

IT HAS RECEIVED COMMENT FROM THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE ON THE PUBLIC HEALTH ASPECTS OF THE FACILITY. THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL COMMENT WITHIN 30 DAYS AFTER IT RECEIVES AN APPLICATION FOR REVIEW. IF ADDITIONAL TIME FOR COMMENT IS REQUIRED, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL STATE THE REASON FOR THE DELAY AND THE TIME REQUIRED TO COMPLETE ITS REVIEW. THE DEPARTMENT MAY NOT ISSUE A SEPARATE PERMIT FOR ANY FACILITIES AS DEFINED UNDER ARTICLE 43 WHICH ARE PERMITTED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, IF THOSE PROVISIONS DEEMED NECESSARY BY THE DEPARTMENT TO CARRY OUT THE PURPOSES OF THIS SECTION ARE INCORPORATED INTO THE PERMIT OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE. THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE PERMIT THEN SHALL BE CONSIDERED A PERMIT UNDER THIS SECTION AND SUBJECT TO THE FEE AND ALL OTHER PROVISIONS OF THIS SECTION.

(J) A PERSON WHO APPLIES FOR A PERMIT SHALL PAY AN APPLICATION FEE, AND A PERMIT FEE. THE APPLICATION FEE SHALL BE DESIGNED TO COVER COSTS OF THE PERMITTING PROCEDURE.

THE DEPARTMENT SHALL DETERMINE A PERMIT FEE ON THE BASIS OF:

(1) THE DESIGNATED HAZARDOUS SUBSTANCES MAY PRESENT TO THE ENVIRONMENT;

(2) THE ANTICIPATED COSTS OF MONITORING AND REGULATING THE DISPOSAL FACILITY;

(3) THE ANTICIPATED COSTS ATTRIBUTABLE TO THE REMOVING AND PROPERLY DISPOSING OF ALL DESIGNATED HAZARDOUS SUBSTANCES THAT MAY ESCAPE FROM THE FACILITY; AND

(4) ANTICIPATED NEEDS FOR PROGRAM DEVELOPMENT ACTIVITIES RELATING TO DESIGNATED HAZARDOUS SUBSTANCES.

THE DEPARTMENT [[ONLY]] MAY ISSUE A PERMIT FOR NO LONGER THAN THREE YEARS AND AFTER PUBLIC NOTICE AND OPPORTUNITY FOR PUBLIC HEARING. THE DEPARTMENT MAY DENY THE PERMIT APPLICATION IF IT FINDS THAT A FACILITY CANNOT HANDLE, STORE, OR DISPOSE OF THE DESIGNATED HAZARDOUS SUBSTANCES WITHOUT IMPOSING AN UNDUE RISK TO THE ENVIRONMENT. ON APPLICATION, THE DEPARTMENT MAY RENEW A PERMIT IF IT DETERMINES THAT A PERMIT HOLDER HAS COMPLIED WITH ALL APPROPRIATE DEPARTMENTAL REGULATIONS INCLUDING THE PAYMENT OF FEES.

[[ (J) ]] (K) AS A CONDITION TO THE ISSUANCE OF A PERMIT, THE DEPARTMENT MAY REQUIRE A PERMIT HOLDER TO:

(1) REPORT PERIODICALLY ON THE VOLUME AND CHEMICAL, PHYSICAL, AND BIOLOGICAL NATURE OF MATERIAL