

ARTICLE 12.

SOLID WASTE DISPOSAL REGULATIONS.

Sec.	Sec.
1.0. General.	7.0. Class III land disposal and other methods.
2.0. Definitions.	8.0. Suspension, revocation, permit denial, hearings and penalties.
3.0. Permits.	9.0. Safety.
4.0. Compliance.	10.0. Severability.
5.0. Class I disposal facilities.	11.0. Repeal of former regulations.
6.0. Class II disposal facilities.	

1.0. GENERAL.

Scope: These regulations establish the rules and regulations of the West Virginia State Board of Health governing the design, construction, installation, and operation of solid waste disposal systems and methods.

Authority: Pursuant to the authority conferred upon the State Board of Health by Chapter 16, Article 1, of the West Virginia Code of 1931 as amended, the State Board of Health hereby establishes these regulations as the minimum requirements for solid waste disposal systems and methods.

Filing Date: On May 31, 1974, as prescribed by State Law, these regulations were filed with the Office of the Secretary of State, State of West Virginia.

Certification: These regulations were certified as being received and on file in the Office of the Secretary of State, State of West Virginia on May 31, 1974.

Effective Date: These regulations become effective on July 1, 1974.

C. 2.0. DEFINITIONS.

Solid Waste—Putrescible matter and discarded materials and objects rendered of little utility or nondesirable by human activity resulting from governmental, residential, commercial, industrial and agricultural operations. Human excreta, animal manure, suspended solids in waste water effluent and streams, and those industrial process wastes subject to control by the Department of Natural Resources or the West Virginia Air Pollution Control Commission are excluded for the purposes of these regulations.

2.2 Solid Waste Disposal Class—A rating according to the most severe disposal precautions which must be exercised:

2.2.1 Class I—Wastes of a hazardous nature or water soluble substances having toxic or infectious properties or special water pollution potential which must be kept away from usable water sources regardless of costs.

2.2.2 Class II—Decomposable organic materials including but not limited to normal household solid waste.

Ch. 1

PUBLIC HEALTH LAWS OF WEST VIRGINIA

- 2.2.3 Class III**—Inert and relatively nondecomposable materials presenting only confinement and esthetic problems.
- 2.3 Person**—Individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, institution, department, division, bureau, agency, or any entity recognized by law.
- 2.4 Disposal Facility**—An area, with structures and equipment for the destruction, transformation or deposit of the solid wastes of others:
- 2.4.1 Landfill Disposal Facility**—A specific parcel or plot of land prepared for the controlled disposal of solid waste in accordance with engineered plans and specifications prepared by a registered engineer and approved by the Director.
- 2.4.2 Incinerator**—A multi-chambered furnace designed for burning solid waste in the temperature range of 1600°F to 2000°F with stack emissions not exceeding limits set by the West Virginia Air Pollution Control Commission.
- 2.5 Director**—The administrative head and chief executive officer of the State Department of Health or his duly authorized representative.
- 2.6 Permit**—A written document issued by the Director giving the permit holder permission to construct, install, extend, alter or operate an approved solid waste disposal system or method on a particular tract or parcel of land.
- 2.7 Leachate**—The contaminated liquid or percolate produced within or issuing from a landfill disposal facility or other waste deposit.

SEC. 3.0. PERMITS.

- 3.1** On and after July 1, 1974 solid waste shall be disposed of only by landfill disposal in accordance with these regulations, or by incinerator constructed in accordance with these regulations and the requirements of the West Virginia Air Pollution Control Commission, or by other methods equal or superior to these means and approved in writing by the Director.
- 3.2** On and after July 1, 1974 no person shall establish, construct or operate or agree to establish, construct or operate a solid waste disposal facility without having a valid permit issued by the Director, nor shall any person use or agree to use any solid waste disposal facility for which a permit has not been issued, except as provided in Section 4.0.
- 3.3** Permits shall be issued only after it has been determined that the site is acceptable and other conditions hereinafter provided are met.
- 3.4** An application for a permit shall be made in writing to the Director on prescribed forms and shall contain all pertinent information relative to location, construction and installation of the disposal facility and such other information as may be deemed necessary by the Director.
- 3.5** Permits shall not be transferable or assignable and shall automatically become invalid upon a change of ownership or upon suspension or revocation.

- 3.6 If the disposal facility has not been constructed or installed within six (6) months from the date of issuance of the permit, or if operations cease for a period of six (6) months, said permit shall automatically expire.
- 3.7 In addition to all other requirements of these regulations, all solid waste disposal facilities constructed, installed, extended or operated after these regulations become effective shall be constructed, installed, extended or operated in accordance with the applicable standards contained in the West Virginia Department of Health, Solid Waste Program Bulletin SWP-D1, "Design Standards for Solid Waste Disposal." Bulletin SWP-D1 filed in the Secretary of State's office and becomes a part of these regulations.

SEC. 4.0. COMPLIANCE.

- 4.1 and after July 1, 1974 any person collecting, transporting or disposing solid wastes for others or having in his employ those who do so, shall register with the Director specifying the territory he services and the disposal facilities he uses, nor shall any person begin such service or assume an established service without first registering with the Director. These requirements are in addition to and do not supersede any applicable authority granted by the West Virginia Public Service Commission.
- 4.2 Holders of valid landfill disposal site approvals issued prior to and operating in accordance with these regulations on July 1, 1974 shall be reissued a permit.
- 4.3 Any landfill disposal facility not having an approval or not operating in accordance with these regulations on July 1, 1974 shall meet the compliance schedule established by the Director, and failure to meet such schedule shall be cause for closing said facility at the time and in the manner specified by the Director.

C. 5.0. CLASS I DISPOSAL FACILITIES.

- 5.1 The requirements for Class I waste disposal shall be determined separately for each application.

SEC. 6.0. CLASS II DISPOSAL FACILITIES.

- 6.1 Class II landfill disposal sites, plans and operating requirements:
- 6.1.1 Sites shall be acceptable geologically and hydrologically for stability, adaptability of the soil, and protection of ground and surface waters, unless natural limitations can be overcome by design and construction.
- 6.1.2 Facilities shall be designed and operated to prevent surface and ground water from contacting deposited waste.
- 6.1.3 Facilities shall be situated to conform with long range regional requirements, shall exhibit evidence of operational stability, and shall have minimum detrimental effect upon like adjacent facilities.

6.1.4 Design:

6.1.4.1 Drawing quality and details shall be suitable for solicitation, and shall provide a clear and specific operating guide and construction assembly sequence.

6.1.4.2 The plans shall specify a method or methods of leachate control and treatment.

6.1.4.3 One set of specifications and plans shall be maintained at the site for operator instructions and for recording progress and deviations.

6.1.4.4 The Director at his discretion will confer with other agencies on questions relating to site selection, adequacy of the proposed facility and other problems that may arise.

6.1.4.5 The Director may require specific information and acts to be performed before granting a permit including but not limited to core borings, elevation of water table, soil and bedrock characteristics, flood data as it affects the site, and other pertinent data if it is not readily apparent or available.

6.1.5 Operation:

6.1.5.1 All waste shall be covered with not less than six (6) inches of compacted earth, or other material as approved in writing, at the end of each working day and smoothly graded to facilitate rainfall runoff and prevent ponding. Final cover shall be not less than two (2) feet thick, compacted, and stabilized by vegetation or as approved in writing by the Director.

6.1.5.2 Facilities shall be maintained in an orderly manner, and free from nuisances of odors, and rodents or other vectors.

6.1.5.3 Open and uncontrolled burning of waste is prohibited.

6.1.5.4 Protruding and scattered debris shall be covered each day.

6.1.5.5 Salvage and recovery shall be conducted only in a specified area. Material not removed daily shall be neatly stored.

SEC. 7.0. CLASS III LAND DISPOSAL AND OTHER METHODS.

7.1 The requirements of Section 6.0 shall apply to Class III land disposal facilities with respect to protection of water sources, the waste confinement and esthetic considerations.

7.2 Plans and specifications for incinerators shall be prepared by a registered engineer and submitted for review and approval in accordance with Air Pollution Control Commission Regulation XIII which is filed in the Secretary of State's office, and shall be approved by the Director prior to construction and operation.

SEC. 8.0. SUSPENSION, REVOCATION, PERMIT DENIAL, HEARINGS AND PENALTIES.

8.1 Permits may be suspended and operation shall cease upon written notice

the owner for any deficiency constituting a health or pollution hazard, for an overloaded facility due to mechanical, geological or weather conditions, or for failure to adhere to plans approved for said site.

- 8.2 For serious or repeated violations of these regulations or for interfering with a representative of the Director in the performance of his duties, the permit may be permanently revoked at the end of ten (10) days following service of notice.
- 8.3 permit shall be denied whenever reasonable assurance against creating a pollution or health hazard cannot be established due to site characteristics, insufficient operating funding, plan inadequacies, operational deficiencies or for false or misleading information in the application.
- 8.4 Any person aggrieved by a notice of suspension, revocation, permit denial or other order may, within ten (10) days after receipt of such notice, if he desires, petition the Director for hearing of said notice. Said hearing shall be conducted by the Director at a time and place designated by him.
- 8.5 As provided in Chapter 16, Article 1, Section 9 of the West Virginia Code, any person who violates any provision of these regulations shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than \$25.00 nor more than \$500.00, and continued violations shall constitute a separate, distinct and additional offense for each twenty-four hour period the violation exists.

9.0. SAFETY.

In any case involving questions of safety or environmental impact, the waste producer or generator may be required to certify the composition of the waste materials.

Normal precautions shall be practiced by landfill operators of construction-type equipment including warning devices and other requirements of the Federal Occupational Safety and Health Act.

SEC. 10.0. SEVERABILITY.

- 10.1 If any provision of these regulations, or the application thereof to any person or circumstance, shall be held invalid, such invalidity shall not affect the provisions or application of these regulations which can be given effect without the invalid provisions or application, and to this end the provisions of these regulations are declared to be separable.

SEC. 11.0. REPEAL OF FORMER REGULATIONS.

- 11.1 All regulations previously adopted by the State Board of Health which are in conflict with the provisions of these regulations are hereby repealed.