

Agency of Natural Resources  
Department of Environmental Conservation  
Solid Waste Management Program  
103 South Main Street - 1 South  
Waterbury VT 05671-0407  
802-241-3444 FAX: 802-241-3296

**STORAGE, TRANSFER and RECYCLING FACILITY RE-CERTIFICATION  
APPLICATION INFORMATION AND INSTRUCTIONS**

August 18, 1999

**GENERAL INFORMATION**

Under §6-302(c) of the Vermont Solid Waste Management Rules (eff. 1/15/99) (Rules), a person must obtain a certification or a certification modification prior to the construction, substantial alteration, or operation of a solid waste management facility. Certifications are issued for a maximum term of five (5) years. Prior to the expiration date of the certification, a person who intends to continue to operate a storage or transfer facility or a recycling facility (that handles greater than 400 tons of recyclable materials per year), must complete and submit an application for re-certification. A requirement for submittal of the re-certification application is specified in the compliance section of the certification.

It is important that an application for re-certification be submitted in a “timely and sufficient”<sup>1</sup> manner. Under the provisions 3 V.S.A. §814, if an application is both timely and sufficient, an applicant can continue to operate a facility under the terms of the existing certification until the Agency makes a determination on the application. Conversely, if an application is neither timely nor sufficient, the authority to operate the facility expires upon the expiration date of the certification and the facility can not legally operate until it is re-certified.

In most cases the application for re-certification of a storage, transfer or recycling facility that handles more than 400 tons per year will be a minor application in accordance with §6-305(b)(1)(C) of the Rules. The

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<sup>1</sup> Timely and sufficient are defined in the Department’s Permit Application Review Procedure dated May 22, 1996.

An application is “timely” if it is either a) received by the date required in a previously issued license (certification) or b) if the previous license does not specify a date for application, if it is received no later than the expiration date of the license. At no time will an application be considered timely if it is received after the expiration date of the previously issued license.

An application is “sufficient” if it is “administratively complete”.

An application is “administratively complete” if it has been determined to include all of the initially required documentation for the Department to conduct a technical review of the application. These documents include the correct form(s), signatures and fees and other information which must be included as part of the application.

An application must be sufficient on the date which defined it as timely.

process for review of a minor application is outlined in §6-305(b) of the Rules.

Please submit your application to Chris Wagner at the above address. You may contact the Certification and Compliance Section at the above number if you have any questions.

## **INSTRUCTIONS FOR COMPLETING THE APPLICATION**

An application form is attached to these instructions.

### **1. Facility, Facility Owner, Operator and Contact Person Information**

Please include all the signature information requested. Refer to §6-304(b) of the Rules for the persons required to sign the application. All signatures must be original, no copies. For those applications where the Operator, Facility Owner, and Landowner are all the same person, the information need only be provided once. Indicate “same” for other entries. Please see Paragraph 3, Land Ownership.

### **2. Person Who Prepared the Application**

If a person other than the applicant prepared the application, that person must sign the application form.

### **3. Landownership**

If you own the property to be used for the facility, indicate the book and page on the application form and include a copy of the deed with the application. If you lease the property, has the landowner granted you an “unencumbered right to possession of the property”<sup>2</sup> to be used for the facility? If so, please attach a written statement from the landowner. If you neither own the property nor have an unencumbered right to possession of the property, the landowner must sign this application and is considered a co-applicant and a co-permittee under any certification issued.

If this information has been submitted with a previous application please indicate this on the form.

### **4. Recertification**

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<sup>2</sup> Unencumbered right to possession of property means that the landowner conveys the unrestricted right to use the property for any purpose except its sale.

Under §6-308 of the Rules, an applicant may choose to file an entirely new application for recertification which includes the application form and all the required information and documentation outlined below. Alternatively, an applicant may choose to rely on certain information on file in the Program. Under this application alternative, an applicant must

complete the application form and must review the information in the Program's files. An applicant must then identify what information will not be re-submitted because there has been no change since the last application.

**5. Facility Location**

The Rules require that the location of the facility be provided using either a Global Position Satellite (GPS) receiver or on an orthophoto tax map. (We prefer the GPS latitude and longitude coordinates). If you do not have access to a GPS receiver, you may request the Program to obtain the GPS latitude and longitude coordinates by indicating this on the form. Alternatively, you may submit an orthophoto tax map for the property on which the facility is located. Orthophoto tax maps are available, at a cost of up to \$15 per sheet, from:

Vermont Mapping Program  
Property Valuation & Review  
5 Park Row  
Waterbury, VT 05676-1512  
Telephone: (802) 241-3507

**6. Operational Units**

Many Vermont storage, transfer, and recycling facilities have more than one operational unit. An operational unit is associated with a particular type of solid waste accepted at the facility. For example, a facility may include a transfer station for mixed solid waste (MSW), a recycling drop-off, and an area for leaf and yard waste composting. There may be special collection days for household hazardous waste (HHW) and conditionally exempt generator (CEG) hazardous waste or storage of this waste on site. The facility may also collect used oil. Refer to Paragraph 9 concerning notification for CEG and used oil. All solid waste activities anticipated at the facility must be listed on the form and the management of each waste must be addressed in the facility management plan. Please refer to the Facility Management Plan, Paragraph 13 (e) on page 11.

Certain wastes, which would otherwise have to be managed as hazardous waste, may be

managed as universal waste<sup>3</sup> under the Universal Waste Management Standards in Subchapter 9 of the VHWMR. A facility may accept universal waste from any universal waste handler as long as the wastes are managed in accordance with the Universal Waste Management Standards. If any of the specified wastes will be managed as universal waste, all applicable standards must be addressed in the Facility Management Plan.

Recycling and composting operational units which are located at a storage or transfer facility and which qualify for categorical certification under §6-1207 and §6-1105 of the Rules will now be included in a single facility certification. Separate Categorical Certifications will no longer be issued. Please be sure to list these operational units on the Application Form and to attach a completed Categorical Certification Application Form.

Please note that composting facilities that do not qualify for categorical composting certification are considered treatment facilities under the Rules.

**7. Days and Hours of Operation**

Indicate the days of the week and the hours per day that the facility will operate; i.e., when the facility is accepting waste.

**8. Types and Amounts of Materials Handled at the Facility**

We have tried to make this section of the form as flexible as possible to account for changes in the amount of solid waste managed at a facility and the application fee due. This part of the form is divided into four sections - Section A for solid wastes which are transferred to an incineration or disposal facility; Section B for materials accepted for recycling; Section C for materials accepted for composting; and, Section D for Categorical Disposal. Please complete all sections which are relevant to the operational units at the facility.

Section A - Solid Wastes

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<sup>3</sup> Universal Wastes are defined as any of the following hazardous wastes that are subject to the universal waste requirement of subchapter 9:

- a) Batteries as described in Section 7-902;
- b) Pesticides as described in Section 7-903;
- c) Thermostats as described in Section 7-904;
- d) Fluorescent light ballasts as described in Section 7-905; and
- e) Mercury containing lamps as described in Section 7-906.

Section A is divided into 2 parts and provides the opportunity to establish a growth capacity<sup>4</sup> for the facility and an operating capacity for the facility. If the application conforms with the Rules, the facility will be certified at its growth capacity. The certification will also restrict the facility's operating capacity to the amount for which fees have been paid or for the operating capacity requested. The basis for both the growth capacity and the operating capacity must be included in the Facility Management Plan and must address the following criteria:

- 1) The number of employees needed to properly operate the facility
- 2) The number and types of vehicles which will use the facility
- 3) Vehicle flow at growth capacity
- 4) Tipping floor area, if a tipping floor is part of the facility design
- 5) The type, number and handling capacity of the equipment used
- 6) The storage capacity at the facility, considering the waste transfer schedule
- 7) The facility's hours of operation
- 8) Compliance with the requirements of Subchapters 5 and 12 of the Rules
- 9) Any other information relevant to proper operation of the facility

Please refer to the Facility Management Plan Requirement in Paragraph 13(e) on page 11 of these instructions. The certification will contain conditions which allow the Program to administratively increase the operating capacity up to the facility's approved growth capacity upon written request and submittal of the required application fee. Increases are prohibited until approval is granted. A request to increase the capacity of the facility beyond its growth capacity must include an application for amendment. The amendment application must include any necessary revisions to the facility design, facility management plan, closure plan, and financial responsibility or capability.

#### Part 1

List the waste materials and the corresponding annual tonnage and maximum day tonnage accepted, and the maximum amount stored on site based upon the facility's growth capacity.

#### Part 2

List each material and the corresponding annual tonnage and maximum day tonnage accepted, and the maximum amount stored on site based upon the facility's operating capacity.

#### Section B - Recyclable Materials

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<sup>4</sup> Growth capacity is the amount of solid waste which the facility can technically manage, on an annual basis, over the term of certification.

This section is for recycling operational units or recycling facilities that will accept greater than 400 tons per year of recyclable materials.<sup>5</sup> List the estimated amount of recyclable materials, in tons per year, for each material that will be accepted at the facility and the

maximum amount that will be stored on site. If the recycling operational unit will accept less than 400 tons per year of recyclable materials, check the space provided on the form, complete the attached Categorical Recycling Facility Application Form and include it with this application. Do not list the materials to be accepted on this application form. Use the list in the categorical recycling facility application form .

If the recycling operational unit will initially accept less than 400 tons per year of recyclable materials, but you anticipate that the facility will exceed 400 tons per year during the term of certification, we suggest that you complete Section B of this form. This will eliminate having to amend the certification.

#### Section C - Materials to be Composted

If the facility will accept materials for composting at another site, list the estimated amount of materials accepted in tons per year, for each material that will be accepted at the facility and the maximum amount that will be stored on site. If composting will take place at the facility, check the appropriate space provided on the form and review §6-1103 and §6-1105 of the Rules to determine if the composting is exempt or if it will qualify for Categorical Certification. If you believe the composting activity to be exempt, attach a description of the composting activity to this application. If you believe the composting qualifies for Categorical Certification, complete the attached Categorical Composting Facility Application Form and include it with this application. Please note that under the Application Requirements for Categorical Composting in §6-1104(c)(3), an applicant must submit a certificate of service which demonstrates that all adjoining residences and landowners were notified about the planned composting operation at least 14 days prior to the submittal of the application.

#### Section D - Categorical Disposal

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<sup>5</sup> The Rules define “recyclable materials” as solid wastes which may be reclaimed and/or processed so that they may be used in the production of raw materials or products.

The Rules define “recycle” as “the process of utilizing solid waste for the production of raw materials or products, but shall not include processing solid waste to produce energy or fuel products.”

Certain wastes, listed in §6-309 of the Rules, may be disposed under the authority of a Categorical Certification. If disposal will take place at the facility, check the space provided on the form and review §6-309 of the Rules to determine if the disposal will qualify for Categorical Certification. Complete the attached Categorical Disposal Facility Application Form and include it with this application.

**9. Notifications - Conditionally Exempt Generator<sup>6</sup> (CEG) Regulated Waste, Used Oil**

Conditionally Exempt Generator (CEG) Regulated Waste

Section 7-104(a) of the VHWMR specifies that any person who generates or transports hazardous waste – with the exception of household hazardous waste – or who owns or operates a facility for the treatment, storage, use, disposal, or recycling of hazardous waste shall notify the Secretary of such activity.

An applicant must notify the Secretary as a regulated waste handler if hazardous wastes will be accepted from CEG's – or if any hazardous wastes will be generated from on-site operations (e.g., vehicle or machine maintenance wastes) – and if a notification hasn't yet been made for this location. There is no fee involved with this notification requirement. An applicant may contact the Management and Prevention Section at (802)241-3888 for more information and to request a copy of the required form. A copy of the notification form, with attachments, may

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<sup>6</sup> The Vermont Hazardous Waste Management Regulations define a generator as conditionally exempt if that person generates less than :

- (1) 220 pounds (100 kilograms ) of hazardous waste in a calendar month; and
- (2) 2.2 pounds (1 kilogram) of acutely hazardous waste in a calendar month; and
- (3) 220 pounds (100 kilograms) of any residue or contaminated soil, waste or other debris resulting from the cleanup of a discharge of any acutely hazardous waste in a calendar month; and

has accumulated less than 2,200 pounds (1000 kilograms) of hazardous waste, 2.2 pounds (one kilogram ) of acutely hazardous waste, or 220 pounds (100 kilograms) of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a discharge of any acutely hazardous waste at any time.

also be found at the Vermont Waste Management Division's web site at:  
<http://www.anr.state.vt.us/dec/wmd.htm>.

Section 7-104(c) of the VHWMR specifies that all hazardous waste handlers "shall maintain an up-to-date Notification of Regulated Waste Activity form filed with the Secretary which accurately describes current waste activity and waste generation."

An applicant must update the notification if any new activity will impact the current notification, due to changes in waste type, waste amount, or owner or facility contact information. There is no fee involved with this notification requirement. The applicant may contact the Management and Prevention Section at the above number for more information and to request a copy of the required form. A copy of the notification form, with attachments, may also be found at the Division's web site as noted above.

### Used Oil

Under §6-301(b)(1) of the Solid Waste Management Rules, the collection of used oil and oil filters is exempt as long as the collection of these materials is in conformance with the requirements of the VHWMR. Under §7-104(a) of the VHWMR, a person who manages used oil in accordance with used oil management standards, must notify the Secretary of such activity and obtain an EPA identification number using a Notification of Regulated Waste Activity Form. There is no cost for this notification. The applicant may contact the Management and Prevention Section at the above number for more information and to request a copy of the required form. A copy of the notification form, with attachments, may also be found at the Division's web site as noted above.

## **10. Liquid Collection and Treatment**

Under §6-1204 (c) of the Rules, all facilities designed with tipping floors must have a collection system for liquids associated with incoming waste materials. All such liquids must be delivered to a wastewater treatment facility for treatment. If the liquids are to be delivered to a wastewater treatment facility located in Vermont, you must contact the Direct Discharge Permit Section of the Wastewater Management Division at 241-3822 to obtain a permit or other authorization.

## **11. Application Fees**

Under 3 V.S.A. §2822 (i), municipalities are exempt from solid waste facility application fees. An application submitted by a private sector entity must include an application fee. The amount of the application fee is set forth in 3 V.S.A. §2822(j)(6) and is \$0.75 per ton of solid waste per year.

a) Application fees - Solid Waste

The application fee is determined based on the total annual tonnage of all solid wastes accepted at the facility which are not recycled or reused<sup>7</sup>, multiplied by \$0.75, multiplied by the term of certification, up to a maximum of five years. Please show your calculation of the fee amount in the space provided on the form.

b) Application Fees - Recycling and Composting

There is no application fee for recycling facilities or recycling operational units. There is no application fee for on-site composting of wastes or accepting wastes for composting at another site as long as the activity would qualify for Categorical Certification under §6-1105 of the Rules.

c) Application Fees - Public/Private Facilities

Some storage, transfer, and recycling facilities in Vermont involve both a municipality and a private sector entity. In order for such a facility to be exempt from an application fee, it must be a municipal facility. Generally, this is where the private entity serves only as a contract service provider. For such facilities, the municipal co-applicant must submit with the application a written request for an exemption from the application fee which addresses all the criteria set forth in the Applicability Section of the Department Procedure Entitled: *Procedure Regarding the Payment of Solid Waste Certification Application Fees Involving Both Public and Private Co-applicants ("Fee Procedure")*. The Program will make a determination concerning the fee exemption request during the administrative completeness check of the application.

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<sup>7</sup> The Rules define "recycle" as "*the process of utilizing solid waste for the production of raw materials or products, but shall not include processing solid waste to produce energy or fuel products.*"

The Rules define "reuse" as "*the use of a material or product more than once before it is recycled or discarded as solid waste.*"

**12. Certification of Compliance with the Rules**

Section 6-304(d) of the Rules requires applications to be prepared under the direction of a professional engineer (P.E.) licensed in the State of Vermont. The engineer must certify that the application is in compliance with all applicable standards contained or referenced in the Rules. The Secretary may waive this requirement upon request by the applicant. Generally, a waiver will not be considered for a new facility. A waiver will be considered for existing facilities not previously certified under 10 V.S.A. §6605 (An example would be where a facility had received an interim certification under 10 V.S.A. §6605b and is now requesting certification under 10 V.S.A. 6605) and for which there are no proposed changes to the design or operation of the facility. The request for a waiver must be included with this application. If a P.E. waiver is requested, the applicant must certify that the application is in compliance with all applicable standards contained or referenced in the Rules. If a P.E. waiver is granted, we strongly recommend that an applicant obtain the services of a person familiar with the regulatory process in Vermont to assist in preparing the application.

**13. Application Documents**

The documents listed below must be included with the completed application form.

- a) Plan for Public Notice of the Application

The Plan for Public Notice of the Application must meet the requirements of §6-304(h) of the Rules.

- b) Conformance with the requirements of 10 V.S.A. §6605(f)

10 V.S.A. §6605(f) requires that an applicant submit notice and a copy of the application to the municipality in which a facility is located or is proposed to be located, prior to or at the same time the application is filed with the Solid Waste Management Program. A notice and a copy of the application must be submitted to any adjacent Vermont municipality if the facility is located on a border. The application must include a list of those persons who received the notice and copy of the application. For applications submitted by a municipality, the municipality must include a statement that a

copy of the application is on file and include the location where the application is available for public inspection. For applications submitted by the private sector, solid waste district or municipal alliance, the notice and copy of the application must be submitted to the municipality where the facility is located, along with the location where the application is available for public inspection.

c) Compliance with the Planning Requirements of 10 V.S.A. §6605(c)

For facility re-certification, an applicant must submit evidence that the facility is included in a solid waste implementation plan adopted pursuant to 24 V.S.A. §2202a, for the area in which the facility is located. The applicant must also submit evidence that the facility is in conformance with any regional or local plan adopted in accordance with 24 V.S.A. Chapter 117. Evidence that the facility is included in the solid waste implementation plan may consist of a written supporting statement from the solid waste district, municipality, or solid waste alliance which cites the relevant parts of the plan or includes an excerpt from the relevant portions of the plan. Evidence that the facility is in conformance with the regional and municipal plan developed under 24 V.S.A. Chapter 117, may consist of a written supporting statement from the regional planning commission and municipality which cites the relevant portions of the plans.

d) Compliance with Siting Requirements

The application must include information, in sufficient detail, which demonstrates compliance with the siting requirements in Subchapter 5 of the Rules.

e) Facility Management Plan

The Facility Management Plan must meet the requirements of §6-1202 of the Rules and must address all operational units and wastes to be managed at the facility. Please refer to §1206 of the Rules for the management standards for specific materials.

The Facility Management Plan must include the basis for the growth capacity and the operating capacity for the facility.

If any HHW or CEG hazardous wastes are to be stored at the facility, the storage and management of these wastes must be described in the Facility Management Plan and must meet all applicable standards of §7-307 (c) (1), (2), (7) and (9) and §7-309

(a)(4) and (b) of the VHWMR.

If used oil is managed at the facility, include a description of this operational unit in the Facility Management Plan. The collection and management of used oil must comply with the requirements of Subchapter 8 of the VHWMR.

If any of the specified universal wastes, are to be managed as universal wastes, the Facility Management Plan must address all applicable requirements of Subchapter 9 of the Vermont Hazardous Waste Management Regulations.

The Facility Management Plan must be prepared under the direction of a Professional Engineer, licensed to practice in the State of Vermont, unless this requirement is waived by the Secretary. Generally, a waiver will not be considered for a new facility. A waiver will be considered for existing facilities not previously certified under 10 V.S.A. §6605 and for which there are no proposed changes to the design or operation of the facility. The request for a waiver must be included with this application.

f) Facility Site and Engineering Plans

The Facility Site and Engineering Plan must show the layout of all operational units at the facility, traffic flow pattern, and the design details necessary for compliance with §§6-1203 and 1204 of the Rules. The plans must show distances

from the facility to nearby public and private drinking water supplies, property lines, homes, public buildings, and waters of the state which demonstrate compliance with the siting limitations in Subchapter 5 of the Rules.

g) Facility Closure Plan and Closure Cost Estimates

The Facility Closure Plan must meet the requirements of §§6-1001, 1002 and 1004 of the Rules. Under §6-1004, the closure cost estimates must be based on the work required for a third party contractor to properly close the facility at a point in the life of the facility when closure would be most expensive. The closure plan must clearly identify the most expensive closure scenario and address the applicable factors listed in §6-1004(b) in developing the estimated closure cost. This estimated closure cost is the basis for the required amount of financial responsibility or capability.

h) Evidence of Financial Responsibility or Capability

1. Private Sector Entities

Applications must include evidence of Financial Responsibility that meet the requirements of §6-901 of the Rules. At a minimum, such evidence must include a plan for achieving compliance with Financial Responsibility requirements prior to issuance of a draft certification. This means that the financial responsibility instrument must be capitalized before the draft certification is issued. The plan must propose the use of a financial responsibility instrument that meets the requirements of Appendix A of the Rules. Financial responsibility instrument forms may be obtained from the Certification and Compliance Section.

2. Municipalities

Applications must include evidence of Financial Capability that meets the requirements of §6-902 of the Rules. The information required by §6-902 (b)(1), (2) and (3) must be submitted with the application.

i) Background Disclosure Statements

Pursuant to 10 V.S.A. §6605f, any non-governmental entity or person applying for certification must include background disclosure statements. For facilities involving both a governmental entity and a non-governmental entity, the application must include background disclosure statements for the non-governmental entity. Disclosure Statements are attached to this application.

**OTHER INFORMATION**

Application Format

In order to facilitate the review of the application, we encourage applicants to include a table of contents that identifies where the required information or documents may be found. Please review the application to be sure that all required documents and information are included; incomplete applications delay the certification process.

Please use the attached application checklist for reference.

Complete Applications On File

Applicants are responsible for ensuring that a complete application is on file with the municipality where the facility is located throughout the review process. Under §6-305(a)(2) of

the Rules, a complete application must be on file in the municipality where the facility is located at the time public notice of the application is provided. Under §6-305(a)(5) of the Rules, a copy of the application that is determined to conform to the Rules must be on file in the municipality where the facility is located. All additional information furnished to the Program for its review must also be submitted to the municipality.

Solid Waste Franchise Taxes

Applicants are encouraged to review 32 V.S.A. Subchapter 13 concerning the payment of any solid waste franchise tax due. A copy of the statute is attached for your reference. Questions should be directed to the Vermont Department of Taxes. A tax is due on waste delivered to a transfer facility for shipment to an incinerator or other treatment facility or disposal facility that is located outside the state. Please note that under 32 V.S.A. §5954, a copy of the tax return must be submitted to the Secretary of the Agency of Natural Resources. Please send the copy of the return to Chris Wagner at the address on the first page.

Other State Permits

We recommend that you contact the Permit Specialist assigned to the Region within which the facility is located. The Permit Specialist will identify other state permits you may need to obtain prior to commencing the project. Please see the attached map to identify your local Regional Office.

## Application Checklist

- \_\_\_\_\_ Application Form: Completed, with all necessary and appropriate signatures
- \_\_\_\_\_ Property deed: Copy attached
- \_\_\_\_\_ Unencumbered Right to Possession of Property: A statement from the landowner conveying to you an unencumbered right to possession of the property to be used for the facility
- \_\_\_\_\_ Completed Categorical Certification Application Forms for Recycling and Composting Operational Units as appropriate
- \_\_\_\_\_ Description of Exempt Composting Activity attached if appropriate
- \_\_\_\_\_ Orthophoto Tax Map: A copy which shows the property to be used for the facility
- \_\_\_\_\_ Application Fee: Check attached

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- \_\_\_\_\_ P.E. Waiver: If appropriate, a request for a waiver from the requirement for a P.E. to prepare the application
- \_\_\_\_\_ Plan for Public Notice of the Application: Attached
- \_\_\_\_\_ Notice to Municipality: Information which demonstrates compliance with the requirements of 10 V.S.A. §6605(f)
- \_\_\_\_\_ Planning Requirements: Information which demonstrates compliance with the planning requirements of 10 V.S.A. §6605(c)
- \_\_\_\_\_ Siting Requirements: Information which demonstrates compliance with the siting requirements of Subchapter 5 of the Rules
- \_\_\_\_\_ Facility Management Plan which complies with the requirements of §6-1202 of the Rules
- \_\_\_\_\_ P.E. Waiver: If appropriate, a request for a waiver from the requirement for a P.E. to prepare the facility management plan
- \_\_\_\_\_ Facility site and engineering plans
- \_\_\_\_\_ Facility closure plan and closure cost estimates
- \_\_\_\_\_ Plan for financial responsibility or financial capability
- \_\_\_\_\_ Background Disclosure Statements: Completed forms attached