

Steps to Develop a New Waste Facility in West Virginia

STEP 1: Start with the County Solid Waste Authority (W. Va. Code §22C-4)

Before anything else, the project requestor must go to the local County Solid Waste Authority.

You must:

- Explain your project:
 - Where you want to locate the landfill
 - What types of waste you plan to handle
 - General scope of the operation
- Request that the SWA amend their Comprehensive Siting Plan to include your project

 **Important:**

If your project is not in the siting plan, it cannot move forward.

STEP 2: SWA Decision + Public Process

The SWA decides whether they are willing to support your project.

If the SWA AGREES:

- They must:
 - Draft a revision to their Comprehensive Siting Plan
 - Follow SWMB requirements for amendments
 - Hold public hearings to gather input

If the SWA DENIES:



 The project stops immediately — no appeal, no workaround

STEP 3: SWMB Review (W. Va. Code §22C-3)

If the SWA approves and completes the amendment:

- The revised plan is submitted to the WV Solid Waste Management Board (SWMB)

SWMB Decision:

-  If APPROVED: Move to next step
-  If DENIED: Project stops


 The SWA can revise and resubmit, but:

- Every revision requires:
 - New public hearings
 - Full review again by SWMB
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STEP 4: Apply to PSC and DEP (Can Be Done at the Same Time)

Once the siting plan is approved by SWMB, the requestor must apply to:

1. Public Service Commission (PSC)
 - Apply for a Certificate of Need (CON)
2. Department of Environmental Protection (DEP)
 - Apply for a Solid Waste Facility Permit

 These applications can be submitted at the same time

STEP 5: PSC Decision - Certificate of Need (W. Va. Code §24-2)

-  If APPROVED: Project may continue
-  If DENIED:
 -  Project stops





STEP 6: DEP Application Requirements (WV CSR §33)

The DEP application must be fully developed and detailed, including:

- Engineering plans
- Site design
- Environmental protections
- Cost and financial plans
- Expected lifespan of the facility
- All operational details

 This is a complete, final plan — not conceptual



STEP 7: DEP Decision (Permit Approval)

-  If APPROVED:
 -  Project may proceed as permitted
-  If DENIED:
 -  Project stops

KEY RULE TO REMEMBER

 **ALL approvals are required**

- SWA
- SWMB
- PSC
- DEP

 If ANY ONE of these denies the project:  The entire project stops

Even if:

- 3 approve
- 1 denies

 **It's over**

IMPORTANT NOTES

- The County Commission does NOT approve or deny landfill projects
- The SWA is the gatekeeper — nothing starts without them
- Public input is required early through public hearings
- This is a multi-step, high-bar process by design

Simple Flow : SWA → Public Hearing → SWMB → PSC + DEP → Approval = Build

 Any denial along the way = **STOP**