



# K A N S A S

DEPARTMENT OF HEALTH AND ENVIRONMENT

## Solid Waste Facility Permitting Process Checklist

Existing/Pending Permit # \_\_\_\_\_, \_\_\_\_\_ County

Permittee/Applicant:

Facility Name:

Facility Location:

\_\_\_\_\_ New Permit    \_\_\_\_\_ Significant Modification    \_\_\_\_\_ Minor Modification\*  
\_\_\_\_\_ Transfer\*\*

### Requested Action

\* Minor modifications meet the following criteria: the permitted capacity will not increase by 10% or more; the horizontal and vertical limits of permitted waste disposal areas will not change significantly; the permitted facility acreage will not decrease significantly or increase at all; and the type of permitted units will not change (or will only change from MSWLF to another type of solid waste unit at an active facility). This checklist would normally be used for minor modifications that involve changes substantial enough to warrant updating the permit (rather than simple approval by letter in accordance with permit General Condition 4). Approval of new/amended "stand alone" plans is an example of a minor modification where updating the permit would be warranted. On the other hand, approval of an amendment that gets inserted into or appended to a previously approved plan is an example of a minor modification that would normally be approved by letter only. The "Preliminary Evaluation" (items 1-6), "Completeness Review" (items 7-10), "Initial Public Involvement" (items 11-13), some aspects of the "Technical Review" (e.g., items 14, 22-24, and perhaps some other items), and "Final Public Involvement" (items 25-27) would normally be "not applicable" to minor modifications, even when the permit will be updated.

\*\* Simple transfers (those just involving corporate name changes or ownership changes) would generally follow an abbreviated process addressing some "Preliminary Evaluation" (items 1, 2, 6), some "Completeness Review" (items 7-8), some "Technical Review" (items 22-23), and "Final Processing" (items 28-32). Some other items on this checklist may have to be addressed if those items were not previously completed or if minor modifications have occurred or are requested. Refer to the Permit Transfer Application form for additional guidance. Transfers that involve significant changes to the facility design or operation would use the standard application form for the type of unit involved and would generally be processed similar to new permits and significant modifications; that is, they would typically follow this checklist in its entirety, although some items might be "not applicable".

**Instructions:** This form is intended for use by KDHE Bureau of Waste Management staff. Check boxes, and initial and date next to boxes when each item is completed. Note information as appropriate.

### **Preliminary Evaluation (precedes review of application)**

- 1. Background investigation:** Conduct background investigation of the applicant per K.S.A. 65-3407(c). This includes review of business concern/public entity disclosure statement, compliance history, and other relevant information.
- 2. Criminal investigation:** Request attorney general perform criminal background investigation of the applicant per K.S.A. 65-3407(d) if there is justification for making the request.
- 3. Certification on SWMP consistency:** Confirm receipt of completed local government certification as to consistency with solid waste management plan (except for landfills solely for onsite-generated industrial waste or onsite-generated C&D waste) per K.S.A. 65-3407(m)(1).
- 4. SWMP confirmation:** Request determination from Solid Waste Planning staff as to whether the solid waste management plan would allow the proposed new facility or significant modification (per Bureau Director's policy e-mail 6/28/04).
- 5. Certification on land use consistency:** Confirm receipt of completed local government certification as to consistency with land use restrictions (if zoned) or compatibility with surrounding land uses per K.S.A. 65-3407(m)(2).
- 6. Proof of ownership:** Confirm receipt of proof that the applicant owns the subject property, if required per K.S.A. 65-3407(m)(3).

### **Completeness Review**

Note: BWM Policy 04-02 states: "For the purposes of this policy, a "complete" application means that all major requirements set forth in the bureau's application form have been addressed and local government approvals have been received with respect to zoning and consistency with the local solid waste management plan."

- 7. Application:** Confirm application form is completed, including signatures.
- 8. Supporting documents:** Confirm that other required documents were submitted (items 15-24 below, as applicable).
- 9. Initial review of location restrictions:** Determine whether "the proposed facility clearly fails to satisfy prohibitive statutory or regulatory siting

restrictions” as this could negate the requirement for further processing per BWM Policy 04-02.

- 10. Fee:** Deposit application fee (if required) per K.S.A. 65-3407(e) and K.A.R. 28-29-84.

**Initial Public Involvement (only required for new landfills or significant modifications of landfills)**

(Refer to separate checklists for planning public notices and public meetings.)

- 11. Initial public notice:** Within 10 working days of the application having been judged complete, issue public notice per BWM Policy 04-02.
- 12. Letters of invitation:** Prepare letters of invitation to applicant and appropriate local officials for Bureau Director’s signature per BWM Policy 04-02.
- 13. Initial public meeting:** Within 45 working days of the application having been judged complete, conduct public meeting per BWM Policy 04-02.

**Technical Review**

- 14. Advice and counsel from local health authorities:** Issue letter to the city/county health agency notifying them of the application and requesting “advice and counsel” per K.S.A. 65-3407(b).
- 15. Hydrogeologic investigation:** Determine compliance with K.A.R. 28-29-104(b) and/or relevant policies, as applicable.
- 16. Location restrictions:** Determine compliance with K.S.A. 65-3407(l) and K.A.R. 28-29-23(d), 102, 302, and/or relevant policies, as applicable.
- 17. Design requirements:** Determine compliance with K.A.R. 28-29-6, 23, 23a, 25, 25a, 25b, 25c, 25d, 25e, 25f, 30, 31, 103, 104, 304, 1101, and/or relevant policies, as applicable.
- 18. Groundwater monitoring requirements:** Determine compliance with K.A.R. 28-29-111 through 113, and/or relevant policies, as applicable.
- 19. Operational requirements:** Determine compliance with K.A.R. 28-29-23, 23a, 25, 25a, 25b, 25c, 25d, 25e, 25f, 30, 31, 108, 308, 1102-1105, and/or relevant policies, as applicable.

- 20. Closure & post-closure requirements:** Determine compliance with closure and post-closure requirements (e.g., closure and post-closure plans, etc.) per applicable regulations.
- 21. Construction quality assurance:** Determine compliance with K.A.R. 28-29-12, 103, 104, 121, 321, and/or relevant policies, as applicable.
- 22. Financial assurance:** Determine compliance with K.A.R. 28-29-2101 et seq.
- 23. Liability insurance:** Determine compliance with K.A.R. 28-29-2201.
- 24. Restrictive covenant:** Determine compliance with K.A.R. 28-29-20.

### **Final Public Involvement**

(Refer to separate checklists for planning public notices and public hearings.)

- 25. Public notice:** Issue public notice per K.A.R. 28-29-6a and relevant policies.
- 26. Public hearing:** Hold public hearing (if necessary) per K.A.R. 28-29-6a and relevant policies. Hearings are usually preceded by a brief public meeting (during the hour before the hearing) in which staff provide a brief summary of the application followed by a question-and-answer session.
- 27. Response to comments:** Prepare responses per K.A.R. 28-29-6a and relevant policies. Wait to issue responses until after concurrence routing.

### **Final Processing**

- 28. Initiate concurrence routing:** Preliminary routing of proposed permit (and draft responses to public comments, if any) from author to compliance section, planning section, district office, and hydrogeologic unit. Then circulate proposed permit from author to unit chief, financial assurance auditor, legal counsel, section chief, bureau director, and division director.
- 29. Final signature:** Receive signed permit from division director's office. Add date on permit. Stamp plans "APPROVED", sign and date.
- 30. Issue permit (copy):** Transmit copy of permit with cover page explaining that the permit is not effective until the certification page is completed and returned.
- 31. Certification received:** Change new permit status to "Active" in solid waste database, and update other database fields as appropriate.

- 32. Issue permit (original):** Transmit original permit and approved plans.

Revised August 4, 2005 – Format updated Feb, 05, 2008