

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 these Rules, the Solid Waste Management Act, and the Federal Act, will be met. 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 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 with the Register of Deeds in the county where the facility is located in accordance with the recordation requirements set out in 15A NCAC 13B .0204.

(d) By receiving solid waste at a permitted facility, the permittee(s) shall be considered 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 which will be required in order that the applicant may 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. Reasons for denial include:

- (1) Submission of incomplete information;
- (2) Failure to meet applicable requirements of this Subchapter; or
- (3) Failure to meet any applicable requirement or standard set forth in Article 9 of Chapter 130A of the N.C. General Statutes; or
- (4) Any other reasons which would prevent the solid waste facility or site from being operated in accordance with Article 9, Chapter 130A of the General Statutes, these Rules, the Federal Act, or acceptable engineering or public health and environmental standards.

(f) Appeals of permit decisions shall be in accordance with Article 3 of N.C.G.S., Chapter 150B, and the Rules adopted thereunder.

*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.*