

Minutes of Solid & Hazardous Waste Management Program's Business Processes Stakeholder Meeting of April 20, 2012

Recap of Prior Meeting

- Went over major topics discussed at March 23, 2012 stakeholder meeting. Following up on the issue of improved coordination between permitting and enforcement, a specific stakeholder group is being formed to address this topic. This new stakeholder group will meet in the afternoon of May 4th.

County Planning

- Counties should be consistent in what is required from applicants and with how applications are processed
- Counties need to follow timeframes to complete amendment process
- Standardization of county planning process needed
- SWACs should meet on a regular basis, not just when a plan amendment is proposed
- County and State should conduct their application reviews concurrently
- DEP should assist counties in the planning process (DEP has more expertise in some areas) including evaluation of the issue of need to have a facility
- There should be a pre-application conference involving the applicant, municipality, county and DEP

Electronic Submission of Permit Applications

- Good idea to have applications submitted electronically, but need to evaluate if drawings, PDF documents, etc. would involve too much data that it may overwhelm DEP computer capabilities
- Possible for applicants to build their own permits online
- Application form online would need to be standardized so that repetitive questions are eliminated (i.e. EHIS may have same issues addressed in Engineering Report and/or O&M Manual)

Public Participation

- Should be done up front upon application submission or after administrative completeness instead of back end after a draft permit is issued to provide more meaningful public participation opportunity

Permitting - General

- Need coordinated review by all agencies involved. NEPA process allows for coordinated review – one group is designated as lead agency for review

- Need firm dates when DEP will make a decision on an application
- Can an application be approved in phases/modules so that if one aspect of an application has issues the rest of the application could be approved
- Do we want to move toward more performance based standards instead of prescriptive regulatory requirements

Renewal of Permits

- If no changes to permitted activities, should make renewal process simple or not needed at all
- Renewals could take place if a permit is being modified (i.e. issue new permit when permit is modified instead of modification to an existing permit)
- Only issue renewal when a permit is modified or new requirement takes effect, otherwise, existed permit remains effective
- Five year permit term is good because it allows facilities an opportunity to focus on their permit requirements/activities at renewal time
- Often applicants save up their modification requests to include them in the renewal application
- All permits for a specific class of facility should expire at the same time so that each permit for that class of facility type is consistent
- Renewals should be conducted in an open forum. Could have a one day public forum where the applicant appears before a review board to discuss their renewal and the public is invited to comment. Renewed permit could be issued the same day if satisfactory.

Modifications of Permits

- Consider RCRA-type process of Class 1, 2 and 3 modifications. Some Class 1 modifications do not require DEP approval to implement.
- Facilities should be able to make minor changes, such as equipment changes/movement within a building, without requiring DEP approval

Exemptions from Permitting

- Some exempt facilities have turned into large commercial operations

Beneficial Use Determinations (BUDs)

- Need standard sampling protocol. However, the cost of sampling, if too conservative, may exceed the value of the material being classified for beneficial use (e.g. expense to comply with SRP standards for sampling and analysis of soil)
- Need identified review timeframe. Often it is time critical for material to move for beneficial use.

Alternative Cover for Landfills

- DEP should develop criteria for what is acceptable as alternative cover for landfills. The criteria should include worker exposure issues.

Next Meeting

- The next meeting is scheduled for May 4th at 9:30 in the 3rd floor large conference room

Doc: 464