

6-309 Categorical Disposal Certifications

(a) Applicability.

(1) The disposal of solid wastes specified in subsection (b), may qualify for a categorical disposal certification provided that the requirements of subsection (d) are satisfied and the applicant has met the notice requirement of subsection (c). Certifications issued pursuant to this section shall not exceed a duration of five (5) years. The holder of a categorical certification must comply with the standards and operating and reporting requirements of subsections (d) and (e).

(2) No later than January 1, 2002, any person operating a facility which was granted categorical certification prior to the effective date of these rules shall re-apply for and receive categorical disposal certification or shall cease operation of the facility.

(b) Solid waste categories. A person that disposes of one or more of the following categories of solid wastes is eligible for certifications pursuant to this section, provided that the requirements of subsection (d) of this section are satisfied:

(1) stumps, brush, or untreated wood;

(2) bituminous concrete;

(3) rinsed non-recycled glass;

(4) concrete, masonry, mortar, porcelain, pottery, tile, and clay pipe;

(5) street sweepings;

(6) car wash grit and municipal separated storm sewer catch basin grit provided that the applicant demonstrates that the solid waste does not leach volatile organic compounds which exceed groundwater enforcement standards;

(7) three (3) tons per year (dry weight) or less of dead animal carcasses, except where it has been determined by either the Department of Health or the Agency of Agriculture, Food, and Markets that burial would not sufficiently reduce the risk of transmission of a disease from these carcasses; or

(8) dead wildlife disposal pits or burials established by the Vermont Department of Fish and Wildlife, for the purpose of proper disposal of injured or killed wildlife.

(c) Notice. On or before the date of filing any certification application for a facility, the applicant shall send notice and a copy of the application to the municipality where the facility is proposed to be or is located and any adjacent Vermont municipality if the facility is located on a boundary. The applicant shall furnish the secretary the names of those noticed of the application.

(d) Application requirements. In order to qualify for a categorical disposal certification, an applicant shall submit to the Secretary an application which provides the information in (1) through (5) and which demonstrates compliance with the siting limitations in (6):

(1) Site location map and sketch showing the facility size and location;

(2) Names of the owner of the land, the operator of the facility, along with business addresses and telephone numbers;

(3) Hours of operation;

- (4) An estimate of the type and quantity of materials to be received;
- (5) A letter from the municipality, municipal alliance or solid waste district serving the town where the facility is located that indicates the disposal facility is acceptable under the solid waste implementation plan, if any; and
- (6) Information which addresses the following siting limitations:
 - (A) The facility is not located in a Class I or Class II Groundwater Area; in a watershed for Class A Waters; in Class I or Class II wetlands or their associated buffer zones, as defined in the Vermont Wetlands Rules, unless a Conditional Use Determination has been issued by the Agency; or in Class III wetlands, as defined by the Vermont Wetlands Rules, unless a Water Quality Certification, pursuant to 40 CFR Part 401, has been issued or waived by the Agency;
 - (B) Disposal shall not occur within the floodway or within the one hundred (100) year floodplain;
 - (C) Disposal shall not occur within three hundred (300) feet of a public highway, or the property line(s) of lands owned by others unless the applicant can demonstrate that a reduced distance will not result in objectionable odors off site of the facility, unreasonable visual impact off site of the facility, unreasonable increase in level of noise detected off site of the facility, creates a nuisance and shall not create a condition that otherwise adversely affects public health. In no instance shall the distance be less than fifty (50) feet;
 - (D) (i) Disposal shall not occur within:
 - (I) the source isolation zone of a public water supply, or within two hundred (200) feet of the source of a public drinking water supply, whichever is greater.
 - (II) within two hundred (200) feet of the source of a private drinking water supply.
 - (ii) If disposal is proposed within the source protection area of a public water supply, the location of the disposal area and the delineated source protection area shall be identified on a site map; and
 - (E) Disposal shall not occur within one hundred (100) feet of Class B Waters, as designated by the Water Resources Board or the Natural Resources Board.
 - (F) Animal and wildlife carcass disposal shall not occur within three (3) feet of seasonal high groundwater or within six (6) feet of bedrock.
- (7) The Secretary may require additional siting limitations as may be necessary to protect public health and safety, or the environment.
 - (e) Operational and reporting requirements. A certification issued by the Secretary shall contain, at a minimum, the following operating and reporting conditions:
 - (1) The solid waste shall be covered and the disposal area shall be graded when closing the facility. A minimum cover shall consist of at least one

foot thickness of a silty fine sand or other material capable of sustaining vegetation. The Secretary reserves the authority to require more frequent cover requirements;

(2) Access to the disposal facility shall be controlled at all times by a fence or barrier and a lockable gate. An attendant shall be present to assure that only the waste allowed by the categorical disposal certification is disposed of at the facility, to perform record keeping and to observe disposal during the hours of operation;

(3) The siting limitations, set forth in subsection (d)(6) of this section are maintained;

(4) The facility operator shall make reports to the Secretary on forms developed by the Secretary. The facility operator shall file a report with the Secretary quarterly or as specified in the facility certification; and

(5) The Secretary may require any additional operational requirements in the certification, including financial responsibility or capability requirements set forth in subchapter 9 of these rules, if it is determined necessary to protect public health, safety, or the environment.

(f) If the Secretary determines that the proposed categorical facility size, processes, disposal activities, or the nature of the solid wastes require additional review and oversight not provided by this section, the Secretary may require that the person apply for a certification pursuant to § 6-304.