

**Guidance Manual for Permitting of
Commercial Hazardous Waste Treatment or Disposal Facilities**

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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 commercial hazardous waste facilities in the state. To clarify these changes and to assist applicants through the lengthy and often complex permitting process, the Act required the development of a guidance document to explain the permitting process and application requirements.

This document will serve as a road map to the permitting process, answering the most commonly asked questions, and providing all the forms and information necessary to complete a satisfactory application. This should reduce the amount of time needed for the applicant to complete an acceptable application and make review of applications easier and faster for the Department. 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 gives host municipalities and the general public information to make their opportunities for the involvement in the permitting process more productive. The Department 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.

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

DISCLAIMER: This guidance is intended to supplement existing requirements. Nothing in this document shall affect statutory or regulatory requirements. This guidance is not an adjudication or a regulation. There is no intent on the part of DEP to give this guidance 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 guidance if circumstances warrant.

DEP'S HAZARDOUS WASTE FACILITY SITING TEAM

The Hazardous Sites Cleanup Act (HSCA) requires the Department of Environmental Protection to establish a Hazardous Waste Facilities Siting Team (Siting Team) to ensure prompt and consistent actions on commercial hazardous waste treatment and disposal permitting activities. HSCA requires the Secretary to appoint a Siting Team consisting of department personnel with the particular expertise necessary for the complete review of permit applications for new commercial hazardous waste treatment or disposal facilities. In implementing the Siting Team requirements, the department 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 insure 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's 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 procedure issues.

The Siting Team Leader's functions include:

- serving as the first point of contact within DEP for developers and the public on the hazardous waste siting process;
- providing consultation and guidance to the regulated community and public on the hazardous waste siting process;
- chairing public meetings and hearings on siting applications and the siting process;
- ensuring that the team is adequately staffed;
- regularly briefing the Secretary and key staff members of the status and issues on siting applications;
- developing policy and procedures, in consultation with the advisory group, specific to the siting program;
- providing responses to applicants and the public on siting issues and site-specific permit applications.

Informal Conferences

The Department 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:

Hazardous Waste Facility Siting Team Leader
Pennsylvania Department of Environmental Protection
P.O. Box 8471
Harrisburg, PA 17105-8471
Phone: (717) 787-6239
Fax: (717) 787-0884

STEPS IN THE PERMITTING PROCESS

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

Step I - Pre-Application Process

- 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.

Step II - Exclusionary Siting 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.
- 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.

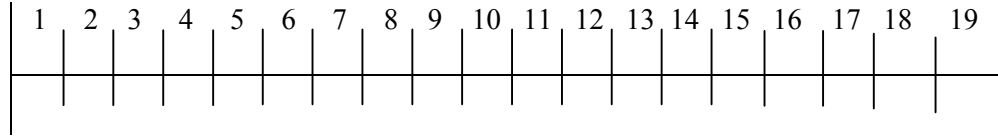
Step III - Operations and Design Application Process

- 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 reviews complete application and makes recommendations to the Secretary.
- Secretary publishes draft permit or notice of intent to deny in Pennsylvania Bulletin.

Step IV - Permit Decision

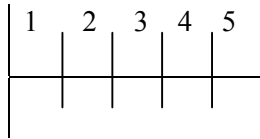
- DEP holds public hearing and accepts written public comments on draft permit or notice of intent to deny.
- Siting Team reviews public input and makes recommendations to DEP Secretary.
- Secretary issues or denies permit.

PERMIT REVIEW PROCESS



Expedited Site Review
(19 months)

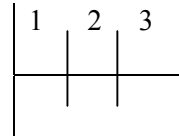
1. Determination of an administratively complete siting module application.
(5 months)



Notification of host county and Municipality; conductance of public hearing and information meeting.

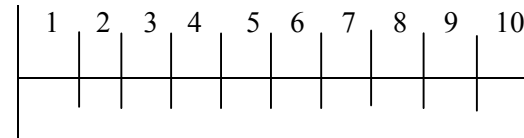
Notification of conformity to siting criteria.

2. Expedited Permit Review Process
(3 months)



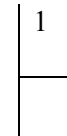
Review for completeness, deficiencies, re-Review, completeness determined.

3. Final Review Process
(10 months)



Perform technical review
Prepare draft permit and fact sheet
Conduct public hearings
Prepare response document
Issue final determination to Secretary

4. Secretary publishes Notice of Intent to approve or deny permit.
(30 days)



CERTIFICATE OF PUBLIC NECESSITY

If a permit is issued, but there is a local law, including zoning ordinance which would preclude or prohibit the siting or operation of the facility, the applicant can petition the Environmental Quality Board (EQB) for a Certificate of Public Necessity (CPN), which would override the local ordinance. (The rules for this procedure can be found at 25 Pa. Code 269a.101 Subchapter B, Certificates of Public Necessity.)

The EQB is required to evaluate if the proposed facility is needed to implement the Pennsylvania Hazardous Waste Facilities Plan (Plan), when issuing a CPN (25 Pa. Code § 269a.152). The applicant should thus also be familiar with the Plan and know whether the proposed facility is one that is identified as needed in the Plan.

The EQB is also required by the Solid Waste Management Act to evaluate the degree to which opportunities for meaningful public participation, as provided by the applicant throughout the entire permitting process, when deciding whether to issue a CPN. As the need for a CPN may arise very late in the process, the applicant should consider developing a strong public participation program very early in planning an application, so as not to be foreclosed from obtaining one if it later proves necessary.

STEP I - THE PRE-APPLICATION PROCESS

Overview

DAY

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.

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 Department so that the process can move expeditiously toward timely permitting decisions. This meeting will be attended at a minimum by the applicant, the applicant's consultant, a representative from both the host municipality and county and appropriate members of the Siting Team. Where the developer has elected to follow the Department'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 the Department to participate in the pre-application process.

Prior to requesting a pre-application meeting, the developer should, in addition to having already started a meaningful public participation process, 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.

Within 15 days of receipt of the pre-application submittal, 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 given to the team members, local agencies and other agencies for their review. A pre-application meeting and field visit will be scheduled when the materials are distributed. 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 meeting and site visit will be held in the vicinity of the proposed site within 45 days of receipt of the pre-application submittal. 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, etc.;
- 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 Notification

After the pre-application meeting and site visit, the applicant will receive a written notification summarizing the meeting, addressing potential problems with the site, noting deficiencies, etc. This notification 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, all but a pre-application meeting can be waived at the applicant's request if the applicant believes that he has fully investigated the site prior to considering application.

STEP II - PHASE I EXCLUSIONARY CRITERIA REVIEW

Overview

HSCA requires the Department 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.

MONTH

0 The developer 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 application is complete. If incomplete, the applicant will receive a notice of deficiency indicating the missing information. If complete, the Siting Team Leader notifies the applicant. The applicant is then requested to submit additional copies of the application

Once the application is determined to be complete, full technical review begins. The Siting Team Leader notifies all involved agencies and groups, 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 Siting Team Leader publishes notice of informational meeting and public hearing.

2 Siting Team holds public informational meeting.

3.5 Siting Team holds public hearing.

4.0 Public record on application closes.

5.0 Siting Team prepares a “comment and response” document on all public comments and completes review of the application considering the public comments. Siting Team Leader then notifies appropriate agencies and groups of its decision on siting application. If the 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 application will be denied and returned to the applicant with no further action by the Department.

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 (2540-pm-lrwm0059)
- Part B (select components)
 - Geologic Information
 - Soils Information
- Form HW-C - Compliance History (2540-fm-lrwm0058)
- 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.

Form HW-C - Compliance History, is needed so that the Department 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.

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).

Early Submittal of Phase II Siting Criteria

Phase II criteria address factors such as access to or impact upon transportation networks, proximity of the site to population centers, historic sites, recreational areas, etc. Failure to initially meet all of these criteria does not necessarily prohibit the siting of a facility if the applicant provides for the mitigation of such impacts (25 Pa. Code §§ 269a.41-49).

Because of the extensive amount of technical information that must be considered in the operations and design application, the developer should address the Phase II siting criteria very early in the application process. While the Siting Team must only reach a decision on the exclusionary criteria during the initial five month review period, submittal of the Phase II criteria application along with the Phase I application will provide the applicant with early indications of

any Phase II criteria which cannot be mitigated or indications where significant efforts will be needed to mitigate adverse impacts. It is to the developer's advantage to know this early in the siting process.

Public Notification Requirements

At the time of the application submittal, the applicant must notify the host county and municipality, adjacent landowners, counties and municipalities within ½ mile of the proposed site and publish notice of the application in two daily newspapers once a week for two consecutive weeks. Copies of these notices are to be forwarded to the Siting Team. (Contact the Department for an example of an acceptable public notice.)

Application Completeness Review

Upon receipt, the Siting Team will determine if the Phase I Siting Criteria application is administratively complete so that review can begin. If the application is incomplete, it will be returned to the applicant with a notice of deficiencies. The five-month technical review will not begin until a complete application has been returned to the Siting Team.

If the application is returned as incomplete, no further action will be taken by the Department. If the applicant wishes to resubmit the application, all public notifications must be repeated at the time of resubmittal.

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. Concurrently, where the applicant has elected to submit the Phase II criteria early in the process, the Siting Team will begin to review this information. Deficiencies in the Phase I and II applications will be identified, and separate notices of deficiencies (NOD's) will be sent to the applicant for each phase 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 must respond to NOD's 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 Leader must hold a public informational meeting on the siting application and siting process. This meeting will 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 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 commentors to a specific time at the podium so that all who wish to testify have an opportunity to do so. Commentors are encouraged to contact the Siting Team Leader prior to the public hearing so that all those wishing to testify are accommodated. Commentors 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 Department 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 Department will consider in preparing its comment and response document on the Phase I application. A more appropriate time for comment on the Phase II siting criteria will come during the second public hearing.

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:

Hazardous Waste Facility Siting Team Leader
Pennsylvania Department of Environmental Protection
P. O. Box 8471
Harrisburg, PA 17105-8471
Phone (717) 787-6239

Fax (717) 787-0884
Email: **EPHazardWasteSitingTeam@state.pa.us**

Siting Team Final Determination

In preparing its final determination on the exclusionary siting application, the Siting Team will consider the information submitted by the applicant, comments presented at the public hearing and other information available to the Department. 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.

Final Determination on Exclusionary Criteria

The applicant will be notified of the Department's final determination on the siting application within five months of acceptance of the complete application.

If the Department determines that the site is unacceptable for a hazardous waste disposal/treatment facility, the siting application will be denied. 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.

This initial 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 - OPERATIONS AND DESIGN APPLICATION PROCESS

Overview

Applicant submits three copies of the full operation and design permit application. Siting Team determines within 90 days if the application is complete and then notifies the applicant. If incomplete, the Siting Team will return the application to the applicant, along with a written statement indicating the deficiencies in the permit application. If complete, a ten-month review process begins. HSCA mandates a ten-month time within which the Siting Team must complete review of the application. HSCA also mandates that the performance of the Siting Team's duties are priority with regard to any other work assignments and responsibilities. Notices of Deficiency (NOD) to the applicant does not necessarily "stop the clock" for the ten month time. It behooves the applicant to respond quickly to any NOD to prevent the termination of the ten-month period with an incomplete application resulting in a permit denial.

MONTH

- | | |
|----|--|
| 0 | Complete application submitted. |
| 1 | Applicant provides 30 days public notice of a public informational meeting on the complete application prior to the submission of the Part B permit application. |
| 2 | 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 <u>Pennsylvania Bulletin</u> . |

The Public Meeting

Prior to the 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 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 - Design and Operations

After receiving notice from the Department that the applicant has satisfied the Phase I siting criteria, the applicant should submit, as soon as possible, three copies of the following:

- General Information Form (GIF)
- 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:

http://www.dep.state.pa.us/dep/deputate/airwaste/wm/hw/tsd_facilities.html.

The Phase II Siting Criteria, as previously mentioned, address 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 Operations and Design application, the Siting Team must determine if it is complete enough so that further review is warranted. An administratively complete application is defined as an application in which the applicant has addressed each and every required item 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 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 ninety-day period. If the application remains incomplete at the end of ninety days the Department will return it to the applicant along with a written statement indicating the deficiencies in the permit application.

If the application is returned as incomplete, no further Departmental 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 application will be distributed to the appropriate local agencies. The Department will then publish Notice of Receipt of the application in the Pennsylvania Bulletin, and the applicant and adjacent landowners and counties/municipalities within ½ 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 application. Where deficiencies are identified, the applicant will be given the opportunity to correct them. It is again important to note that once the application is accepted as complete, all deficiencies in the application must be corrected promptly because of the mandatory ten-month review time. If prompt responsive changes are not made the Department has little recourse but to deny the application. Compliance with this schedule requires timely review by the Siting Team and timely response by the applicant.

Public Review Files

As the application is fully developed, copies of notices of deficiencies and applicant responses as well as other correspondence pertaining to the application will be

forwarded 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.

Financial Requirements

Another requirement of the permitting process mandates the applicant to demonstrate 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 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 insure 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, Section 264a.147 and 40 CFR Part 264, Subpart H, Section 264.147. Insurance must be obtained by the permittee and approved by the Department before the facility can accept any hazardous waste for treatment or disposal.

60-Day Host Municipality Review

At least two months 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. To facilitate review by the host county and municipality and depending on the type of facility, grants are available through the Department pursuant to Section 304(d) of HSCA.

Draft Permit Preparation

By the end of the tenth month, the Siting Team will complete its technical review of the application and will prepare a recommendation to the Secretary of the Department to publish a draft permit or notice of intent to deny.

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, being chaired by the Siting Team Leader or designee (hearing chairperson) and a verbatim record being 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 fifteen days after the public hearing.

Written and electronic comments are to be sent to:

Hazardous Waste Facility Siting Team Leader
Pennsylvania Department of Environmental Protection
P. O. Box 8471
Harrisburg, PA 17105-8471
Phone (717) 787-6239
Fax (717) 787-0884
Email: **EPHazWasteSitingTeam@state.pa.us**

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 prepare 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.