

15A NCAC 13B .0203 PERMIT APPROVAL OR DENIAL

(a) Upon receipt of a permit application, the Division shall review the request to assure that all provisions of the rules of this Subchapter, Article 9 of Chapter 130A of the General Statutes, and the Federal Resource Conservation and Recovery Act of 1976, Public Law 94-580, as amended, will be met. The Division shall review permit applications in accordance with the timelines established in G.S. 130A-295.8(e). Based on its review, the Division shall either approve or deny the request in writing.

(b) When an application is approved, the applicant shall be provided a permit. If the approval is contingent upon certain conditions being met by the applicant, such as a final construction inspection or obtaining a local government franchise approval, such conditions shall be noted on the permit.

(c) Before receiving solid waste at a newly permitted facility, an inspection shall be made by a representative of the Division to assure that the site is prepared in accordance with the permit, and the permit shall be recorded in accordance with G.S. 130A-301.

(d) By receiving solid waste at a permitted facility, the permittee shall be considered by the Department to have accepted the conditions of the permit and shall comply with the conditions of the permit.

(e) When the Division denies a permit for a solid waste management facility, it shall state in writing the reason for such denial and shall also state its estimate of the changes in the applicant's proposed activities or plans that will be required for the applicant to obtain a permit. A denial shall be without prejudice to the submission of a future application for a permit after revisions are made to meet objections specified as reasons for denial. The Division shall deny a permit as set forth in G.S. 130A-294(a)(4)c, or for the following reasons:

- (1) submission of incomplete information;
- (2) failure to meet the requirements of this Subchapter;
- (3) failure to meet a requirement or standard set forth in Article 9 of Chapter 130A of the General Statutes; or
- (4) siting, design, construction, or operation plans that would prevent the solid waste management facility or site from being operated in accordance with Article 9 of Chapter 130A of the General Statutes, the rules of this Subchapter, the Federal Resource Conservation and Recovery Act of 1976, Public Law 94-580, as amended, or any applicable standards and requirements of G.S. 89C, 89E, or 89F.

(f) Appeals of permit decisions shall be in accordance with Article 3 of Chapter 150B of the General Statutes and the rules adopted thereunder.

(g) The Secretary may suspend or revoke a permit in accordance with G.S. 130A-23. If the Secretary revokes or suspends a permit, the Department shall notify the owner or operator in writing of the reasons for the permit action.

History Note: Authority G.S. 130A-294;
Eff. April 1, 1982;
Amended Eff. August 1, 2008; February 1, 1991; August 1, 1988; February 1, 1988;
Readopted Eff. January 1, 2021.