

15A NCAC 13B .1603 GENERAL APPLICATION REQUIREMENTS AND PROCESSING

(a) An owner or operator of a MSWLF unit or facility shall submit an application document as detailed in Rule .1617 of this Section in accordance with the following criteria and scheduling requirements:

- (1) New permit.
 - (A) An applicant for a new permit as defined by G.S. 130A-294(a3)(1)a, c, d, and e shall submit a site study and subsequently an application for a permit to construct as set forth in Rule .1617(a) of this Section.
 - (B) An applicant for a new permit as defined by G.S. 130A-294(a3)(1)b shall submit an application for a permit as set forth in Rule .1617(b) of this Section.
 - (C) The Division shall review all permit applications in accordance with Rule .0203 of this Subchapter.
 - (D) An application for a new permit is subject to the application fees set forth in G.S. 130A-295.8(d2).
- (2) Amendment to the permit. The owner or operator shall submit an application to amend the permit to construct in accordance with Rule .1617(c) of this Section for the following circumstances:
 - (A) A subsequent stage of landfill development. A permit to construct issued in accordance with Paragraph (c) of this Rule approves the life-of-site development of the MSWLF unit indicated in the facility plan plus a set of plans, defined in Rule .1604(b)(1) of this Section as the Division approved plans submitted by the applicant for either the entire MSWLF unit or a portion of the MSWLF unit. For any subsequent stage of landfill development that the applicant has not included in the plans required by Rule .1604(b)(1) of this Section for any prior stage of landfill development, the owner or operator shall submit the amended permit application no less than 180 days prior to the date scheduled for commencing construction.
 - (B) A change in ownership or corporate structure of a permitted MSWLF facility in accordance with G.S. 130A-294(a3)(2)b. The owner or operator shall notify the Division in writing within 30 days of a change in ownership or corporate structure in accordance with G.S. 130A-295.2(g).
- (3) Modifications to the permit. An owner or operator proposing changes to the plans approved in the permit shall request prior approval from the Division in accordance with Rule .1617(d) of this Section.
- (4) Permit for Closure and Post-Closure Care. Within 180 days following receipt of the notice submitted to the Division in accordance with Rule .1627(c)(8) of this Section, the Division shall issue a permit for closure and post-closure care that incorporates the plans identified by the owner or operator in the notice. Owners or operators that closed all MSWLF units at the facility prior to the readopted effective date of this Rule shall not be required to submit the notice described in Rule .1627(c)(8) of this Section. If a closure and post-closure care permit has not already been issued, the Division shall issue a permit for closure and post-closure care for these facilities that incorporates the plans that were incorporated into the most recent permit to operate for the facility.

(b) Application format requirements. All applications and plans required by this Section shall be prepared in accordance with the following:

- (1) The application shall:
 - (A) contain a cover sheet, stating the project title and location, the applicant's name, and the engineer's name, address, signature, date of signature, and seal;
 - (B) contain a statement defining the purpose of the submittal signed and dated by the applicant;
 - (C) contain a table of contents or index outlining the body of the application and the appendices;
 - (D) be paginated consecutively; and
 - (E) identify any revised text by noting the date of revision on the page.
- (2) Drawings. The engineering drawings for all landfill facilities shall be submitted using the following format:
 - (A) the cover sheet shall include the project title, applicant's name, sheet index, legend of symbols, and the engineer's name, address, signature, date of signature, and seal; and
 - (B) maps and drawings shall be prepared at a scale that illustrates the subject requirements, and that is legible if printed at a size of 22 inches by 34 inches.

- (3) Number of copies. An applicant shall submit one copy of the application to the Division in an electronic format that is accessible and viewable by the Division. The Division may request that the applicant submit up to three paper copies of the application in three-ring binders.
- (c) Permitting and public information procedures.
- (1) Purpose and Applicability.
 - (A) Purpose. During the permitting process, the Division shall provide for public review of and input to permit documents containing the applicable design and operating conditions. The Division shall provide for consideration of comments received and notification to the public of the permit design as set forth in Subparagraph (4) of this Paragraph.
 - (B) Applicability. Applications for a new permit as defined in G.S. 130A-294(a3)(1), or for a modification to the permit involving corrective remedy selection required by Rule .1636 of this Section shall be subject to the requirements of this Paragraph. Applications submitted in accordance with Subparagraphs (a)(2), (a)(3), and (a)(4) of this Rule are not subject to the requirements of this Paragraph.
 - (2) Draft Permits.
 - (A) The Division shall review all permit applications for compliance with the rules of this Section and Rule .0203 of this Subchapter. Once an application is complete, the Division shall either issue a notice of intent to deny the permit to the applicant or prepare a draft permit.
 - (B) If the Division issues a notice of intent to deny the permit to the applicant, the notice shall include the reasons for permit denial in accordance with Rule .0203(e) of this Subchapter and G.S. 130A-294(a)(4)c.
 - (C) If the Division prepares a draft permit, the draft permit shall contain all applicable terms and conditions for the permit.
 - (D) All draft permits shall be subject to the procedures of Subparagraphs (3) through (9) of this Paragraph, unless otherwise specified in those Subparagraphs.
 - (3) Fact Sheets. The Division shall prepare a fact sheet for every draft permit, and shall send this fact sheet to the applicant and post the fact sheet on the Division website. The fact sheet shall include:
 - (A) a description of the type of facility or activity that is the subject of the draft permit;
 - (B) a description of the area to be served, the volume and characteristics of the waste stream, and a projection of the useful life of the landfill;
 - (C) a summary of the basis for the draft permit conditions, including references to statutory or regulatory provisions and supporting references to the permit application;
 - (D) the beginning and ending dates of the comment period under Subparagraph (4) of this Paragraph;
 - (E) the address where comments will be received;
 - (F) the name, phone number, and e-mail address of a person to contact for additional information;
 - (G) the procedures for requesting a public hearing; and
 - (H) other procedures by which the public may provide comments during the comment period under Subparagraph (4) of this Paragraph, such as social media or a web-based meeting, if the Division or the applicant elects to use such procedures.
 - (4) Public Notice of Permit Actions and Public Hearings.
 - (A) The Division shall give public notice of each of the following: a draft permit has been prepared; a public hearing has been scheduled under Subparagraph (6) of this Paragraph; or a notice of intent to deny a permit has been prepared under Part (2)(B) of this Paragraph.
 - (B) No public notice is required when a request for a permit modification is denied.
 - (C) The Division shall give written notice of denial to the applicant.
 - (D) Public notices may describe more than one permit or permit action.
 - (E) Public notice of the preparation of a draft permit or a notice of intent to deny a permit shall allow at least 45 days for public comment.
 - (F) The Division shall give public notice of a public hearing at least 15 days before the hearing; and the notice shall contain the date, time, and place of the public hearing; a description of the nature and purpose of the public hearing, including the applicable rules and procedures; and a statement of the issues raised by the persons requesting the

hearing. Public notice of the hearing may be given at the same time as public notice of the draft permit and the two notices may be combined.

- (G) Public notice of activities described in Part (A) of this Subparagraph shall be given by publication on the Division website, by posting in the post office and public places of the municipalities nearest the site under consideration, or publication by a local news organization. The Division may also provide notice by posting on other State or local government websites or social media to give actual notice of the activities to persons potentially affected.
 - (H) All public notices issued under this Subparagraph shall contain the name, address and phone number of the office processing the permit action for which notice is being given; name and address of the owner and the operator applying for the permit; a description of the business conducted at the facility or activity described in the permit application including the size and location of the facility and type of waste accepted; a description of the comment procedures required by Subparagraphs (5) and (6) of this Paragraph, including a statement of procedures to request a public hearing unless a hearing has already been scheduled, and other procedures by which the public may participate in the permit decision; the name, address, and telephone number of the Division contact from whom interested persons may obtain further information; and a description of the time frame and procedure for making an approval or disapproval decision of the application.
- (5) Public Comments and Requests for Public Hearings. During the public comment period provided, any interested person may submit written comments on the draft permit and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. The Division shall consider all comments in making a final permit decision. The Division shall respond to all comments as provided in Subparagraph (9) of this Paragraph.
- (6) Public Hearings.
- (A) The Division shall hold a public hearing on a draft permit(s) when a hearing is requested. The Division may also hold a public hearing whenever such a hearing might clarify one or more issues involved in the permit decision. Public hearings held pursuant to this Rule shall be at a location accessible to the residents of the municipality closest to the subject facility. Public notice of the hearing shall be given as specified in Subparagraph (4) of this Paragraph.
 - (B) Any person may submit oral or written statements and data concerning the draft permit. The Division may set the time allowed for oral statements; and may require the submission of statements in writing. The Division shall extend the public comment period under Subparagraph (4) of this Paragraph to the close of any public hearing under this Subparagraph. The Division may also extend the comment period by so stating at the hearing, when information is presented at the hearing which indicates the importance of extending the period to receive additional comments, to allow potential commenters to gather more information, to allow time for submission of written versions of oral comments made at the hearing, or to allow time for rebuttals of comments made during the hearing. The Division shall publish the end date of the extended comment period on the Division's website prior to the end of the existing public comment period.
 - (C) The Division shall make available to the public a recording or written transcript of the hearing upon request.
- (7) Reopening of the Public Comment Period.
- (A) In response to data, information, or arguments received during the public comment period, the Division may prepare a revised draft permit under Subparagraph (2) of this Paragraph, prepare a revised fact sheet under Subparagraph (3) of this Paragraph, and reopen or extend the comment period under Subparagraph (4) of this Paragraph.
 - (B) Comments filed during the reopened comment period shall be limited to the information that was revised in the draft permit following the original comment period. The public notice shall be in accordance with Subparagraph (4) of this Paragraph and shall define the scope of the reopening.
- (8) Permit Decision.

- (A) After the close of the public comment period under Subparagraph (4) of this Paragraph on a draft permit or a notice of intent to deny a permit, the Division shall issue a permit decision. The Division shall notify the applicant and each person who has submitted a written request for notice of the permit decision. For the purposes of this Subparagraph, a permit decision means a decision to issue, deny, or modify a permit in accordance with Paragraph (d) of this Rule.
 - (B) A permit decision shall become effective upon the date of the service of notice of the decision unless a later date is specified in the decision.
- (9) Response to Comments.
- (A) At the time that a permit decision is issued under Subparagraph (8) of this Paragraph, the Division shall issue a response to comments. This response shall specify which provisions, if any, of the draft permit have been changed in the permit decision, and the reasons for the change. The response shall also describe and respond to all comments pertaining to the requirements in the draft permit raised during the public comment period, or during any public hearing.
 - (B) The Division shall publish the response to comments on the Division website upon request.
- (d) Permit approval or denial. The Division shall review all permit applications in accordance with Rule .0203 of this Subchapter.

*History Note: Authority G.S. 130A-294;
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