that follow.

### **Step II – Phase I Exclusionary Criteria Review**

- Applicant submits the following application information:
  - Exclusionary siting criteria information (Module 9),
  - Part A of hazardous waste permit,
  - Geology and soils information (if applicable),
  - Compliance history (Form HW-C).
- Siting Team reviews the siting information for completeness.
- DEP holds at least one public information meeting and a public hearing on the complete application.
- Siting Team makes decision on site suitability.

If the site meets exclusionary criteria, the process continues.

### **Step III – Phase II Exclusionary Criteria Review and Operations and Design Application Process**

- Applicant submits the remainder of the application information:
  - Facility design and operation,
  - Non-exclusionary siting criteria and
  - Appropriate application fees.
- Siting Team reviews application for completeness. If application is complete, process continues and at least one public meeting is held by the applicant.
- If application is incomplete it is returned to the applicant along with a written notice of what is needed to make it complete.
- Siting Team conducts and finalizes technical review of application and makes recommendations to the Secretary.
- Secretary publishes draft permit or notice of intent to deny in *Pennsylvania Bulletin*.

**Step IV - Permit Decision**

- DEP holds public hearing and accepts written public comments on draft permit or notice of intent to deny.
- Siting Team reviews public input and makes recommendations to DEP Secretary.
- Secretary issues notice of intent to either approve or disapprove the permit within 30-days of Siting Team recommendation.

**STEP I - THE PRE-APPLICATION PROCESS**

<b>Overview</b>	
<b><u>DAY*</u></b>	
0	Applicant submits pre-application information to DEP Siting Team Leader.
15	Siting Team notifies applicant and other involved agencies of pre-application conference and field visit.
16-44	Siting Team, local agencies and other agencies review submitted information.
45	Siting Team, applicant and involved agencies meet to discuss the siting criteria and visit the site.
60	Applicant notified in writing of the results of the pre-application meeting and site visit.
*Timeframes are estimates.	

**Pre-Application Meeting**

The pre-application meeting is intended to provide developers with an understanding of the hazardous waste treatment/disposal permitting process and to establish a meaningful dialogue between the developer, the local community and the DEP so that the process can move expeditiously toward timely permitting decisions. The applicant, the applicant’s consultant, a representative from both the host municipality and county and appropriate members of the Siting Team will be invited to attend the meeting. Where the developer has elected to follow the DEP’s guidance for meaningful public participation, the developer will have already identified and started to work with a lead local interest group by the time a pre-application meeting is held. This group will also be invited by DEP to participate in the pre-application process. A facility site located in an Environmental Justice (EJ) Area will have enhanced public participation throughout the permitting process. Please refer to DEP’s EJ Public Participation Policy to determine applicability and details on the heightened level of public participation in EJ areas.

Where applicable, the DEP will ensure the EJ Public Participation Policy is maintained during the project.

Prior to requesting a pre-application meeting, the developer should assemble and forward the following information to the Siting Team Leader:

- a current 7½-minute USGS topographic map showing the proposed location of the facility.
- a scaled map of the proposed facility in sufficient detail so that the facility site boundaries can be determined.
- Phase I exclusionary siting criteria data.
- a brief narrative describing the proposed monitoring program for surface and groundwater and the basis for the proposed monitoring program (if applicable).
- any other hydrologic/geologic data (if applicable) that may already be assembled for the site.

The applicant, host municipality, host county, local interest group and other appropriate agencies will be notified of the receipt of the pre-application submittal. Appropriate portions of the submitted materials will be provided to the team members, local agencies and other agencies for review. After the materials have been distributed, a pre-application meeting and field visit will be scheduled. The time between scheduling and holding the meeting will give all involved parties an opportunity to review the materials and assemble information on the proposed facility site. The applicant must provide public notice according to 25 Pa. Code Section 270a.83 at least 30-days prior to the preapplication public meeting.

The public meeting and site visit will be held in the vicinity of the proposed site. At the meeting and site visit the applicant will receive:

- input from the Siting Team on the adequacy of the proposed monitoring plan (if required) and any changes needed to make it complete;
- an early assessment of the compatibility of the proposed site with the exclusionary criteria;
- an indication of the potential problems with the site, e.g. groundwater, public and private water supplies, species of special concern, wetlands, if applicable;
- other potential site problems or deficiencies which may preclude further consideration of the site or which should be addressed by the applicant prior to submittal of the siting application. For example, if the proposed site, or the area within ¼ mile of the site, contains archaeological resources, based on information obtained by the applicant or the Siting Team, the Pennsylvania Historical and Museum Commission will be requested to participate in the process of identifying potential impacts, and discussing possible mitigation.



### **Post-Meeting Written Summary**

After the pre-application meeting and site visit and as per 25 Pa. Code § 270a.83(c), the applicant will submit a written summary of the meeting, along with a list of attendees and their addresses to DEP. This summary will also be given to the host county/municipality observer and will be available to the public upon request.

The above process should assist the applicant in determining if the site selected has problems which could affect its suitability for a hazardous waste treatment/disposal facility. It should also help minimize misunderstandings as to what information is needed for the complete permit application.

While the Siting Team encourages applicants to fully utilize the pre-application process described above, the applicant may request that the Department waive the pre-application meeting, if the applicant believes that they have fully investigated the site prior to submitting the application.

## STEP II - PHASE I EXCLUSIONARY CRITERIA REVIEW

### Overview

#### MONTH\*

- 0 The applicant submits the completed Phase I siting application to the Siting Team Leader and should provide written notice to the host municipality and host county. The Siting Team notifies the host municipality and county when it receives the application. The Siting Team determines if the Phase I siting application is administratively complete. If the Phase I siting application is incomplete, the applicant will receive an Administrative Incompleteness letter indicating the missing information. If determined to be administratively complete, the Siting Team Leader notifies the applicant. The applicant is then requested to submit additional copies of the application. When the Phase I siting application is determined to be administratively complete, a full technical review begins. The Siting Team Leader notifies all involved agencies and groups of the administratively complete application, sends copies of the application to host municipality and county and publishes notice of receipt of the administratively complete application in the *Pennsylvania Bulletin*.
- 1.0 Siting Team Leader publishes notice of informational meeting and public hearing.
- 2.0 Siting Team holds public informational meeting.
- 3.5 Siting Team holds public hearing. The public hearing may be held immediately following public meeting or may be held as stand-alone event.
- 4.0 Public record on application closes. The DEP will continue to accept comments up to 15-days beyond the close of the public hearing.
- 5.0 Siting Team will complete review of the Phase I siting application considering the public comments. Siting Team Leader then notifies appropriate agencies and groups of its decision on siting application. If the Phase I siting application is acceptable, the applicant will be notified to submit the Phase II application (Part B) including Phase II siting criteria and operations and design plans. If the application for Phase I siting criteria is unacceptable, the DEP will issue a Notice of Intent to Deny letter to the applicant. Siting Team will develop a “comment and response” document on all public comments received in regard to the Phase I siting application.

\*Timeframes are estimates.

HSCA requires the DEP to determine whether the proposed site conforms to the Phase I siting criteria established pursuant to the Pa. Code (Title 25, Chapter 269a.21-29, Subchapter A) within five months of receipt of a complete Exclusionary Criteria application. The Phase I Exclusionary Criteria are reflective of the proposed physical facility site. It is not to evaluate operations at the proposed facility. Note: The applicable Phase I exclusionary criteria to be met are prescribed by regulation and based on the permissible activity(ies) planned at the facility.

Prior to conducting the technical review for Phase I, the components of the Phase I siting application will first be reviewed for administrative completeness. The DEP's goal is to complete the administrative completeness review within 30-days of receiving the Phase I siting application.

### **Submittal Components**

Because of the interrelation of information needed to make a decision on the Phase I Exclusionary Criteria, a complete siting application will require the following information to be submitted:

- Part A - Hazardous Waste Permit Application (EPA Form 8700-23)
- Part B (select components)
  - Geologic Information
  - Soils Information
- Proof of Public Notifications
  - Host County and Municipality
  - Adjacent landowners
  - Counties and municipalities within ½ mile
  - Newspaper notices
- General Information Form (GIF) 0210-PM-PIO0001)
- Form HW-B – Hazardous Waste Professional Certification (2510-FM-BWM0227)
- Form HW-C - Compliance History (2540-FM-BWM0058)
- Form HW-E – Hazardous Waste Landowner Consent (2510-FM-BWM0229)
- Phase I Exclusionary Criteria – Module 9 (form 2510-FM-LRWM0008 8/2000) – Section A, B, C

Part A of the Hazardous Waste Permit Application contains general information about the site owner and its location, wastes planned to be managed, and technical information describing the processes to be used at the site.

Part B – The applicant provides site-specific information on soils and geology which are needed to answer questions regarding the Phase I Exclusionary Criteria, e.g., water supply (269a.21); wetlands (269a.23); and carbonate bedrock areas (269a.25), if applicable.

Proof of public notifications are to be provided with the Phase I siting application submittal. The applicant should notify the host county and municipality, adjacent landowners, counties and municipalities within one half mile of the proposed facility site. Notice of the application are to be published in two daily local newspapers once a week for two consecutive weeks. Copies of these notices and proof of delivery are to be included with the Phase I application. Contact the DEP for an example of an acceptable public notice.

A General Information Form (GIF) is submitted to assist DEP with identifying permits and authorizations needed for an activity that may facilitate program coordination. Eventual construction of new hazardous waste treatment and/or disposal facilities will require multiple DEP programs' involvement throughout the project.

Form HW-B – Hazardous Waste Professional Certification is provided to ensure that the

data, drawings and reports utilized in the application were prepared in accordance with accepted professional practices of engineering and geology.

Form HW-C - Compliance History is needed so that DEP can make a determination of the applicant's prior compliance record. Where outstanding violations exist, or where the applicant has demonstrated an unwillingness or inability to comply with environmental regulations, these issues could affect the applicant's ability to obtain a permit for a hazardous waste treatment or disposal facility.

Form HW-E – Hazardous Waste Landowner Consent is required by the applicant for each owner owning a parcel of land within the permit area. Form HW-E gives DEP the permission to enter the facility for the purposes of inspection at reasonable times upon the permittee's premises and access to records kept under conditions of the permit.

Phase I criteria are exclusionary in nature and prohibit the siting of facilities in certain areas including in the vicinity of drinking water supplies, in flood hazard areas, in wetlands, over oil or gas wells, over carbonate bedrock areas, within national natural landmarks or historic sites, on lands in public trust, on Class I agricultural land, or in watersheds of exceptional value waters (25 Pa. Code §§ 269a.21–29).

### **Application Completeness Review**

Upon receipt, the Siting Team will determine if the Phase I Siting Criteria application is administratively complete. If the application is deemed complete, a notice of receipt of the application is published in the PA Bulletin. The five-month technical review will then start.

If the Phase I Siting application is incomplete, an Administrative Incompleteness letter indicating the missing information will be issued to the applicant from DEP. The DEP will give the applicant a timeframe to respond to the deficiencies. If the applicant does not provide the missing information requested in a timely fashion, the application will be returned to the applicant and no further action will be taken by the DEP. If the applicant wishes to resubmit the application, all public notifications must be repeated at the time of resubmittal and the process is repeated.

### **Technical Review of the Application**

The Siting Team will conduct a detailed review of the application within five months of submittal of the complete application to assure that the proposed site complies with the Phase I Exclusionary Criteria. Deficiencies in the Phase I application will be identified, and a Notice of Deficiency (NOD) letter will be sent to the applicant where more information is needed. For the purposes of expeditious review, all deficiencies in the Phase I application must be corrected and evaluated by the end of the five-month review process. Therefore, the applicant should respond to NODs in a timely manner. If the applicant has failed to adequately address all noted deficiencies in the Phase I application by the end of the fifth month, the Siting Team Leader has no recourse but to recommend denial of the application to the Secretary.

## **Public Informational Meeting**

During the course of the technical review, the Siting Team must hold a public informational meeting on the siting application and siting process. This meeting should be held within sixty days of acceptance of the complete application. Notice will be given at the time the Siting Team accepts the application. In addition to direct notification of certain parties, the notice will also be published in two local newspapers of general circulation in the area of the proposed site. The notices will run once a week for two consecutive weeks.

This meeting is intended to:

- Inform the public of the hazardous waste siting process.
- Discuss the siting application under review.
- Discuss possible environmental impacts of the proposed facility.
- Answer questions from the audience on the review and permit process.
- Give the public information that will assist them in preparing comments or testimony for the later public hearing.

## **Public Hearing**

A public hearing will be held on the siting application within three- and one-half months after the acceptance of the application. Public notice will be given at least thirty days prior to the hearing, with the public comment period extending fifteen days after the close of the hearing. The public hearing is strictly for the purpose of submitting oral or written testimony. The hearing will be chaired by the Siting Team Leader, with a stenographer present to record testimony and prepare a verbatim record of the hearing. Testimony will be limited to comment on the complete siting application. Those wishing to testify are requested to prepare concise comments, since it is necessary to limit commentators to a specific time at the podium so that all who wish to testify have an opportunity to do so. Commentators are encouraged to contact the Siting Team Leader prior to the public hearing so that all those wishing to testify are accommodated. Commentators are also encouraged to prepare a written summary of their comments and present them to the hearing chairperson at the time of their testimony. In the event an interested party is unable to attend the hearing and wish to provide comments, the DEP will accept comments via email.

It is important to note that those testifying orally should address their comments to the Phase I Exclusionary Criteria application. The Phase I Exclusionary Criteria are the criteria which the Siting Team must act upon during the first five months of review and will be the comments which the DEP will consider in preparing its comment and response document on the Phase I application.

The public record will remain open to written and electronic comments for fifteen days after the public hearing. Written and electronic comments are to be sent to the Siting Team Leader in the DEP Regional Office (See Page 3).

### **Siting Team Final Determination**

In preparing its final determination on the Phase I exclusionary siting application, the Siting Team will consider the information submitted by the applicant, comments received at the public meeting, hearing and prior to the closing of public comment period, as well as other information available to DEP. The Siting Team will prepare a written summary of the application, and a comment and response document addressing testimony received at the public hearing and how that testimony entered into the siting decision.

Those individuals or groups that provided oral or written comments during the public comment period will receive a copy of the comment and response document upon request. The comment and response document may also be available on DEP's community website for the proposed facility.

### **Final Determination on Exclusionary Criteria**

The applicant will be notified of the DEP's final determination on the Phase I siting application within five months of acceptance of the complete application. If the DEP determines that the site is unacceptable for a hazardous waste disposal/treatment facility, a Notice of Intent to Deny letter will be issued to the applicant. In the event of a denial, the applicant has the right to appeal that decision to the Environmental Hearing Board, following rules established by the Board (see 25 Pa. Code Chapter 1021). The applicant also has the option to resubmit the Phase I application, in which case, Phase I Exclusionary Criteria review is repeated.

This decision relates only to the Phase I Exclusionary Criteria. It is very important to remember that while the site may be shown to be acceptable under the Phase I siting evaluation, the applicant still must satisfy the Phase II siting criteria and the full permit application review before a hazardous waste facility permit can be issued. Written Phase I siting approval will notify the applicant to proceed with the full application, subject to any conditions established in the Phase I evaluation.

**STEP III – PHASE II EXCLUSIONARY CRITERIA REVIEW AND PART B PERMIT APPLICATION PROCESS**

<b>Overview</b>	
<u>MONTH*</u>	
0	Prior to submitting a Part B permit application, the applicant holds a public information meeting after a 30-day multi-media notification. The applicant submits full Part B permit application. Within 90-days the Siting Team determines if the application is complete. If the application is determined by DEP to be administratively complete, then the ten-month technical review process is initiated.
1	Siting Team issues NOD addressing technical deficiencies in application.
4	Applicant submits responses to deficiencies.
5	Siting Team completes second technical review and holds pre-denial conference if application still technically incomplete.
7	Applicant submits final corrections to application deficiencies.
8	60-day host municipality review period begins.
10	Siting Team completes technical review of application and prepares recommendation to the Secretary to publish draft permit and fact sheet or to deny the permit application.
11	Secretary publishes notice of intent to either approve or deny the permit application in the <i>Pennsylvania Bulletin</i> .

\*Timeframes are estimates.

The applicant submits three copies of the full operation and design permit application. The Siting Team determines within 90 days if the Part B permit application is administratively complete and then notifies the applicant. If incomplete, the Siting Team will return the Part B permit application to the applicant, along with a written statement indicating the items that were not provided to complete the Part B permit application. If complete, a ten-month review process begins. HSCA mandates a ten-month timeframe within which the Siting Team must complete review of the Part B application. HSCA also mandates that the obligation of the Siting Team's duties is a priority with regard to any other work assignments and responsibilities. NOD letters to the applicant does not necessarily "stop the clock" for the ten-month review time. It is in the applicant's best interest to respond quickly to any NOD to prevent the termination of the ten-month period with a deficient application resulting in a permit denial.

## The Public Meeting

Prior to the Part B permit application submission, the applicant must comply with 25 Pa. Code § 270a.83, which requires the applicant to hold at least one public meeting. The purpose of the meeting is to solicit questions from the local community and inform the community of proposed hazardous waste management activities. A 30-day notification of the public information meeting, a summarization of the meeting and multi-media notification is required. The meeting will be attended by the Siting Team Leader and key Team members.

At the meeting the applicant should:

- Inform the public of the types of activities proposed at the facility (treatment, incineration, landfill, etc.).
- Inform the public of the types of wastes proposed to be accepted at the facility.
- Discuss possible environmental impacts of the proposed facility.
- Listen to citizens' concerns with the proposed facility (property values, traffic, health and safety considerations, etc.).

In addition, the applicant is required to maintain a repository for information pertaining to the application and the facility according to 25 Pa. Code § 270a.84.

### Submittal Components - Operations and Design (Part B) Permit Application

After the public information meeting, the applicant should submit to DEP, as soon as possible, three copies of the following:

- General Information Form (GIF)
- Public meeting summary, list of attendees with addresses, copies of written comments and materials submitted at the meeting.
- Part B Application - Phase II Operations and Design
- Phase II Siting Criteria
- Application Check List
- Financial Responsibility - Insurance and Bonding Requirements
- The final part of the application, which must contain the specific information on the proposed facility's design and operation. These requirements are found at 25 Pa. Code Chapters 260a - 270a. and 40 CFR Parts 260 – 270
- Appropriate fees in accordance with 25 Pa. Code § 270a.3

Information on submission of the Part B application, along with the necessary forms for submission, can be found on the web at:

<https://www.dep.pa.gov/Business/Land/Waste/SolidWaste/HazardousWaste/DisposalFacilities/Pages/Permits.aspx>.

As previously mentioned, the Phase II Siting Criteria addresses environmental, social and



economic issues. While the applicant and the Siting Team may have started to review these criteria during the exclusionary siting process, when the full Part B application is submitted, these criteria must be administratively complete.

### **Completeness Review**

Within 90 days of receipt of the Part B permit application, the Siting Team must determine if the Part B permit application is administratively complete before conducting a technical review. An administratively complete application is defined as an application in which the applicant has addressed every required item in the Submittal Components Section above with sufficient detail and accuracy so that a meaningful technical review can be conducted in an expeditious and timely manner.

For example, while the applicant may provide data on the geology and hydrology of the site, if in the Siting Team's opinion, the data is insufficient to accurately describe the geology and hydrology of the site to the extent that the technical review of the Part B permit application cannot be conducted without the additional information; the application will be considered administratively incomplete.

The team will make every effort to conduct this review quickly so that the applicant is afforded an opportunity to correct any major deficiencies before the end of the initial 90-day period. If the application remains incomplete at the end of 90-days, DEP will return it to the applicant along with a written statement indicating the deficiencies in the Part B permit application.

If the Part B permit application is returned as incomplete, no further DEP review will occur until the applicant submits an approved application.

If, by the end of the 90-day review period, the application is deemed complete, copies of the Part B permit application will be distributed to the appropriate local agencies. The DEP will then publish Notice of Receipt of the application in the *Pennsylvania Bulletin*, and the applicant and adjacent landowners and counties/municipalities within one half mile of the site will be notified that the application has been accepted for further review.

### **Technical Review**

Over the next ten months the Siting Team will perform an in-depth review of the Part B permit application. A public meeting may be held by DEP during this period. Where deficiencies are identified, the applicant will be given the opportunity to correct them. It is again important to note that once the Part B permit application is accepted as complete, all deficiencies in the application should be corrected promptly because of the mandatory ten-month review time. If prompt responsive changes are not made, then DEP has little recourse but to deny the Part B permit application. Compliance with this schedule requires timely review by the Siting Team and prompt response by the applicant.

### **Public Review Files**

As the Part B permit application is being reviewed, copies of notices of deficiencies

and applicant responses, as well as other correspondence pertaining to the application, will be provided to the host municipality and the local interest group which has agreed to maintain the public file copy so that both can maintain a complete and accurate copy of the application under review. The DEP also creates and maintains a community website for the applicant's and DEP's correspondences pertaining to the application.

### **Financial Requirements**

Another requirement of the permitting process mandates that the applicant demonstrates compliance with the minimum requirements for financial responsibility for the hazardous waste treatment/disposal facility by providing adequate bond guarantees for operation, closure, and post-closure operations at the facility. The applicant must also provide adequate insurance protection for personal injury, property damage, or environmental damage resulting from operation of the facility.

### **Bonding**

The bond amount is based on the estimated costs for closure. These costs are to be included in the closure plan. The cost estimates must be updated for any change made at the facility which may affect the costs of closure. Costs must also be recalculated annually to account for inflation. Additional bonding must be furnished by the permittee when the costs of closure change. The bonding documentation is to be submitted when the applicant has developed the closure plan and associated closure cost estimates. The bond is based upon estimates for the operation of control equipment, maintenance and monitoring of the facility after all treatment/disposal activities have been completed. Again, as soon as the applicant develops costs for the post-closure bond, they should be submitted to the Siting Team. The bonding and financial assurance requirements can be found at 25 Pa. Code Chapter 264a, Subchapter H and 40 CFR Part 264, Subpart H.

The bond calculations will then be reviewed by the Siting Team. If the calculations comply with the requirement of 25 Pa. Code § 264a and 40 CFR 264.142 and 264.144, they will be approved. Where the Team disagrees with the cost estimates, modifications will be requested.

Applicants are encouraged to discuss the bonding costs with the Siting Team early in the permitting process so that the applicant understands all the technical elements of closure and the post-closure plan. This discussion should ensure that cost estimates are accurate, and submittal of the bond is timely to the permitting process.

### **Insurance**

The required liability insurance amounts are established in 25 Pa. Code Chapter 264a., Subchapter H. Procedures and options to satisfy these requirements are found in Subchapter H, § 264a.147 and 40 CFR Part 264, Subpart H, § 264.147. Insurance must be obtained by the permittee and approved by DEP before the facility can accept any hazardous waste for treatment or disposal.

### **60-Day Host Municipality Review**

In the final 60-days of the 10-month technical review period and before the Siting Team develops a draft recommendation on the application, the applicant will notify the host municipality and county of the 60-day review period on the application. This notice allows the host municipality to conduct its in-depth technical review of the application in preparation for the public comment period. Pursuant to Section 304(d) of HSCA, grants are available through DEP to reimburse the host county and municipality for expenses incurred for the review of commercial hazardous waste disposal applications.

### **Draft Permit Preparation**

By the end of the tenth month, the Siting Team will complete its technical review of the Part B permit application and will prepare a recommendation to the Secretary of DEP to publish a draft permit or notice of intent to deny. In conjunction with the draft permit, a statement of basis or fact sheet is prepared and published by the DEP in accordance with 25 Pa. Code § 270a.10(c)(10-12).

Within thirty days of receipt of the recommendation, the Secretary will publish in the *Pennsylvania Bulletin* a draft permit or notice of intent to deny the permit application.

Note: The permit cannot be issued without the performance bond. Where the Secretary has published a notice of intent to issue the permit, the applicant should obtain and submit to the Siting Team Leader the performance bond in the amount which was calculated during the review process.

## **STEP IV – PERMIT DECISION**

### **Public Hearing**

The draft permit or notice of intent to deny will also include the date, time and place of the public hearing, and the time during which comments will be received. The public hearing will be held a minimum of thirty days after the public notice. As discussed in the siting application process, the hearing is formal, and will be chaired by the Siting Team Leader or designee (hearing chairperson) and a verbatim record will be prepared by a court stenographer. Testimony is to be limited to comments on the application and the draft permit.

Individuals or groups wishing to present testimony are encouraged to contact the Siting Team Leader prior to the hearing so that a schedule can be arranged to accommodate all those wishing to testify. Again, it is desirable for testifiers to provide a written copy summarizing their testimony to the hearing chairperson when they are called to testify.

Following the public hearing, the public record will remain open to written and electronic comments for a minimum of 15-days after the public hearing.

Written and electronic comments are to be sent to the Siting Team Leader at DEP Regional

Office that serves the proposed facility site. (see Page 3).

### **Siting Team’s Recommendation**

In reaching a final decision to issue or deny the permit application, the Siting Team will prepare a comment and response document and a final recommendation for the Secretary. This recommendation will be based upon public comment and the information contained in the application.

### **Secretary’s Final Decision**

The Secretary will publish notice of issuance or denial of the permit in the *Pennsylvania Bulletin*. Within 30-days of notice of the Secretary’s decision, any aggrieved person may file an appeal with the Environmental Hearing Board.