

The Texas Natural Resource Conservation Commission (commission) proposes an amendment to §330.4, Permit Required.

BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE PROPOSED RULE

In accordance with 30 TAC §91.65, regarding the procedures for filing rule packages with the *Texas Register*, a rule shall only have one pending amendment at a time with the exception of rules containing only definitions. Therefore, to comply with this requirement, this proposed rulemaking combines three separate solid waste provisions from House Bill (HB), 77th Legislature, 2001, that all require an amendment to §330.4. They are as follows: Closed Landfill Facilities; Recycling Facilities; and Disposal of Animal Remains.

The purpose of the closed landfills proposed rule is to implement HB 2912, Article 9, §9.04, which amends Texas Health and Safety Code (THSC), §361.120, requiring any municipal solid waste landfill that has either stopped accepting waste, or only accepted waste due to an emergency authorization, for a period of five years or longer, to obtain a permit amendment before it can be reopened to accept waste again. Reopened municipal waste landfills shall only accept waste if the permittee demonstrates compliance with all current, state, federal, and local requirements including, but not limited to, the requirements of Subtitle D of the Federal Resource Conservation and Recovery Act of 1976 (42 United States Code, §§6901 et seq.).

The purpose of the recycling facilities proposed rule is to implement HB 2912. House Bill 2912, §9.03, which amended THSC, §361.119, by requiring the commission to ensure that solid waste

processing facilities are regulated as solid waste facilities and are not allowed to operate unregulated as recycling facilities. Corresponding changes to 30 TAC Chapter 328, Waste Minimization and Recycling; Chapter 330, Municipal Solid Waste, §330.2; and 30 TAC Chapter 332, Composting are proposed in a concurrent rulemaking (Rule Log Number 2001-081-328-WS).

The purpose of the disposal of animal remains rule is to implement HB 2912, Article 17, §17.01, which amended the Occupation Code by adding a new §801.361, Disposal of Animal Remains, to allow veterinarians to dispose of animal remains by burial or burning under limited circumstances.

Occupation Code, §801.361 allows veterinarians to burn or bury animal remains without a permit or registration only if they do so on their own property, the property is in a county with a population of less than 10,000, and they do not charge for the burning or burial. The section also restricts the commission from adopting a rule that prohibits conduct authorized by the section. The existing §330.4 prohibits any person from storing, processing, removing, or disposing of any municipal solid waste unless such activity is authorized by a permit or other authorization from the commission, except as provided for in subsections (c) - (h). Animal remains are considered municipal solid waste, and there is no provision in subsections (c) - (h) that allow the disposal of animal remains consistent with the authorization provided in HB 2912. Therefore, the commission proposes an amendment to Chapter 330 to make our existing municipal solid waste rules consistent with the requirements of HB 2912. On February 13, 2002, the commission approved as a separate rulemaking, a proposed amendment to 30 TAC Chapter 111, Control of Air Pollution from Visible Emissions and Particulate Matter (Rule Log No. 2001-088-111-AI), in order to make existing rules on burning consistent with the new legislation.

SECTION BY SECTION DISCUSSION

Section 330.4, Permit Required, is proposed to be amended to clarify which facilities §330.4(f) exempts from registration and permit requirements, and to make some of those facilities subject to the requirements of proposed new §§328.3 - 328.5, relating to General Requirements; Limitations on Storage of Recyclable Materials; and Reporting and Recordkeeping Requirements. Section 330.4(f) is proposed to be reorganized from one lengthy subsection into paragraphs and subparagraphs for clarity purposes. The term “recyclable material” is proposed to replace “recyclable waste” to be consistent with the definition of recyclable material in §330.2, which states that recyclable material is not solid waste. In the same introductory sentence, the permit or registration requirement for facilities that handle more than incidental amounts of putrescible waste is proposed to be clarified to include facilities that handle more than incidental amounts of non-recyclable waste, which is in fact, solid waste.

The current §330.4(f) exempts facilities used as collection and processing points for nonputrescible recyclable wastes. Proposed §330.4(f)(1)(B) replaces the term “recyclable wastes” with “recyclable materials,” as aforementioned, and specifies that solid waste permit and registration exemptions apply to a facility that serves as a collection and processing point for only nonputrescible source-separated recyclable materials. The addition of the terms “only” and “source-separated” creates a clear distinction, lacking in the current rule, between an exempt recycling facility and a solid waste facility that also recycles. Facilities that process recyclable material that contains more than incidental amounts of putrescible or non-recyclable waste must obtain a permit or registration. In this context, “incidental amounts of putrescible or non-recyclable waste” would be interpreted as materials that accompany recyclables despite reasonable efforts to maintain source-separation. Examples would include “tramp

materials” such as glass from recyclable metal windows, nails and roofing felt attached to recyclable shingles, nails and sheetrock attached to recyclable lumber generated through the demolition of buildings; and non-recyclable or food-contaminated containers or paper placed in a municipal curbside recycling bin, provided that in each instance, dual collection and transportation systems were in place for recyclable and non-recyclable materials, generators were informed of the source-separation requirements, and the recycling facility has instituted quality control measures such as inspection of incoming loads and rejection of mixed wastes. Additional proposed language in §330.4(f)(1)(B) requires facilities that are exempt from registration and permitting under that subsection to comply with the requirements of proposed new §§328.3 - 328.5, in order to maintain their exempt status.

Proposed §330.4(f)(1)(C) modifies the definition of a compost facility that is exempt from registration and permitting under Chapter 330 to conform to the Chapter 332 definition of an exempt composting facility, and requires the facility to comply with Chapter 332 and the requirements of proposed new §328.4 and §328.5 in order to maintain its exemption.

The current rule language exempting a baling operation at a recycling or materials recovery facility that handles only nonputrescible recyclable waste is proposed to be deleted because such baling operations are a subset of a more general type of facility exempt under the current and proposed rules (those covered by §330.4(f)(1)(B) in the proposed rules); hence the “baling exemption” is redundant and unnecessary.

Proposed new §330.4(x) would implement the changes to THSC, §361.120, relating to notice of hearing and requirements for the reopening of Type I, Type I-AE, Type IV, or Type IV-AE municipal solid waste landfills that have either stopped accepting waste, or only accepted waste in accordance with an emergency authorization, for a period of five years or longer. The commission seeks input on whether to include Type V facilities in addition to Type I, Type I-AE, Type IV, and Type IV-AE facilities.

Proposed new §330.4(y) would allow any veterinarian within a county of population of 10,000 or less to dispose of the remains of an animal by burial and/or burning without a permit or registration if the disposal occurs on property owned by the veterinarian and the veterinarian does not charge for the disposal.

FISCAL NOTE: COSTS TO STATE AND LOCAL GOVERNMENT

John Davis, Technical Specialist with Strategic Planning and Appropriations, has determined that for the first five-year period the proposed amendment is in effect, there may be fiscal implications, which could be significant, for units of state and local government that seek to reopen a municipal solid waste landfill. The commission estimates that a unit of government would pay as much as \$250,000 in additional consultant, application preparation, legal, and public notice costs to reopen a municipal solid waste landfill due to implementation of the proposed amendment. The commission anticipates these additional costs would vary depending on the size, type, and location of the affected landfill. Units of state and local government that do not seek to reopen a municipal solid waste landfill would not be affected by the proposed amendment. Additionally, municipal solid waste landfills that have received

permits but never received waste, or that received an approved Subtitle D permit modification before September 1, 2001, would not be affected by the proposed amendment.

This rulemaking is intended to implement certain provisions of House Bill HB 2912, 77th Texas Legislature, 2001. This bill requires any municipal solid waste landfill not upgraded to Subtitle D standards that has either stopped accepting waste, or only accepted waste due to an emergency authorization, for a period of five years or longer, to obtain a permit amendment before it can be reopened to accept waste again. Prior to accepting new waste, these facilities will have to comply with all current state, federal, and local requirements including, but not limited to, the requirements of the Federal Resource Conservation and Recovery Act.

The commission estimates that the landfill provisions of this rulemaking will have a limited effect on units of government, because there are only ten identified sites that would qualify to be reopened that are operated by units of local government. These landfills are located in Nueces (two sites), Swisher, Denton, Harris, Cass, Mitchell, Washington, Dallas, and Panola Counties.

The requirement to handle an application to reopen a municipal solid waste landfill as a major permit amendment is anticipated to cost an applicant as much as \$250,000 in additional consultant, application preparation, legal, and public notice costs. The commission anticipates these additional costs would vary depending on the size, type, and location of the affected landfill. Previously, a municipal solid waste landfill has been allowed to reopen and upgrade to Subtitle D standards through a permit modification. The commission estimates it costs applicants approximately \$160,000 in application costs

per site for a Subtitle D permit modification. The extended processing time and increased data required for a major permit amendment is anticipated to increase permit application related costs to as much as \$410,000 per site. Of note, the commission does not anticipate increased costs for applicants to comply with environmental protection practices, because these requirements are already in effect.

The proposed amendment would also implement certain provisions of HB 2912, which requires the commission to ensure solid waste processing facilities are regulated as solid waste facilities and are not allowed to operate unregulated as recycling facilities. In order to comply with this requirement, the commission proposes to reorganize and clarify the distinction between municipal solid waste facilities required to obtain a permit or registration, and recycling facilities exempt from these requirements. This rulemaking will clarify the definition of a recycling facility. The changes proposed for this rulemaking are administrative in nature and are not anticipated to result in fiscal implications for units of state and local government.

The proposed amendment also implements certain provisions of HB 2912, which allows a veterinarian to dispose of animal remains by burial or burning without a permit or registration only if the disposal occurs on property owned by the veterinarian, the veterinarian does not charge for the disposal, and if the disposal occurs in a county with a population of less than 10,000. Animal remains from veterinarians are considered municipal solid waste, and there is no provision in commission rules that allows the disposal of animal remains consistent with the authorization provided by HB 2912. Therefore, the commission proposes an amendment to existing commission rules to allow the disposal of animal remains by veterinarians consistent with the requirements of HB 2912.

The provisions in this rulemaking regarding burial of animal remains are voluntary and only apply to veterinarians in counties with a population less than 10,000. The commission does not anticipate this rulemaking will affect any units of state or local government.

PUBLIC BENEFITS AND COSTS

Mr. Davis also has determined that for each year of the first five years the proposed amendment is in effect, the public benefit anticipated from enforcement of and compliance with the proposed amendment will be potentially increased environmental protection, because applications to reopen municipal solid waste landfills will be processed as major permit amendments, which allow public participation in the process and require additional data during the application process.

This proposed amendment is intended to implement certain provisions of HB 2912, which requires that any municipal solid waste landfill not upgraded to Subtitle D standards that has either stopped accepting waste, or only accepted waste due to an emergency authorization, for a period of five years or longer, to obtain a permit amendment before it can be reopened to accept waste again. Prior to accepting new waste, these facilities will have to comply with all current state, federal, and local requirements including, but not limited to, the requirements of the Federal Resource Conservation and Recovery Act.

The commission estimates that the landfill provisions of this rulemaking will have a limited affect on industry, because only one site has been identified that would qualify to be reopened that is owned and operated by a business. This site is located in Bexar County.

The requirement to handle an application to reopen a municipal solid waste landfill as a major permit amendment is anticipated to cost an applicant as much as \$250,000 in additional consultant, application preparation, legal, and public notice costs. The commission anticipates these additional costs would vary depending on the size, type, and location of the affected landfill. Previously, a municipal solid waste landfill has been allowed to reopen and upgrade to Subtitle D standards through a permit modification. The commission estimates it costs applicants approximately \$160,000 in application costs per site for a Subtitle D permit modification. The extended processing time and increased data required for a major permit amendment is anticipated to increase permit application related costs to as much as \$410,000 per site. Of note, the commission does not anticipate increased costs for applicants to comply with environmental protection practices, because these requirements are already in effect.

The proposed amendment would also implement certain provisions of HB 2912, which requires the commission to ensure solid waste processing facilities are regulated as solid waste facilities and are not allowed to operate unregulated as recycling facilities. In order to comply with this requirement, the commission proposes to reorganize and clarify the distinction between municipal solid waste facilities required to obtain a permit or registration, and recycling facilities exempt from these requirements. This proposed amendment will clarify the definition of a recycling facility. The amendment proposed for this rulemaking is administrative in nature and are not anticipated to result in fiscal implications for individuals or businesses.

The proposed amendment would also implement certain provisions of HB 2912, which allows a veterinarian to dispose of animal remains by burial or burning without a permit or registration only if

the disposal occurs on property owned by the veterinarian, the veterinarian does not charge for the disposal, and if the disposal occurs in a county with a population of less than 10,000. Animal remains from veterinarians are considered municipal solid waste, and there is no provision in commission rules that allows the disposal of animal remains consistent with the authorization provided by HB 2912.

Therefore, the commission proposes an amendment to existing commission rules to allow the disposal and burning of animal remains by veterinarians consistent with the requirements of HB 2912.

The proposed voluntary provision does not add additional regulatory requirements for affected individuals and businesses and only applies to veterinarians in counties with a population less than 10,000. This rulemaking is intended to increase disposal flexibility by providing qualifying veterinarians authorization to dispose of animal remains on-site. This authorization could result in cost savings for veterinarians that would no longer be required to have animal remains shipped and disposed of off-site. Additionally, individuals that have deceased animals disposed of by veterinarians on-site would not have to pay for the disposal. According to the Texas Veterinary Medical Association, the cost for off-site animal disposal ranges between approximately \$30 to \$250, depending on the location of disposal site and the size of the animal to be disposed of.

SMALL BUSINESS AND MICRO-BUSINESS ASSESSMENT

There may be adverse fiscal implications to small or micro-business, which may be significant, that voluntarily choose to apply for a permit amendment to reopen a municipal solid waste landfill. The commission does not anticipate many small or micro-businesses will be affected by the proposed

amendment. There is only one known small business, located in Walker County, that would be affected by the proposed amendment.

This proposed amendment is intended to implement certain provisions of HB 2912, which requires that any municipal solid waste landfill not upgraded to Subtitle D standards that has either stopped accepting waste, or only accepted waste due to an emergency authorization, for a period of five years or longer, to obtain a permit amendment before it can be reopened to accept waste again. Prior to accepting new waste, these facilities will have to comply with all current state, federal, and local requirements including, but not limited to, the requirements of Subtitle D of the Federal Resource Conservation and Recovery Act.

The requirement to handle an application to reopen a municipal solid waste landfill as a major permit amendment is anticipated to cost an applicant as much as \$250,000 in additional consultant, application preparation, legal, and public notice costs. The commission anticipates these additional costs will vary depending on the size, type and location of the affected landfill. Previously, a municipal solid waste landfill has been allowed to reopen and upgrade to Subtitle D standards through a permit modification. The commission estimates it costs applicants approximately \$160,000 in application costs per site for a Subtitle D permit modification. The extended processing time and increased data required for a major permit amendment is anticipated to increase permit application related costs to as much as \$410,000 per site. Of note, the commission does not anticipate increased costs for applicants to comply with environmental protection practices, because these requirements are already in effect.

The proposed amendment would also implement certain provisions of HB 2912, which allows a veterinarian to dispose of animal remains by burial or burning without a permit or registration only if the disposal occurs on property owned by the veterinarian, the veterinarian does not charge for the disposal, and if the disposal occurs in a county with a population of less than 10,000. Animal remains from veterinarians are considered municipal solid waste, and there is no provision in commission rules that allows the disposal of animal remains consistent with the authorization provided by HB 2912. Therefore, the commission proposes an amendment to existing commission rules to allow the disposal of animal remains by veterinarians consistent with the requirements of HB 2912.

The proposed amendment does not add additional regulatory requirements for affected small or micro-businesses and only applies to veterinarians in counties with a population less than 10,000. This proposed amendment is intended to increase disposal flexibility by providing qualifying veterinarians authorization to dispose of animal remains on-site. This authorization could result in cost savings for veterinarians that would no longer be required to have animal remains shipped and disposed of off-site. According to the Texas Veterinary Medical Association, the cost for off-site animal disposal ranges between approximately \$30 to \$250, depending on the location of disposal site and the size of the animal to be disposed of.

The following is an analysis of the costs per employee for small and micro-businesses that are granted authorization to reopen and municipal solid waste landfill. Small and micro-businesses are defined as having fewer than 100 or 20 employees respectively. A small business may pay an additional \$2,500 per employee to comply with the proposed amendment. A micro-business may pay an additional

\$12,500 per employee to comply with the proposed amendment. However, based on analysis of commission data, only one small business in Texas is anticipated to be affected by the proposed amendment.

LOCAL EMPLOYMENT IMPACT STATEMENT

The commission has reviewed this proposed rulemaking and determined that a local employment impact statement is not required because the proposed rule does not adversely affect a local economy in a material way for the first five years that the proposed amendment is in effect.

DRAFT REGULATORY IMPACT ANALYSIS DETERMINATION

The commission reviewed the proposed rulemaking in light of the regulatory analysis requirements of Texas Government Code, §2001.0225, and determined that the proposed rulemaking is not subject to §2001.0225 because it does not meet the definition of a “major environmental rule” as defined in that statute. Furthermore, it does not meet any of the four applicability requirements listed in §2001.0225(a).

A major environmental rule means a rule the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. This proposed rule does not satisfy the definition of a major environmental rule. This rulemaking proposes to make three changes to §330.4. First, the proposal amends §330.4(f) to limit the type of facilities or sites that are not required to obtain

a municipal solid waste permit or registration. Although the intent of this amendment is to protect the environment by ensuring that solid waste processing facilities are not allowed to operate as unregulated recycling facilities, the amendment is not a major environmental rule because it is not expected to adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. This amendment will not adversely affect these items because it will only apply to a limited number of solid waste processing facilities. Second, the rulemaking proposes to amend §330.4 by adding subsection (x), which specifies that a major permit amendment is required to reopen certain municipal solid waste facilities. This proposed amendment is not a major environmental rule because its specific intent is to alter the type of commission authorization required to reopen certain inactive municipal solid waste facilities. The requirements of this rule amendment will not impose any additional technical requirements on municipal solid waste permittees, but will only affect notice and procedural requirements. Third, this rulemaking proposes to amend §330.4 by adding subsection (y), which specifies that veterinarians in certain counties will not be required to obtain a commission municipal solid waste permit or registration in order to burn or bury animal remains if specific requirements are met. This proposal does not qualify as a major environmental rule because it does not have as its specific intent the protection of the environment or the reduction of risk to human health from environmental exposure. The specific intent of this amendment is to establish that the commission will not require certain veterinarians to obtain a municipal solid waste permit or registration prior to engaging in specific types of animal disposal.

In addition, a draft regulatory impact assessment is not required because the proposed rule does not meet any of the four applicability requirements listed in §2001.0225(a). The proposed rule does not exceed a standard set by federal law because there are no comparable federal standards on the specific points addressed by the proposed amendment. The proposal does not exceed an express requirement of state law because it is in direct response to HB 2912, 77th Legislature, 2001, and does not exceed the requirements of this bill. This proposal does not exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program. This proposal does not adopt a rule solely under the general powers of the agency, but rather under specific state law, namely HB 2912, §§9.03, 9.04, and 17.01. Finally, this rulemaking is not proposed on an emergency basis to protect the environment or to reduce risks to human health from environmental exposure. The commission invites public comment on the draft regulatory analysis determination.

TAKINGS IMPACT ASSESSMENT

The commission performed a preliminary analysis for this proposed rule in accordance with Texas Government Code, §2007.043. The specific purpose of the proposed rulemaking is to implement certain provisions of HB 2912. The proposed rule implements the provisions of HB 2912 that direct the commission to: 1) ensure that solid waste processing facilities are not allowed to operate as unregulated recycling facilities; 2) require that a permittee obtain a permit amendment to reopen certain municipal solid waste facilities; and 3) allow certain veterinarians to dispose of animal remains by burying or burning if certain requirements are met without obtaining a commission permit or registration. The proposed rule will substantially advance these stated purposes by providing specific provisions in

§330.4 on the aforementioned matters. The proposed rule regarding solid waste processing facilities limits the type of facilities or sites that are not required to obtain a municipal solid waste permit or registration. While this amendment will require that additional sites or facilities obtain a permit or registration, it will not restrict or limit the owner's right to the property. The proposed rule regarding the disposal of animal remains by veterinarians does not affect real property because it specifies that a commission municipal solid waste permit or registration is not required in order for veterinarians in certain counties to bury or burn animal remains. The proposed rule regarding closed landfills will not affect real property because it does not prohibit permittees from resuming operations at certain municipal solid waste facilities, but requires that a permittee obtain a permit amendment prior to reopening the facility. Therefore, the proposed rule will not constitute a takings under Texas Government Code, Chapter 2007.

CONSISTENCY WITH THE COASTAL MANAGEMENT PROGRAM

The commission reviewed the proposed rulemaking and found that the proposal is a rulemaking identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11, or will affect an action/authorization identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11, and, therefore, will require that applicable goals and policies of the Texas Coastal Management Program (CMP) be considered during the rulemaking process. In accordance with the regulations of the Coastal Coordination Council, the commission reviewed the proposed rulemaking for consistency with the CMP goals and policies. The CMP goal applicable to this rulemaking is the goal to protect, preserve, and enhance the diversity, quality, quantity, functions, and values of coastal natural resource areas (CNRAs) in accordance with 31 TAC §501.12(l). The CMP policy applicable to this rulemaking

is 31 TAC §501.14(d)(1) - (2). In accordance with §501.14(d)(1), the construction and operation of solid waste facilities in the coastal zone shall comply with all policies for CNRAs relating to the construction and operation of solid waste treatment, storage, and disposal facilities for both new facilities and areal expansion of existing facilities. In accordance with §501.14(d)(2), the commission shall comply with all policies for CNRAs when issuing permits and adopting rules under THSC, Chapter 361.

The specific purpose of the proposed rules is to make existing commission rules consistent with the new legislative changes made to THSC by HB 2912. The proposed rule requires any municipal solid waste landfill that has either stopped accepting waste, or only accepted waste due to an emergency authorization, for a period of five years or longer, to obtain a permit amendment before it can be reopened to accept waste again. Reopened municipal waste landfills shall only accept waste if the permittee demonstrates compliance with all current, state, federal, and local requirements including, but not limited to, the requirements of Subtitle D of the Federal Resource Conservation and Recovery Act of 1976 (42 United States Code, §§6901 et seq.). The commission anticipates that promulgation and enforcement of the proposed rule will not have a direct or significant adverse effect on any CNRAs, nor will the rulemaking have a substantial effect on commission actions subject to CMP. Therefore, the commission has made a finding of consistency with the applicable goals and policy. The commission seeks public comment on the preliminary consistency determination.

SUBMITTAL OF COMMENTS

Comments may be submitted to Angela Slupe, Office of Environmental Policy, Analysis, and Assessment, MC 205, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-4808.

Comments must be received by 5:00 p.m., April 29, 2002, and should reference Rule Log Number 2001-082-330-WS. For further information, please contact Michael Bame, Policy and Regulations Division, at (512) 239-5658.

STATUTORY AUTHORITY

The amendment is proposed under the authority of HB 2912, §§9.03, 9.04, and 17.01, 77th Legislature, 2001, which direct the agency to: 1) ensure that solid waste processing facilities are not allowed to operate as unregulated recycling facilities; 2) require that a permittee obtain a permit amendment to reopen certain municipal waste facilities; and 3) allow certain veterinarians to dispose of animal remains by burying if certain requirements are met. Additionally, the commission takes this action under the following relevant sections of Texas Water Code, §5.013, which establishes the general jurisdiction of the commission; §5.102, which establishes the commission's general authority to carry out its jurisdiction; and §5.103, which requires the commission to adopt any rule necessary to carry out its powers and duties under this code and other laws of this state; and THSC, §361.011, which provides the commission all powers necessary and convenient to carry out its responsibilities concerning the regulation and management of municipal solid waste; and §361.024, which provides the commission authority to adopt and promulgate rules consistent with the general intent and purposes of the Act.

The proposed amendment implements HB 2912, §§9.03, 9.04, and 17.01, 77th Legislature, 2001;
TWC; and THSC.

SUBCHAPTER A: GENERAL INFORMATION

§330.4

§330.4. Permit Required.

(a) - (e) (No change.)

(f) Facilities that process recyclable material that contains more than incidental amounts of putrescible or non-recyclable waste must obtain a permit or registration as applicable under subsections (a), (d), or (q) of this section. A permit or registration under this chapter is not required for: [A permit or registration under this chapter is not required for a facility or site that is used as: a citizens' collection station; as a collection and processing point for nonputrescible recyclable wastes or for composting of leaves, grass clippings, or wood chips; a collection point for parking-lot or street sweepings or wastes collected and received in sealed plastic bags from such activities as periodic citywide cleanup campaigns and cleanup of rights-of-way or roadside parks; or for the disposal of soil, dirt, rock, sand, or other natural or man-made inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements. A permit or registration is not required for a baling operation at a recycling or materials recovery facility that handles only nonputrescible recyclable waste. Facilities that process recyclable wastes that contain more than incidental amounts of putrescible waste must apply for a permit or registration as applicable under subsections (a), (d) or (q) of this section.]

(1) a facility or site that is used as:

(A) a citizens' collection station;

(B) a collection and processing point for only nonputrescible source-separated recyclable material, provided that the facility is in compliance with §§328.3 - 328.5 of this title (relating to General Requirements; Limitations on Storage of Recyclable Materials; and Reporting and Recordkeeping Requirements);

(C) a collection and processing point for mulching or composting of source-separated yard trimmings, clean wood material, vegetative material, paper, and manure, provided that the facility is in compliance with Chapter 332 of this title (relating to Composting) and with §328.4 and §328.5 of this title; or

(D) a collection point for parking lot or street sweepings or wastes collected and received in sealed plastic bags from such activities as periodic citywide cleanup campaigns and cleanup of rights-of-way or roadside parks; or

(2) the disposal of soil, dirt, rock, sand, or other natural or man-made inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements.

(g) - (w) (No change.)

(x) A major permit amendment, as defined by §305.62 of this title (relating to Amendment), is required to reopen a Type I, Type I-AE, Type IV, or Type IV-AE municipal solid waste facility permitted by the commission or any of its predecessor or successor agencies that has either stopped accepting waste, or only accepted waste in accordance with an emergency authorization, for a period of five years or longer. The municipal solid waste facilities covered by this subsection may not be reopened to accept waste again unless the permittee demonstrates compliance with all applicable current state, federal, and local requirements, including the requirements of Subtitle D of the federal Resource Conservation and Recovery Act of 1976 (42 United States Code, §§6901 et seq.) If a municipal solid waste facility was subject to a contract of sale on January 1, 2001, the scope of any public hearing held on the permit amendment required by this subsection is limited to land use compatibility, as provided by §330.51(a) of this title (relating to Permit Application for Municipal Solid Waste Facilities) and §330.61 of this title (relating to Land-Use Public Hearing). This subsection does not apply to any municipal solid waste facility that has received a permit but never received waste, or that received an approved Subtitle D permit modification before September 1, 2001.

(y) A permit or registration is not required for the disposal of animal remains by burial or burning from a veterinarian's practice where all of the following occur. Animal remains refer to an animal that dies in the care of the veterinarian and does not include any other type of medical waste:

(1) the veterinarian disposes of the remains of an animal;

(2) the veterinarian does not charge for the disposal;

(3) the disposal is on property owned by the veterinarian;

(4) the disposal occurs in a county with a population of less than 10,000;

(5) the waste disposal does not contribute to a nuisance and does not endanger the public health or the environment;

(6) the veterinarian complies with the deed recordation and notification requirements in §330.7 of this title (relating to Deed Recordation) and §330.8 of this title (relating to Notification Requirements);

(7) the animal carcasses are covered with at least two feet of soil within 24 hours of disposal in accordance with §330.136(b)(2) of this title (relating to Disposal of Special Wastes);

(8) uncontrolled access is prevented; and

(9) the disposal complies with §111.209 of this title (relating to Exceptions for Disposal Fires).