Kansas Department of Health and Environment
Bureau of Waste Management Policy 04-02
related to

Public Participation in the Landfill Permitting Process

effective December 29, 2004
revised October 12, 2005

Background
Over the past several years, the Kansas public has become more concerned with the permitting of new or expanded solid waste landfills. Historically, the permitting process has not officially involved the public until after the Kansas Department of Health and Environment (KDHE) completed its review of the landfill permit application and announced its intention to issue the permit. As part of those announcements, KDHE also informed the public that comments would be received and evaluated, and a public hearing would be held where verbal comments would be accepted. This process allows KDHE to reevaluate its preliminary decision to issue a permit, but public perception is that KDHE has already made up its mind and comments at this late point have little impact on the issuance of the permit.

Purpose
To improve public participation in the landfill permitting process, a procedure will be implemented to solicit comments earlier in the application review process and to provide some preliminary technical information about the application to the public. These actions will affect KDHE's internal process of reviewing applications. It does not establish any new requirements for local government or for landfill permit applicants; however, these parties would be encouraged to participate in the expanded public process being implemented.

Applicability
The requirement for KDHE to hold these preliminary public participation meetings shall apply to landfills that receive municipal solid waste, construction and demolition waste, industrial waste, and waste tires. Public participation meetings will be held for all new landfills. For existing landfills that propose to expand the horizontal extent of the existing permitted boundary, and for existing landfills that will be significantly modified by expanding landfill permitted capacity by 10 percent or more, meetings will be held when there is strong public interest or concern. Public interest and concern will be assessed based on public comments received by KDHE and by discussion of each specific case with the applicant and with local government officials.

There will be flexibility to hold meetings for other types of solid waste facilities (such as a transfer station, manure or dead animal composting, materials recovery facility, etc.) when strong public interest or concern is expressed or perceived. Public concern will be assessed in the same ways as described in the preceding paragraph.

Action Steps

The following steps will be carried out by KDHE's Solid Waste Permits Section upon receiving a complete application for a new solid waste landfill or significant modification of an existing solid waste landfill. For the purposes of this policy, a complete application means that all major requirements set forth in the KDHE application form have been addressed and local government approvals have been received with respect to zoning and consistency with the local solid waste management plan.

1. Within 10 working days of the KDHE determination that the application is complete, issue a public notice announcing that an application for a landfill has been received. The notice shall include, but not be limited to, the applicant name, the proposed location of the landfill, the type of landfill, the time and date for a public participation meeting to be held at a location near the proposed facility, and the purpose of the meeting. The notice shall be published in one or more local newspapers.

2. Coordinate and hold a public participation meeting within 45 days of the determination that the application is complete. At the meeting, KDHE staff shall present factual information about the proposed facility including, but not limited to, an evaluation of applicable location restrictions, some design and operations details, and a preliminary summary of hydrogeological information about the site. The primary purpose of the public participation meeting is twofold: (1) to answer questions posed by the public to the extent possible based upon KDHE's preliminary review only and (2) to receive public comments that should be considered as part of KDHE's review of the application.

3. In addition to issuing the public notice, send the applicant and appropriate city and county officials letters of invitation to the public participation meeting. The letters of invitation shall be signed by the Director of the Bureau of Waste Management.

William L. Bider

William L. Bider
Director
Bureau of Waste Management

10-12-05

Date