

Sec. 22a-209-4. Permits for solid waste facilities

(a) **Permit required.** Any person, municipal authority or regional authority that builds, establishes or alters a solid waste facility after July 1, 1971, must obtain a permit pursuant to Section 22a-208 of the General Statutes unless excluded by Section 22a-209-3 of these regulations. This permit shall consist of two parts: the permit to construct and the permit to operate.

(b) **Permit to construct.** The information required to be in an application for a permit to construct shall depend upon the type of solid waste facility proposed. Such information shall be outlined in these regulations and further detailed in guidelines prepared by the Department. The information in the application must be sufficient to demonstrate the ability of the facility to comply with the requirements of these regulations. An application will not be deemed complete until all information required by statutes or regulations or otherwise requested by the Commissioner have been submitted in proper form.

(1) Application for each solid waste facility permit to construct shall be made by the owner or operator of the facility on forms furnished by the Commissioner and signed by the owner and, if the applicant is the operator, the operator, and shall include but not be limited to the following as the Commissioner deems necessary:

Information required by the Rules of Practice of the Department; name and address of the operator, owner, and, if the operator or owner is a business entity, the names and addresses of all parent and subsidiary corporations, partners, corporate officers and directors, stockholders holding more than fifty percent of the stock of the corporation; a list of all solid waste facilities which each of the above persons are or have been associated with and their positions and responsibilities; name and address of the agent for service; facility location; type of facility; type of proposal (e.g. new facility, expansion or other alteration); a list of other permits required for the facility; an explanation of how the proposal relates to the State Solid Waste Management Plan; information as to the financial stability of the applicant; a commitment to post the proper surety if required by these regulations; a copy of any lease, deed or other agreement regarding the ownership, control or use of the facility; a list of any outstanding administrative orders against the facility; a list of supporting materials submitted with the application; and any other information which the Commissioner deems necessary.

(2) A facility plan, including engineering studies and proposals, shall accompany the application and be prepared by an engineer licensed to practice in the State of Connecticut; shall contain sufficient information to demonstrate an ability to comply with these regulations; and shall include but not be limited to the following information and supporting materials as the Commissioner deems necessary and as further detailed in engineering guidelines provided by the Commissioner:

(A) For solid and special waste disposal areas:

(i) a detailed area map at a scale and contour interval approved by the Commissioner which shall depict the site and surroundings within one-half mile, noting natural and artificial features and land use; including but not limited to all structures and overhead and underground utilities and a statement by each affected utility that the proposed activity adequately protects these utilities in compliance with applicable standards;

(ii) detailed site maps at a scale and contour interval approved by the Commissioner

depicting all items specified in (A) (i) above and existing, site preparation, and final grades, property boundaries, existing and proposed fill limits including location of fill limit markers, soil boring and monitoring locations, proposed structures on site, access and site roads, fencing, buffer zones and screening;

(iii) cross sections through the site, at a minimum of one parallel and one perpendicular to ground water flow, depicting existing, site preparation and final grades and elevation and flow direction of ground water, type and structure of bedrock and type and location of soils;

(iv) supplemental maps and plans not prepared as part of the engineering study but used as reference materials for engineering and operational interpretations;

(v) hydrogeologic and geologic information including predictions of movement of and impact on surface and ground water, including water supply wells, from existing and proposed site activities, and the names and addresses of all landowners within the area of potentially impacted ground waters, detailed soil boring logs; details of monitor well construction and development, the method of testing and testing results;

(vi) operational plans suitable for field use by the operator including but not limited to details of construction, sequence of fill, a list of the type and amount of equipment and the number and responsibilities of staff, daily operations, traffic flow, controls necessary to protect the public health, safety and welfare, emergency procedures, communications equipment, regular maintenance schedules, information to be recorded and recording procedures, and methods of measuring waste, and monitoring parameters and schedule;

(vii) a discussion of expected site life and post-closure use; and

(viii) any other information which the Commissioner deems necessary.

(B) For transfer stations, resources recovery facilities or other volume reduction plants, and biomedical waste treatment facilities:

(i) all applicable information required under Section 22a-209-4 (b) (2) (A) of these regulations;

(ii) detailed drawings and specifications of site structures, all fixed and transport equipment, methods of volume reduction and storage, and a discussion of utility provision;

(iii) approximate volume of each waste type to be handled, a list of types of facility users and municipalities served, associated facilities for the ultimate disposal of the wastes, residues, and recycled materials, and contingency plans for periods of shut down or breakdown;

(iv) a copy of all facility operation and maintenance manuals, and a discussion of: OSHA requirements and how these requirements will be met, materials and energy balance as appropriate, proposed performance tests, system reliability and redundancy/backup system, operation and maintenance budget; and

(v) any other information which the Commissioner deems necessary.

(3) The Commissioner, at least thirty days before approving or denying a permit application, shall, at the applicant's expense, publish once in a newspaper having a substantial circulation in the affected area notice of the application which shall include but need not be limited to: (1) the name of the applicant, (2) the location and nature of the facility; and (3) the location where a copy of the application may be inspected. There shall be a thirty day comment period following the public notice during which period interested persons may submit written comments on the application. After the comment period, the

Commissioner may hold a public hearing prior to approving or denying any application if in his or her discretion the public interest will be best served thereby, and shall hold a hearing upon receipt of a petition signed by at least twenty-five persons.

(4) The Commissioner shall consider all evidence offered at any public hearing, any reports from local, state, and federal agencies, all relevant facts and circumstances including but not limited to whether the proposed facility is consistent with the State Solid Waste Management Plan, the Connecticut Solid and Hazardous Waste Land Disposal Siting Policy and the Connecticut Water Quality Standards, and any additional requested information in making his or her determination on an application for a permit to construct. The Commissioner shall, at the applicant's expense, publish notice of a decision approving or denying the permit in a newspaper having general circulation in the municipality or municipalities where the facility is or was to be located.

(5) Conditional approvals. The Commissioner may impose any reasonable conditions upon a permit to construct.

(c) **Permit to operate.** After the effective date of these regulations, any person who operates or causes the operation of a solid waste facility must obtain a permit to operate from the Commissioner.

(1) All operating facilities which have a valid permit to construct as of the effective date of these regulations shall be issued a permit to operate and shall be allowed to continue operations prior to the issuance of such permit to operate.

(2) A permit to operate shall be issued to any new, existing or altered facility other than those specified in 22a-209-4 (c) (1), and shall be reinstated if revoked or suspended, upon a determination by the Commissioner that the facility has been constructed in accordance with the terms and conditions of the facility permit to construct and that the facility and its proposed methods of operation and maintenance are in compliance with applicable statutes and regulations.

(3) The Commissioner may impose any reasonable conditions upon a permit to operate.

(4) In circumstances where the Commissioner determines that performance tests must be conducted during actual operations, he or she may issue a temporary permit to operate for a period not to exceed sixty (60) days. For good cause shown, the Commissioner may extend the term of a temporary permit to operate for a specified period.

(d) **Issuance of a permit to construct or to operate.**

(1) The Commissioner shall issue a permit to construct or to operate upon receipt of satisfactory evidence from the applicant that:

(A) the solid waste facility will be constructed and operated in compliance with applicable statutes and regulations;

(B) the operation of the facility is consistent with the State Solid Waste Management Plan if required by statute, including but not limited to Sections 7-273bb, 22a-211 and 22a-260 through 22a-281 of the General Statutes, as amended;

(C) if the application regards an existing facility, the present construction and operation of that facility is in full compliance with pertinent statutes, regulations, orders and existing permit terms and conditions; and

(D) the owner or operator of the facility or, if the owner or operator is a business entity, a parent or subsidiary corporation, partner, corporate officer or director, or stockholder

holding more than fifty percent of the stock of the corporation has not repeatedly violated pertinent statutes, regulations, orders or permit terms or conditions at any solid waste facility.

(2) In making a decision on a permit application, the Commissioner shall consider all factors which he or she deems relevant, including but not limited to whether the facility proposed is consistent with the Solid and Hazardous Waste Land Disposal Siting Policy, the Connecticut Water Quality Standards and the State Solid Waste Management Plan.

(3) Notice of denial of a permit to construct or to operate shall set forth the reasons for the action taken.

(e) **Receipt of permit.** Any person who begins site preparation or construction of a solid waste facility after receiving a permit to construct, and any person who operates a solid waste facility after receiving a permit to construct and a permit to operate shall immediately comply with the terms and conditions of the permit(s).

(f) **Minor permit amendments.** The Commissioner may amend a permit to construct or to operate, without hearing, for minor changes in the facility design, practices or equipment that would not in his or her judgment significantly change the nature of the facility or its impact on the environment.

(g) **Transferability.** A permit to construct or to operate may not be transferred without prior written permission from the Commissioner. A request for permit transfer shall be made on a form provided by the Commissioner and shall include but need not be limited to all information required by subsection (b) (1) of this section, and proof of certification of the proposed operator. The Commissioner shall approve a permit transfer upon receipt of satisfactory evidence from the transferee that:

(1) the solid waste facility will be constructed, if applicable, and operated in compliance with applicable statutes and regulations;

(2) if the application regards an existing facility, the present construction and operation of that facility is in full compliance with pertinent statutes, regulations, orders and existing permit terms and conditions or the transferee makes a written commitment to bring the facility into compliance in accordance with a schedule approved by the Commissioner; and

(3) the owner or operator of the facility or, if the owner or operator is a business entity, a parent or subsidiary corporation, a partner, corporate officer or director, stockholder holding more than fifty percent of the stock of the corporation, has not repeatedly violated pertinent statutes, regulations, orders, or permit terms or conditions at any solid waste facility.

(h) **Revocation, suspension or modification of a permit to construct or to operate.**

(1) A permit to construct or to operate may be revoked, suspended, or modified (A) for failure to comply with the terms of the permit or with any applicable statute or regulation, (B) if the permit was issued in reliance upon incorrect information supplied by the permittee or his or her agent, or (C) if additional information becomes available which indicates that the operation and management, or the engineering of the facility as outlined in the original application and permit to construct is insufficient to maintain the facility in compliance with applicable statutes and regulations. Any permittee or his or her agent who acquires knowledge of such incorrect or additional information must inform the Commissioner in writing of the information within thirty (30) days.

(2) Notice of modification of a permit to construct or to operate shall set forth the reasons

for the action taken.

(3) A permit to construct or to operate may be revoked or suspended in accordance with Section 4-182 of the General Statutes and the Rules of Practice of the Department, as amended.

(i) **Closure surety for solid or special waste disposal areas.**

(1) The owner or operator of a privately owned solid or special waste disposal area shall post a bond or other surety with the Commissioner to cover the cost of properly closing the area at any time required in accordance with these regulations and to cover the cost of thirty (30) year post-closure gas and water monitoring if required. The provisions of 40 CFR Sections 264.141 to 264.143 inclusive and 40 CFR Section 264.151, as they exist on the effective date of these regulations, shall govern the posting and release of such a surety. However, for the purposes of this section, the following changes are necessary:

(A) Several terms used in the federal regulations shall be replaced as follows:

| <i>Term in Federal Regulations</i> | <i>Replacement for this Section</i> |
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| “hazardous waste” | “solid or special waste” |
| “RCRA permit” | “DEP permit” |
| “Regional Administrator” | “Commissioner” |
| “Environmental Protection Agency or EPA” | “Department of Environmental Protection” |
| “EPA identification number” | “facility permit number” |

(B) The term “closure plan” in the federal regulations shall be defined as follows: “closure plan” means the facility plan for design, construction, and operation, including closure and post-closure maintenance and gas and water monitoring, required by Section 22a-209-4 (b) (2) of these regulations.

(C) Any reference in the federal regulations to the Resource Conservation and Recovery Act or to a section of the federal regulations other than those incorporated herein by reference shall be deemed a reference to Sections 22a-209-1 through 22a-209-13 of the Regulations of Connecticut State Agencies.

(D) Subsection (g) of 40 CFR Section 264.141 and the definitions of “post-closure plan” and “current post-closure cost estimate” in the federal regulations shall be omitted.

(E) In 40 CFR Section 264.143 (h), the term “region” shall be replaced by “municipality.”

(2) The owner or operator of an existing privately owned solid or special waste disposal area shall post the closure surety with the Commissioner no later than sixty (60) days after the issuance of the facility’s permit to operate, and the owner or operator of a new facility shall post such surety no later than sixty (60) days before he or she begins to accept solid waste.

(j) **As-built plans.** Within ninety (90) days of completion of construction of a solid waste facility other than a solid or special waste disposal area, the permittee shall submit to the Department a complete set of as-built drawings of the facility. Such drawings shall become part of the facility plan.

Regulations of Connecticut State Agencies

(Effective March 21, 1990)