



**Sub. H.B. 700**  
123rd General Assembly  
(As Reported by H. Energy and Environment)

**Reps. Schuring, Stevens, Logan, Bender**

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**BILL SUMMARY**

- Establishes additional procedures for the approval or disapproval of permit applications for proposed new or modified solid waste landfills.
- Requires that any vertical expansion of a solid waste landfill over existing solid waste placement areas be constructed either over a separatory liner system in accordance with rules or over an existing placement area that is underlain by a composite liner and leachate collection system.
- Declares an emergency.

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**CONTENT AND OPERATION**

***Procedures for approving or disapproving a permit for a solid waste landfill***

Current law requires each person proposing to open a new solid waste facility, including a solid waste disposal facility, or to modify an existing solid waste facility to submit an application for a permit to the Director of Environmental Protection at least 270 days before proposed operation of the facility (sec. 3734.05(A)(2)(a).) Current law also establishes specific procedures that must be completed prior to the approval or disapproval of the application, including, the submission of engineering plans, specifications, and information regarding the facility, the submission of application fees, the holding of a public meeting, and the holding of a public information session and hearing concerning the application (sec. 3734.05(A)(2)(a) to (e).)

With regard to solid waste landfills, the bill generally retains all of the existing requirements governing permit applications, including the requirement that an application for a proposed new or modified solid waste landfill be submitted 270 days before the proposed operation of the facility. However, the bill establishes additional procedures governing the permit application process for a landfill. The bill requires the Director to issue a final action on such an

application not later than 270 days after the submission of a complete application. Prior to issuing the final action, the Director must comply with all existing requirements related to permit applications, including public hearing and public meeting requirements. However, if, after the public meeting held concerning the application and upon review of the application, the Director determines that the application is deficient in any manner, the Director must issue one or more letters of deficiency to the applicant setting forth the aspects of the application that are deficient. An application that is determined to be deficient cannot be considered to be complete. The person must respond to a letter of deficiency by revising the application or any engineering plans, specifications, or other information within a time period established in rules adopted under the bill. (Sec. 3734.05(A)(2)(g).)

If the person does not respond to a letter of deficiency within the established time, the Director must issue an order denying the application. If the person responds within that time, the Director must conduct an additional public meeting and, if a public information session and hearing have not yet been held concerning the application, the required public information session and hearing concerning the application. The Director must issue a final action on the application within the time period established in rules, provided that the Director determines that the application is complete. (Sec. 3734.05(A)(2)(g).)

The bill establishes specific authority for the Director to adopt rules in accordance with the Administrative Procedure Act that establish the time periods needed for the new procedures (sec. 3734.05(A)(2)(i)).

**Vertical expansions of solid waste landfills**

The bill requires that any vertical expansion of a solid waste landfill over existing solid waste placement areas be constructed either over a separatory liner system constructed in accordance with rules adopted under existing law or over an existing placement area that is underlain by a composite liner and leachate collection system (sec. 3734.05(A)(2)(h)). The bill specifies that this requirement applies to any application for a permit to open or modify a solid waste landfill that is pending on the bill's effective date (Section 3.).

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**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	05-10-00	p. 1940
Reported, H. Energy & Environment H0700-rh.123/kl	11-16-00	p. 2391