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west virginia department of environmental protection

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Division of Water and Waste Management  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
Telephone: (304) 926-0499  
Fax: (304) 926-0456

Earl Ray Tomblin, Governor  
Randy C. Huffman, Cabinet Secretary  
dep.wv.gov

**CLASS D GENERAL PERMIT  
RENEWAL**

**PERMIT NUMBER: SWF-GP-NC-Class D**      Issue Date: November 8, 2011

Subject: Noncommercial Construction/  
Demolition Solid Waste Facility      Effective Date: November 8, 2011  
Expiration Date: November 7, 2016

This is to certify that any entity who agrees to the terms and conditions of this Class D General Permit, who has obtained a Groundwater Protection Plan for a Noncommercial Construction/Demolition Solid Waste Facility, who has satisfied the requirements of the “Application for Registration to Operate a (Noncommercial) Class D Solid Waste Facility”, and who the DEP has accordingly assigned a registration number, is **hereby granted a one (1) year Registration** issued under this Class D General Permit to construct, operate and/or maintain a Class D Solid Waste Facility, including access control and drainage structures as indicated in the attached permit documents. This Class D General Permit must be operated as a Noncommercial Solid Waste Facility. This facility can only be used for the disposal of construction/demolition waste materials as listed in “Attachment ‘A’ ” of the “Application for Registration to Operate a (Noncommercial) Class D Solid Waste Facility”.

Definitions:

“Best Management Practices” (“BMPs”) means schedules of activities, prohibitions, required practices, maintenance and operational procedures, and other waste management practices utilized to prevent or reduce the pollution of waters of the State or other environmental impacts.

“Class D General Permit” means a solid waste permit, which allows for the disposal of construction/demolition waste at a noncommercial Class D solid waste disposal facility, as authorized by the facility Registration to Operate a (Noncommercial) Class D Solid Waste Facility: *Provided*, That this Class D General Permit does not authorize operation of a facility by persons required by the Secretary to apply for an “individual permit” in accordance with 33CSR1.

“Class D Solid Waste Facility” means any noncommercial solid waste facility for the disposal of only construction/demolition waste in an area no greater than two (2) acres in size and not exceeding the height of the adjoining ground elevation.

“Construction/Demolition Waste” means waste materials authorized or prohibited by Attachment “A” to the Registration to Operate a (Noncommercial) Class D Solid Waste Facility.

“Individual Permit”, for the purpose of this Class D General Permit, means any solid waste permit authorized under 33CSR1 Subsection 3.3., et seq., other than a Class D.

“Noncommercial Solid Waste Facility” (NCSWF) is any approved solid waste facility owned and operated by a person for the sole purpose of disposing of solid wastes created by that person or such person and other persons on a cost-sharing or non-profit basis.

This permit is subject to the following terms and conditions:

Misuse of a Noncommercial Solid Waste Facility for the purpose of profit is strictly prohibited and may result in fines and/or imprisonment and the registrant’s eligibility to participate in the General D permit program.

As provided by W.Va. Code Chapter 22, Article 15, Section 5, the West Virginia Department of Environmental Protection (Department) may deny the issuance of a permit on the basis of information in the application or from other sources, including public comment, if the solid waste facility is likely to cause adverse impacts on the environment. For these reasons the Secretary may prohibit the installation or establishment of specific types and sizes of solid waste facilities in a specified geographical area of the state.

Upon approval from the West Virginia Department of Environmental Protection the information submitted in, on and with the facility “Application for Registration to Operate a (Noncommercial) Class D Solid Waste Facility” (Registration to Operate a (Noncommercial) Class D Solid Waste Facility) is hereby incorporated in this permit with like effect, as if all such information was set forth herein, as well as all other conditions set forth in this permit.

## PERMIT CONDITIONS

### A. Responsibilities

#### 1. Requirement to Comply

Construction and operations shall be performed in accordance with W.Va. Code Chapter 22, Articles 15, 12, and 11 and rules promulgated thereunder; the approved plans and specifications; the Registration to Operate a (Noncommercial) Class D Solid Waste Facility; the Groundwater Protection Plan; this permit; any attached instructions, changes, amendments or modifications to this permit; and any Orders issued by the Department.

#### 2. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Nothing in this permit shall be construed to relieve the permittee from compliance with any other applicable federal, state, county or local laws, rules, or ordinances.

#### 3. Right of Inspection

The Secretary of the Department or authorized representative(s) shall have the right to enter the site and conduct monitoring or inspect any conditions or operations occurring at the site at any time.

#### 4. Location Standards

The landfill may not be located: within the 100-year floodplain; within five hundred (500) feet of a dwelling that is or will be occupied, unless written permission is received from the owner of the dwelling; within three hundred (300) feet of a river, stream, creek, branch, brook, wetlands, lake or pond; within two hundred (200) feet of another Class D facility or other solid waste facility; or, on top of the surface of any land where solid waste was previously disposed. The landfill may not be located in any area prohibited by 33CSR1 Section 3 or in any area prohibited by federal, state or local requirements. Only one (1) Class D landfill may be located per 10 acre site.

#### 5. The solid waste facility shall be located and operated in accordance with all applicable federal, state, county or local laws, rules, ordinances, or restrictions.

#### 6. Size Limitation

The disposal area shall not exceed two (2) acres (87,120 sq. ft.) in spacial area as identified in the initial Application for Registration to Operate a (Noncommercial) Class D Solid Waste Facility. The depth of the waste placed in the disposal area shall not exceed the height of the existing adjacent contour elevations. The proposed site cannot be created in whole or in part by excavating the site or any portion thereof. Excavation, including the digging of pits, to create a disposal cell or to create additional disposal capacity, is an unacceptable practice and is strictly prohibited.

## 7. Water Pollution

The permittee must obtain an individual NPDES permit, only if any activities covered under this general permit lead to pollution of the surface waters or ground waters of the State as a result of handling or disposal of approved solid waste or discharge from the solid waste facility. This solid waste facility shall not violate water quality standards with any discharge into receiving streams or groundwater in accordance with W.Va. Code Chapter 22, Articles 11 and 12 and the rules promulgated thereunder, including but not limited to 47CSR2 and 47CSR58.

## 8. Acceptable waste

Waste to be disposed at this facility shall be exclusively construction/demolition waste as defined in Attachment "A" of the Application for Registration to Operate a (Noncommercial) Class D Solid Waste Facility.

## 9. If, for any reason, the permittee does not comply with or will be unable to comply with any terms and conditions of this permit or rules or regulations specified in this permit, the permittee shall provide the Secretary with the following information, in writing, within five (5) days of becoming aware of such conditions:

- a. A description of the noncompliance event and its cause;
- b. The period of noncompliance, including exact dates and times, or the anticipated time period noncompliance is expected to continue or occur in the future; and,
- c. Steps taken or being taken to reduce or eliminate noncompliance and to prevent recurrence of the noncomplying event.

## 10. This permit may be modified, suspended or revoked during its term in accordance with the provisions of W.Va. Code Chapter 22, Article 15 and all rules promulgated thereunder.

## B. Best Management Practices (BMPs)

1. The permittee shall maintain the facility in good working order at all times and efficiently operate all control structures or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit utilizing BMPs.
2. The facility boundary must be clearly marked and maintained utilizing: iron pins, stakes, another type of monument of durable material set firmly in the ground, or paint on trees.
3. Trees and brush within the disposal area must be removed and may be placed in the fill.
4. Topsoil encountered must be removed and stockpiled during the life of the facility and reused as a portion of the required final cover of the fill area only.

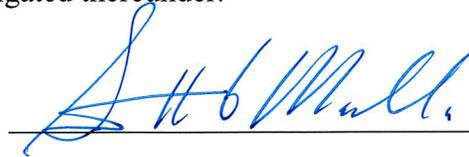
5. The permittee of the Noncommercial Class D Solid Waste Facility shall post an all-weather sign that is legible at the site which, at a minimum, includes: the name of the permittee, the Class D registration number, the effective date, the expiration date, and the phrase "AUTHORIZED PERSONS ONLY" in letters at least two (2) inches high. The sign shall be posted at the entrance(s) throughout the duration of the registration.
6. The permittee shall install and maintain sediment/erosion control structures to prevent adverse water quality impacts at the facility during the active and post-closure periods.
7. Unloading of waste shall be confined to as small an area as practical. Waste shall be spread and compacted in lifts of not more than three (3) feet in thickness on any day. Fine particulate material shall be confined by building dikes, installing diversion ditches or utilizing other suitable methods, as needed, to control erosion and sedimentation.
8. Compaction, Grading and Cover Requirements
  - a. The permittee shall regularly and properly compact and grade the active disposal area to the satisfaction of the Department.
  - b. Intermediate cover, a layer of clean earthen material, a minimum of four (4) inches thick, or alternative cover material approved by the Department, must be placed once a week over the waste material disposed, or it must be placed on top of each six (6) vertical feet of waste material disposed, whichever comes first.
  - c. Any disposal area which will be dormant (not receiving additional waste for a period of at least sixty (60) days) must be covered with an additional layer of clean earthen material, a minimum of two (2) inches thick, for a total of six (6) inches of clean earthen material, and temporarily revegetated.
  - d. A layer of clean earthen material, a minimum of two (2) feet thick, must be placed on top of every twenty (20) vertical feet of fill. The fill includes waste and intermediate cover. The Department shall be notified not less than five (5) days in advance prior to placing the two (2) foot earthen layer.
9. The permittee shall ensure adequate equipment is available to properly compact and grade the disposal area and to properly maintain sediment/erosion structures to the satisfaction of the Department. As a result of an inspection the permittee may need to procure additional equipment; such equipment must be acquired within five (5) days of the inspection, unless otherwise approved by the Department.
10. The permittee is responsible for the safety of all persons at the facility.
11. The permittee shall control access to the facility at all times.

12. The permittee shall take appropriate measures to prevent unauthorized entry to the facility at all times. The permittee shall construct barriers, if required, to prevent unauthorized entry to the facility and to prevent unauthorized waste disposal by unauthorized persons. The permittee is responsible for the removal and/or proper disposal of any waste disposed at the facility by unauthorized persons.
13. Blasting or open burning of any construction/demolition waste is prohibited.
14. The permittee shall provide adequate fire protection at the site.
15. The permittee shall use BMPs to control or prevent dust, odor, mud and other nuisances from occurring in the facility or on any roadway.
16. The Secretary may require the permittee to meet additional performance standards or install additional BMPs.
17. Once the fill, or any portion thereof, has reached final elevation, or the Registration expires, the permittee shall place final cover over the fill and revegetate all disturbed areas within thirty (30) days in accordance with the approved Application for Registration and the Solid Waste Management Rule (33CSR1). The final cover shall consist of a minimum of twenty-four (24) inches of clean earthen material (measured perpendicular to the slope). The finished grade shall be no greater than 3 horizontal: 1 vertical, unless otherwise approved by the Department. The finished grade shall not allow ponding of surface water. Any settlement or subsidence that occurs after placement of final cover shall be corrected by the permittee to the satisfaction of the Department.
18. The permittee shall establish vegetation (perennial) after placement of final cover over all disturbed areas to control runoff and erosion and sedimentation in accordance with 33CSR1 Subdivision 4.5.f..
19. The permittee shall notify the Department's Environmental Enforcement regional office, in writing, within seven (7) calendar days after placement of final cover, to arrange for a final inspection of the Class D solid waste facility.
20. A deed notation must be recorded with the deed of the property on file at the county clerk's office within ninety (90) days after final inspection. At a minimum, the deed notation shall notify any potential purchaser that the land has been used as a construction/demolition landfill, and, at a minimum, the notation shall include:
  - a. A survey plot indicating the specific location and dimensions of the solid waste facility;
  - b. A record of the waste disposed, including: the name of the generator, the type of waste, the estimated quantity in cubic yards and tons, and the date the property was used as a solid waste facility.

A copy of the deed notation, including all information in Items a. and b., must be submitted to the Department.

The herein described activity is to be established, modified, extended, constructed, installed, operated, and maintained strictly in accordance with the terms and conditions of this permit; with the plans and specifications submitted with the facility's approved application form, bearing the assigned registration number; with the plans of maintenance and method of operation submitted with such application(s); and with all applicable rules in effect promulgated under W.Va. Code Chapter 22, Articles 15, 12, and 11.

Failure to comply with terms and conditions of this permit shall constitute grounds for enforcement procedures set forth in W.Va. Code Chapter 22, Articles 15, 12, and 11 and any rules and regulations promulgated thereunder.



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Scott G. Mandirola  
Director  
Division of Water and Waste Management