

MUNICIPAL SOLID WASTE LANDFILL
APPROVAL PROCESS
(Revised March 24, 2004)

The Idaho Solid Waste Facilities Act establishes a system of prior approvals and conditions. Facilities can be subject to four phases of approvals. The first is site certification by DEQ. All sites must go through this certification process. Although, depending on whether it is a new site, existing site, or lateral expansion, different criteria are used. The next phase is approval by DEQ of the design, which includes design of the landfill unit and the ground water monitoring system. The third phase, which can occur simultaneously with review and approval of design by DEQ, is approval of the operations plan by the Districts. The final phase, which can also occur simultaneously with review and approval of design by DEQ and operations plan by the Districts, is the approval of closure/post-closure plan also approved the Districts. Details of each of these phases are listed below under the agency responsible for that phase.

DEQ

➤ Site Certification

This first stage in establishing a new landfill, continuing to operate an existing landfill or laterally expanding a landfill is site certification. The site certification procedure assures that a facility has complied with the location restrictions in §39-7407, Idaho Code. The applicant must submit all documents used to make the determinations in the site certification application.

- Step 1 Prior to submittal of the application, the applicant may conduct a site tour for DEQ, the District and other public agencies with jurisdiction to familiarize the agencies with the site.
- Step 2 The applicant submits two applications to the Regional Administrator of the appropriate DEQ regional office, a copy to the Solid Waste Coordinator in the DEQ central office, and a copy to the appropriate District office.
- Step 3 Concurrent with submitting the application to DEQ, the applicant publishes legal notice of the submittal and makes the application available for public review. This starts a 28-day comment period during which written comments may be submitted to DEQ.
- Step 4 Within 21 days of the end of the comment period, DEQ responds to the site certification application. DEQ may request additional information from the applicant during which time the "clock" stops. The DEQ Regional Administrator signs the site certification and sends a copy to the central office and the District. DEQ must certify that the site meets location standards before the applicant can move on to the next procedure.
- Step 5 The applicant must publish notice that certification has been received from DEQ within 10 days of certification.

Note – Commercial solid waste facilities (private, for-profit municipal solid waste landfills must obtain a siting license as outlined in §39-7408A-D, Idaho Code prior to obtaining site certification.

➤ Design Review and Approval (includes design of landfill unit and design of ground water monitoring system)

An applicant must first receive site certification from DEQ before they can submit a design plan. The design plan must meet the standards in § 39-7409 and § 39-7410, Idaho Code.

Step 1 The applicant may notify the DEQ Regional Administrator of its intent to initiate a landfill design and meet to discuss standards, schedule, and specific design concerns. The applicant conducts the appropriate investigations to satisfy the standards.

Step 2 The applicant submits a preliminary design plan to the DEQ Regional Administrator, the central office Coordinator, and the appropriate District office.

Step 3 Concurrent with submitting the preliminary design, the applicant publishes notice that the preliminary design has been submitted and is available for public review. The public has 28 days to submit written comments to DEQ.

Step 4 DEQ has 35 days from the date the notice was published or 7 days after the end of the public comment period, whichever is longer, to compile the public comments and transmit those comments along with DEQ comments to the applicant.

Step 5 The applicant may submit the final design report that addresses DEQ and the public's comments relating to the standards and requirements specified in 39-7411(5).

Step 6 Concurrent with submittal to DEQ, the applicant must place the application in every public library within the county where the proposed landfill will be located. The applicant also publishes notice that the final design report has been submitted and that the public has 28 days to provide comments to DEQ.

Step 9 Within 28 days following the conclusion of the public comment period, the DEQ Regional Administrator will make a decision to approve or disapprove the application. The approval letter may contain provisions that the applicant must comply with in order for the approval to remain valid. A copy of the approval or disapproval letter is sent to the central office and to the District.

Step 10 The applicant publishes notice that the application has been approved.

If DEQ disapproves the design plan, the procedure for resolution set forth in § 39-7411 (8) through (13), Idaho Code automatically begins.

Health District

The Districts are required by § 39-414(13), Idaho Code:

"... to administer and certify solid waste disposal site operations, closure, and post closure procedures established by statute or regulations in accordance with provisions of chapter 74, title 39, Idaho Code, in a manner equivalent to the site certification process set forth in section 39-7408, Idaho Code."

➤ Operations, Closure, and Post-Closure Review and Approval

Step 1 Prior to submittal of the application, the applicant may conduct a site tour for the District and DEQ and other public agencies with jurisdiction to familiarize the agencies with the site.

Step 2 After obtaining site certification from DEQ, the applicant submits two sets of plans to the Director of Environmental Health of the appropriate Health District Office that demonstrate compliance with the requirements in 39-7412. One copy is for the District Solid Waste Coordinator and one copy is for the appropriate DEQ office.

NOTE: This process may occur concurrently with review of the design plans by DEQ. Applicable public notices may be published jointly.

Step 3 Simultaneous with submitting the application to the District, the applicant publishes legal notice of the submittal and makes the application available for public review. This starts the 28-day comment period during which written comments may be submitted to the District.

Step 4 Within 21 days of the end of the comment period, the District responds to the application. The District may request addition information from the applicant during which time the "clock" stops. The District Director signs the certification and sends a copy to appropriate DEQ regional office.

Step 5 The applicant must publish notice that the application has been certified within 10 days of certification by the District.

In the event that an alternative operation, closure or post-closure method is proposed by the applicant, the District will review the data and make a recommendation to the Director of the Department of Health and Welfare via the DEQ regional office to approve or disapprove the alternative. The DEQ Regional Administrator will respond back to the District within 21 days either accepting or denying the recommendation from the District.

➤ Alternative Option Review Process

This process is occurring during the regular application process and timing will be very crucial. It is anticipated that the process can be facilitated by the development of guidance on alternatives that will allow the applicant, the district, and DEQ to quickly review the "standard" alternative request.

Step 1 The applicant will identify to the District, at some point prior to the actual

application, alternatives which they anticipate will be contained in their application that require approval of the Director. This will allow the District and DEQ to process the request in a timely manner.

Step 2 The actual request for the alternative is to be submitted along with the application for operation, closure, or post-closure to the appropriate District.

Step 3 The District will review the request along with appropriate public comments and make a recommendation to DEQ for approval or denial of the request for an alternative. Documentation supporting the recommendation will be submitted to DEQ.

Step 4 DEQ will respond to the District recommendation with final approval or denial within 21 days of receipt of the recommendation. Timing will be critical because this process is to be occurring during the regular review process.

Step 5 The District can then attach the DEQ approval to the certification that the District will issue to the applicant for the operation, closure, or post-closure and the plans will be adjusted accordingly.

➤ Closure

The following additional steps will be used for all closures irrespective of when cessation of receipt of waste occurred:

Step 1 The applicant will review the proposed closure plan with the appropriate District and DEQ offices.

Step 2 The plan shall comply with the requirements specified in 39-7415 and 40 CFR 258.60 for closure and 39-7416 and 40 CFR 258.61 for post-closure care.