

# COMMERCIAL SOLID WASTE FACILITY

## SITING PLAN

### FOR

## FAYETTE COUNTY

### 2013 Update

Prepared for:

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## **FORWARD**

West Virginia Code § 22C-4-24 requires each County and Regional Solid Waste Authority to develop a Commercial Solid Waste Facility Siting Plan. The purpose of this Commercial Solid Waste Facility Siting Plan is to protect the public health, safety, and environment throughout Fayette County and to ensure the fair and equitable evaluation of all proposed solid waste facilities.

## SUMMARY

The Fayette County Commercial Solid Waste Facility Siting Plan (Plan) establishes the purposes and objectives for the next twenty years for the fair and equitable evaluation of all sites proposed for use as solid waste facilities. The Plan establishes zones within Fayette County (County) where each of the six types of Solid Waste Facilities are designed as:

- Authorized
- Tentatively Prohibited
- Prohibited

The rationale for selecting the zones is based on the following criteria:

- The efficient disposal of solid waste generated within the County and region
- Economic development
- Transportation facilities
- Property values
- Groundwater and surface waters
- Geological and hydrological conditions
- Aesthetic and environmental quality
- Historic and cultural resources
- Present or potential land use for:
  - Residential
  - Recreational
  - Industrial
  - Commercial
  - Environmental Conservation
- Public health, welfare and convenience

The six types of Solid Waste Facilities covered by this Plan are:

- Landfill Classes A, B, C, and D
- Solid Waste Transfer Stations
- Recycling Facilities
- Energy Recovery Facilities/Incinerators
- Material Recovery Facilities
- Composting Facilities

The Plan contains the Fayette County Solid Waste Authority's (Authority) analysis of siting the West Virginia's six approved Solid Waste Facilities in Fayette County as based on the West Virginia Solid Waste Management Board Regulations Title 54CSR4.

The Plan is meant to act only as a guide and was developed base upon information readily available. Therefore any entity making application for redefinition of an area will be required to conduct a detailed examination of the area for which redesignation is sought. The examination, at a minimum, must address each of the ten (10) rationale selection criteria.

## DEFINITIONS

The following definitions of words and phrases are intended to clarify the intent and meaning as used in the Plan and are more fully defined by the West Virginia Solid Waste Management Board Regulations Title 54CSR 4.

**Solid Waste Facility** - means any system, facility, land, contiguous land, improvements on the land, structures, or other appurtenances or methods used for processing, recycling, or disposing of solid waste, including landfills, transfer stations, materials recovery facilities, mixed waste processing facilities, sewage sludge processing facilities, commercial composting facilities and other such facilities not herein specified, but not including land upon which sewage sludge is applied in accordance with W. Va. Code §22-15-20(b). Such facilities shall be deemed to be situated, for the purposes of this rule in the County where the majority of the spatial area of such facility is located. Provided, that a salvage yard licensed and regulated pursuant to the terms of W.Va. Code §17-23, is not a solid waste facility.

**Solid Waste** - means any garbage, paper, litter, refuse, cans, bottles, waste processed for the express purpose of incineration, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility; other discarded material, including offensive or unsightly matter, solid, liquid, semisolid, or contained liquid or gaseous material resulting from industrial, commercial, mining or community activities, but does not include solid or dissolved material in sewage, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources and have permits under W. Va. Code § 22-11-1 et seq., or source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, including any nuclear or

byproduct material considered by federal standards to be below regulatory concern, or a hazardous waste either identified or listed under W. Va. Code § 22-18-1 et seq., or refuse, slurry, overburden, or other waste or material resulting from coal-fired electric power or steam generation, the exploration, development, production, storage and recovery of coal, oil and gas, and other mineral resources placed or disposed of at a facility which is regulated under W. Va. Code §§ 22-2-1 et seq., 22-3-1 et seq., 22-4-1 et seq., 22-6-1 et seq., 22-7- 1 et seq., 22-8-1 et seq., 22-9-1 et seq., 22-10-1 et seq., or 22A-1-1 et seq., so long as such placement or disposal is in conformance with a permit issued pursuant to said chapters.

**Approved Solid Waste Facility** - means a commercial solid waste facility or practice which has a valid permit or compliance order under W. Va. Code § 22-15-1 et seq.

**Six Approved West Virginia Waste Facilities** -The six approved West Virginia Commercial Solid Waste Facilities are:

- Landfill Classes
  - Class A
  - Class B
  - Class C
  - Class D
- Solid Waste Transfer Stations
- Energy Recovery Facilities/Incinerators
- Material Recovery Facilities
- Recycling Facilities
- Composting Facilities

**Authorized** - Authorized zones are areas within the County that satisfies all of the rationale criteria for a particular approved Commercial Solid Waste Facilities.

**Tentatively Prohibited** - Tentatively prohibited zones are areas within the County for which insufficient information exists from which to clearly render the zone as authorized or prohibited for the siting of a particular approved Commercial Solid Waste Facilities.

**Prohibited** - Prohibited zones are areas within the County that fail to satisfy any of the rationale criteria for a particular approved Commercial Solid Waste Facilities.



## PROCEDURE

West Virginia Code § 22C-4-24 directs each Solid Waste Authority to identify zones within their respective counties where siting of each of the seven approved West Virginia Solid Waste Facilities are either authorized, tentatively prohibited or prohibited based on the West Virginia Solid Waste Management Board's Title 54CSR4 Rule.

Siting recommendations suggested in the Plan are general, not specific. The siting recommendations are based on readily available information. Unless current information clearly indicates an area to be suitable (authorized) or unsuitable (prohibited) for the location of a Commercial Solid Waste Facility the area (zone) was classified as tentatively prohibited.

The procedure (rationale) for zoning is listed below and is based on the Title 54-Legislative Rules Solid Waste Management Board, Series 4; Rules and Regulations for the Development of Commercial Solid Waste Facility Siting Plans.

- 1) A significant adverse impact upon wetlands.
- 2) A significant adverse impact upon any endangered or threatened species of animal or plant.
- 3) A statistically significant adverse impact upon any surface water.
- 4) A statistically significant adverse impact upon groundwater quality.
- 5) A violation of surface water quality standards found in 47CSR3 and 33CSR1.
- 6) The emission of any air contaminant exceeding the limitations for those substances as set by the West Virginia Air Pollution Control Commission.

- 7) Location standards for landfills –A landfill may not be established in the following areas:
- Within 300 feet of any surface water
  - Within 300 feet of any wetlands
  - Within 100 feet of any perennial stream
  - Within a 100-year flood plan
  - Within 1,000 feet of the right-of-way or any state highway, interstate, or federal aid primary highway or the boundary of any public park, wild or scenic river, wilderness areas.
  - Within 1,200 feet of any public or private water supply well spring existing at time of initial siting.
  - Within 200 feet of known geologic/hydrological conditions such as faults, aquifers, mines, etc. (the term mines or mining means the extraction of non-replenishable materials from the earth's crust—oil, gas, coal, minerals, sand, limestone, or other substances of a similar nature).
  - Within 500 feet of a dwelling occupied at the time of initial facility/siting.
  - Within 10,000 feet of any airport runway used for a planned to be used by turbo jet aircraft or within 5,000 feet of any airport runway used only by piston type aircraft.
  - Above any deep-mine working or within the critical angle or draw of such working.
- 8) Location Standards for Solid Waste Transfer Stations and Material Recovery Facility may not be established in the following areas:
- Within 300 feet of any surface water
  - Within 300 feet of any wetlands

- Within 100 feet of any perennial stream
  - Within a 100-year flood plain
  - Within 1,000 feet of the right-of-way or any state highway, interstate, or federal aid primary highway or the boundary of any public park, wild or scenic river, wilderness area.
- 9) Aesthetic and environmental quality (positive or negative effect).
  - 10) Public health, welfare, and convenience (positive or negative effect).
  - 11) Historic and cultural resources (positive or negative effect).
  - 12) Economic development (positive or negative effect).
  - 13) Transportation facilities (allow or prohibit the transportation of solid waste through the zones.)
  - 14) Property values (positive or negative effect).
  - 15) Present or potential land use for residential, commercial, recreational, environmental conservation or industrial purposes (positive or negative effect).

## METHODOLOGY

The Authority based its decision to prohibit Commercial Solid Waste Facilities in a particular zone upon one or more of the preceding criteria, however a decision to authorize Commercial Solid Waste Facilities in a particular zone was only made after consideration of all of the preceding criteria.

Information for zone classification is not site specific but based on readily available information. Readily available information means relevant information which currently exists and can be obtained by the Authority such as County highway maps, topographical maps, data from West Virginia Geological and Economic Survey, US Census, Department of Environmental Protection, Public Service Commission, libraries, solid waste haulers, etc.

If such readily available information does not clearly establish that the facility should be authorized or prohibited in an area, such facility will be tentatively prohibited.

**COLLECTION AND DISPOSAL  
IN FAYETTE COUNTY**

Solid Waste (garbage) collection is available to most residents of Fayette County. The county is currently serviced by eight (8) commercial haulers. The haulers cover the entire County that is reasonably compatible to their equipment. These haulers are providing the majority of the County's waste collection needs.

At the present, two (2) public solid waste landfills, which were permitted in the County, are closed, and most of Fayette County's solid waste is landfilled at the Raleigh County Sanitary Landfill.

According to the Solid Waste Management Board and the WVU Regional Research Institute, the projected the solid waste disposal needs for Fayette County and population rates for the next twenty years are:

<u>Year</u>	<u>Tons Per Month</u>	<u>Population</u>
2015	3,077	45,669
2020	3,026	44,916
2025	2,965	44,007
2030	2,880	42,749
2035	2,779	41,246

## ZONES AND RATIONALE

### **Class A Landfills**

“Class A facility” means a commercial solid waste facility which is authorized to handle an aggregate of ten to thirty thousand (10,000 — 30,000) tons of solid waste per month. Class A facility shall include two or more Class B solid waste landfills owned or operated by the same person in the same County, if the aggregate tons of solid waste handled per month by such landfills exceeds nine thousand nine hundred ninety-nine (9,999) tons of solid waste per month.

### **Class B Landfills**

“Class B facility” means a commercial solid waste facility which receives, or is expected to receive, an average daily quantity of mixed solid waste equal to or exceeding one hundred (100) tons each working day; or serves, or is expected to serve, a population equal to or exceeding forty thousand (40,000) persons, but which does not receive nor is expected to receive solid waste exceeding an aggregate of ten thousand (10,000) tons per month. Class B facilities does not include construction/demolition facilities; Provided, That the definition of Class B facility may include such reasonable subdivisions or sub classifications as the director may establish by legislative rule proposed in accordance with the provisions of the W. Va. Code § 29A-1-1 et seq.

### **Class C Landfills**

“Class C facility” means a commercial solid waste facility which receives, or is expected to receive, an average daily quantity of mixed solid waste of less than one hundred (100) tons each working day; and serves, or is expected to serve, a

population of less than forty thousand (40,000) persons. Class C solid waste facilities do not include construction/demolition facilities.

### **Class D Landfills**

“Class D facility” means any commercial solid waste facility for the disposal of only construction/demolition waste and does not include the legitimate beneficial reuse of clean waste concrete/masonry substances for the purpose of structural fill or road base material.

“Construction/demolition waste” means waste building materials, packaging, and grubbing waste resulting from construction, remodeling, repair and demolition operations on houses, commercial and industrial buildings, and other structures and pavements, including, but not limited to: wood, plaster, metals, asphaltic substances, bricks, blocks and concrete, other masonry materials, trees, brush, stumps and other vegetative materials, but shall not include asbestos waste.

**Authorized** – None.

**Prohibited** – The Authority prohibits the establishment of any Class A landfills in the County. The Authority prohibits the establishment of any Class B, C, and D landfills in the western portion of the County and areas where one or more of the criteria established in 54CSR4 Section 5.3 exist.

**Rationale** – Based on the best available information, Fayette County will not produce sufficient volumes of solid waste to justify a Class A landfill. The County presently uses the Raleigh County Sanitary Landfill, with minimal amounts going to the Charleston

Landfill, in Kanawha County, and the Nicholas and Greenbrier County landfills. The authority has found this capacity to be sufficient in handling the solid waste disposal needs of the residents of Fayette County.

The Procedure Section of this Plan further lists fifteen criteria for siting a Commercial Solid Waste Landfill. When applying these criteria to Fayette County, a Class A, B, C, or D landfill would be prohibited Countywide. This criterion is outlined by Items 7, 9, 10, 11, 12, 13, 14 and 15. (Pages 7-8)

Surface and deep mining (past and present) has occurred throughout the reaches Fayette County. Based on mining maps filed at the West Virginia Geologic and Economic Survey, Morgantown, West Virginia, there are 17 mined beds of coal in Fayette County, illustrating the majority of the County is affected by past and/or present surface and deep mining activity. State of West Virginia Solid Waste Regulations prevent the siting of a landfill above any deep mine working or within the critical angle or draw of such workings.

The Procedure Section of this Plan lists fifteen criteria for siting a Commercial Solid Waste Landfill. When applying these criteria to Fayette County, many areas (zones) throughout the County would prevent the siting of a Class A, B, C, or D landfill. This criterion is outlined by Items 7, 9, 10, 11, and 15 (Pages 7-8) and illustrated by Class A - D Landfill Zones Maps. The steep topography of the western portion of the County would further prohibit the establishment of a Class A, B, C, or D landfill along with the criteria listed above.



**Tentatively Prohibited** – The Authority tentatively prohibits the establishment of any Class A, B, C, or D landfills within the eastern region of the County. Class A - D Landfill Zones Maps illustrate the restricted areas (zones) in which no landfill can be sited as outlined by Items 7, 9, 10, 11 and 15 of the Procedure Section of this Plan. All remaining areas in the County are therefore zoned as tentatively prohibited.

**Rationale** – The information presently available indicates that large areas of the County could not support the siting of a Class A, B, C, or D landfill due to the criteria outlined by the Procedure Section of this Plan. However, zones within the eastern and western portions of the County may be capable of supporting the siting of a Class A, B, C, or D landfill. The Authority feels that the readily available information does not clearly prohibit or authorize Class A, B, C, or D landfills and a tentatively prohibited zoning should be applied except in the areas clearly prohibited by Title 54CSR4 listed by the Procedure Section of this Plan.

Furthermore, landfills are not permitted by the Fayette County Unified Development Code. Therefore, any person or legal entity desiring to operate a landfill must be addressed by application to the Fayette County Board of Zoning Appeals.

## **Transfer Stations**

“Transfer station” means a combination of structures, machinery or devices at a place or facility where solid waste is taken from collection vehicles and placed in other transportation units (such as a "walking floor", or other method of transfer as determined by the director) for movement to another solid waste management facility. Provided, when the initial generator of solid waste disposes of solid waste into a container such as a roll-off, greenbox or bin which is temporarily positioned (not more than five days) at a specific location for transport by a transportation unit, such container shall not be considered a transfer station. Under any circumstances, leachate, litter and windblown materials must be properly managed.

**Authorized** – None.

**Prohibited** – The restricted areas (zones) are outlined in the Solid Waste Transfer Station Map, in which no solid waste facility can be sited.

**Rationale** – The Authority believes that the amounts of solid waste to be produced by the residents of Fayette County can be properly processed and safely handled by a variety of State of West Virginia approved solid waste treatment, recycling and/or disposal methods/facilities. For this reason, the Authority feels that Solid Waste Transfer Stations should be tentatively prohibited.

**Tentatively Prohibited** – The Fayette County Solid Waste Authority feels that the readily available information does not clearly authorize or prohibit solid waste transfer stations in the County. Therefore transfer stations are tentatively prohibited in the

County except where Title 54CSR4 criteria prohibit any solid waste facility as outlined by the Procedure Section of this Plan.

Furthermore, landfills are not permitted by the Fayette County Unified Development Code. Therefore, any person or legal entity desiring to operate a landfill must be addressed by application to the Fayette County Board of Zoning Appeals.

## **Energy Recovery Facilities and Incinerators**

“Energy recovery facility” means any solid waste facility at which solid wastes are incinerated with the intention of using the resulting energy for generation of steam, electricity or any other use not specified herein.

“Incinerator” means an enclosed device using controlled flame combustion to thermally break down solid waste, including refuse-derived fuel, to an ash residue that contains little or no combustible materials.

**Prohibited** – West Virginia House Bill H. B. 2445 reflected in W. Va. Code § 22-15-19 states "It shall be unlawful to install, establish or construct a new municipal or commercial solid waste facility utilizing incineration technology for the purpose of solid waste incineration: provided that such prohibition shall not include the development of pilot projects which may include tire or tire material incineration, designed to analyze the efficiency and environmental impacts of incineration technologies: Provided, however, that any pilot project proposing to incinerate solid waste must comply with regulatory requirements for solid waste facilities established in Chapter 20 and shall demonstrate with particularity to the WVDEP that it has the financial and technical ability to comply with all regulations applicable to solid waste facilities utilizing incineration technologies."

In keeping with House Bill H. B. 2445, the Fayette County Solid Waste Authority prohibits the establishment of an Energy Recovery Facility and Incinerator in Fayette County as illustrated by the Energy Recovery and Incineration Facilities Map.

**Rationale** – A 1990 study (Stone) reported that at least 500 tons per day of municipal

solid waste was needed to operate an energy recovery and/or incinerator profitably. Fayette County presently generates less than 2,824 tons per month of municipal solid waste. Further, the study found that to successfully market the steam from an Energy Recovery Facility it needed to be within a quarter of a mile to the user/buyer. The Authority knows of no grouping of industries or business that would or could use steam and/or heat generated from this type of solid waste facility.

### **Materials Recovery Facilities**

“Materials recovery facility” means any solid waste facility at which source-separated materials or materials recovered through a mixed waste processing facility are manually or mechanically shredded or separated for purposes of refuse and recycling, but does not include a composting facility.

**Authorized** – The Authority authorized the establishment of Materials Recovery Facilities in the County except within the prohibited areas (zones) as illustrated by the Material Recovery Facility Map and outlined by the Procedure Section of this Plan and the standards set by Title 54CSR4 Rules and Regulations.

**Rationale** – The Authority feels that the County's solid waste stream is suited to a centrally located Materials Recovery Facility or Facilities. The authority believes that the removal of recyclable materials can best be recovered in a safe, economic, and environmentally accepted manner at a central location. With the increased technological advances in material recovery operations, equipment, and the mechanized solid waste handling, a Materials Recovery Facility, when properly designed, constructed and operated, could process Fayette County's solid waste.

**Prohibited** – The areas that are prohibited are denoted on Map No.1. These areas are prohibited because of one or more of the criteria established in Title 54 Legislative Rules, Series 4, including: (1) perennial streams, (2) 100-year floodplains, (3) other surface waters, including areas within three hundred (300) feet of the water, (4) property within one thousand (1000) feet of the right-of-way of any state trunk highway, interstate or federal aid primary highway, (5) water supply wells and springs, including areas

within twelve hundred (1200) feet of wells and springs, and (6) 1200 feet of public parks and recreation areas, (7) within 500 feet of a dwelling, (8) within 200 feet of a geologically unstable area. Although presently unmapped, any area identified as follows shall also be zoned as prohibited: (1) wetlands, and areas within three hundred (300) feet of wetlands, and (2) airports, including areas within six (6) miles.

**Tentatively Prohibited** – All other areas are tentatively prohibited until it can be determined whether the area is suitable or unsuitable on a site specific basis.

## **Recycling Facilities**

“Recycling facility” means any solid waste facility for the purpose of recycling at which neither land disposal nor biological, chemical or thermal transformation of solid waste occurs; Provided, That mixed waste recovery facilities, sludge processing facilities and composting facilities are not considered to be reusing or recycling solid waste within the meaning of W. Va. Code §§ 20-11-1 et seq., 22-15-1 et seq. and 22C-4-1 et seq.

**Authorized** – The Fayette County Solid Waste Authority has developed a recycling plan for the County and therefore authorized recycling facilities in the County except in the prohibited areas listed in Title 54C5R4 Rules and Regulations and illustrated by the Recycling Facilities Map.

**Rationale** – The Authority endorses recycling as part of the hierarchy to reduce the volume of materials in the waste stream; at the same time being aware that markets for these items are essential for an effective program.

**Prohibited** – The areas that are prohibited are denoted on Map No.1. These areas are prohibited because of one or more of the criteria established in Title 54 Legislative Rules, Series 4, including: (1) perennial streams, (2) 100-year floodplains, (3) other surface waters, including areas within three hundred (300) feet of the water, (4) property within one thousand (1000) feet of the right-of-way of any state trunk highway, interstate or federal aid primary highway, (5) water supply wells and springs, including areas within twelve hundred (1200) feet of wells and springs, and (6) 1200 feet of public parks and recreation areas, (7) within 500 feet of a dwelling, (8) within 200 feet of a geologically unstable area. Although presently



unmapped, any area identified as follows shall also be zoned as prohibited: (1) wetlands, and areas within three hundred (300) feet of wetlands, and (2) airports, including areas within six (6) miles.

**Tentatively Prohibited** – All other areas are tentatively prohibited until it can be determined whether the area is suitable or unsuitable on a site specific basis.

### **Commercial Composting Facilities**

“Commercial Composting facility” means any solid waste facility processing solid waste by composting, including sludge composting, organic waste or yard waste composting, but does not include a composting facility owned and operated by a person for the sole purpose of composting waste created by that person or such person and other persons on a cost-sharing or non-profit basis and shall not include land upon which finished or matured compost is applied for use as a soil amendment or conditioner.

**Authorized** – The Authority authorized composting facilities within Fayette County that meet the requirements of Title 54CSR4 Rule and the siting criteria outlined by the Procedure Section of this Plan. Areas in which Composting Facilities are prohibited are shown by the Commercial Composting Facilities Map.

**Rationale** – Composting, when properly applied, can reduce the amount of solid waste that must be landfilled. A properly designed, constructed, and operated Commercial Composting Facility must meet state and federal requirements and demonstrate a market for the end product. Composting, when integrated with a Materials Recovery Program, is an effective waste management tool.

**Prohibited** – The areas that are prohibited are denoted on Map No.1. These areas are prohibited because of one or more of the criteria established in Title 54 Legislative Rules, Series 4, including: (1) perennial streams, (2) 100-year floodplains, (3) other surface waters, including areas within three hundred (300) feet of the water, (4) property within one thousand (1000) feet of the right-of-way of any state trunk highway, interstate or federal aid primary highway, (5) water supply wells

and springs, including areas within twelve hundred (1200) feet of wells and springs, and (6) 1200 feet of public parks and recreation areas, (7) within 500 feet of a dwelling, (8) within 200 feet of a geologically unstable area. Although presently unmapped, any area identified as follows shall also be zoned as prohibited: (1) wetlands, and areas within three hundred (300) feet of wetlands, and (2) airports, including areas within six (6) miles.

**Tentatively Prohibited** – All other areas are tentatively prohibited until it can be determined whether the area is suitable or unsuitable on a site specific basis.

## **AMENDMENT PROCEDURE**

The Authority may amend the Plan at any time. Amendments must meet all requirements of the original Plan. For any Amendments that are introduced, the Authority shall hold a public hearing to solicit ideas, opinions and comments from the general public concerning the Amendments. The hearing shall be held in the manner outlined by § 54-4-7 of the Rules and Regulations Commercial Solid Waste Facility Siting Plans. A majority of the voting Authority members shall be required accepting any changes, amendments or updates. Any amendments shall be submitted to the West Virginia Solid Waste Management Board for approval and no Amendments may become effective until approved by the Board in the same manner as the original Plan.

Upon application from any person or group the Authority may amend the Siting Plan by redesignating a zone, or any portion of a zone. In such case, the person seeking the change has the burden to affirmatively and clearly demonstrate, based on all of the criteria set forth in § 54-4-5.3 of the Rules and Regulations for the Development of Commercial Solid Waste Facility Siting Plans, that the requested redesignation is appropriate and proper and that any solid waste facility sited could be appropriately operated in the public interest at such location. In order to make such demonstration, the person seeking the change shall make whatever examination is necessary and submit specific detailed information to the Authority relating to the criteria in § 54-4-5.3 of the Rules and Regulations for the Development of Commercial Solid Waste Facility Siting Plans.

The Fayette County Solid Waste Authority will review the Plan every five years. At the time of the five year review, the Authority shall extend the period of time covered by the Plan to include the next twenty years following the five year review date.