

4. COMPOST;

(VI) ACCEPTABLE CUMULATIVE LOADING RATES, INCLUDING NITROGEN AND HEAVY METALS; AND

(VII) SPECIAL REQUIREMENTS OF LAND USED FOR TOBACCO PRODUCTION; AND

(VIII) REASONABLE BUFFER AREAS ON SEWAGE SLUDGE UTILIZATION SITES FROM ANY PROPERTY LINE OR RESIDENCE.

(4) (I) THE DEPARTMENT SHALL ADOPT RULES OR REGULATIONS TO ESTABLISH A MECHANISM FOR DETERMINING UTILITY'S FEES AN ANNUAL GENERATOR'S FEE, WHICH SHALL INCLUDE PUBLIC INPUT INTO THE DEVELOPMENT OF THE FEE SCHEDULES.

(II) THE FEE SCHEDULES SHALL TAKE INTO ACCOUNT:

1. THE VOLUME OF SEWAGE SLUDGE PRODUCED OR OTHERWISE GENERATED BY THE SEWAGE SLUDGE GENERATOR AND THE METHOD BY WHICH THE SLUDGE IS UTILIZED;

2. THE ANTICIPATED COSTS OF MONITORING AND REGULATING THE UTILIZATION SITES;

3. THE ANTICIPATED NEEDS OF THE PROGRAM; AND

4. THE POTENTIAL HAZARD TO THE PUBLIC HEALTH, SAFETY, OR WELFARE OR TO THE ENVIRONMENT; AND

5. EXCEPT FOR PERMITS FOR PERMANENT FACILITIES DESIGNED PRIMARILY FOR SEWAGE SLUDGE UTILIZATION, A SEWAGE SLUDGE UTILIZATION PERMIT FEE MAY NOT EXCEED \$100.

(B) (1) (I) FOR ANY APPLICATION TO SPREAD SEWAGE SLUDGE ON MARGINAL LAND AND BEFORE CONSTRUCTION OF ANY PERMANENT FACILITY THAT IS DESIGNED PRIMARILY FOR SEWAGE SLUDGE UTILIZATION, THE DEPARTMENT SHALL PUBLISH NOTICE IN A LOCAL NEWSPAPER HAVING SUBSTANTIAL CIRCULATION IN THE COUNTY AND MAIL A COPY OF THE NOTICE TO THE COUNTY HEALTH OFFICER LOCAL HEALTH OFFICIAL, THE CHAIRMAN OF THE COUNTY LEGISLATIVE BODY, AND THE ELECTED EXECUTIVE, IF ANY, OF THE RESPECTIVE POLITICAL SUBDIVISION COUNTY AND MUNICIPALITY IN WHICH THESE ACTIVITIES WOULD OCCUR.

(II) WITHIN 15 DAYS OF THE RECEIPT OF THE APPLICATION, THE EXECUTIVE OR THE LEGISLATIVE BODY OF THE POLITICAL SUBDIVISION COUNTY AND OR MUNICIPALITY MAY REQUEST A PUBLIC HEARING.

(III) THE DEPARTMENT SHALL CONDUCT A PUBLIC HEARING IN THE AFFECTED SUBDIVISION IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.