

15A NCAC 13B .0533 GENERAL APPLICATION REQUIREMENTS AND PROCESSING FOR C&DLF FACILITIES

(a) Applicability. Owners or operators of a proposed or existing C&DLF unit or facility shall submit an application document as detailed in Rule .0535 of this Section in accordance with the criteria and scheduling requirements set forth as follows:

- (1) New facility. Owners or operators proposing to establish a C&DLF facility or unit in accordance with the following criteria shall submit a Site Study and subsequently an application for a permit to construct as set forth in Paragraph (a) of Rule .0535 of this Section. A new facility permit application is required when:
 - (A) The owner or operator proposes to establish a new facility not previously permitted by the Division.
 - (B) The owner or operator proposes to expand the landfill facility in order to expand the C&DLF unit(s) boundary approved in accordance with Subparagraph (a)(1) of Rule .0536 of this Section.
- (2) Amendment to the permit. For any subsequent phase of landfill development the owner or operator shall prepare an application to amend the permit to construct in accordance with Paragraph (b) of Rule .0535 of this Section and submit the application at the earlier of the following dates:
 - (A) at least 180 days prior to the date scheduled for commencing construction; or
 - (B) five years from the issuance date of the initial permit to operate or as specified in the effective permit.
- (3) Substantial amendment to the permit. A permit issued in accordance with Paragraph (c) of this Rule approves a facility plan for the life of the C&DLF facility and a set of plans for the initial phase of landfill development. The owner or operator shall prepare an application in accordance with Paragraph (c) of Rule .0535 of this Section and submit the application when there is:
 - (A) a substantial change in accordance with N.C.G.S. 130A-294 (b1)(1); or
 - (B) a proposed transfer of ownership of the C&DLF facility.
- (4) 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 Paragraph (d) of Rule .0535 of this Section.

(b) Application format guidelines. All applications and plans required by Rules .0531 through .0547 of this Section shall be prepared in accordance with the following guidelines:

- (1) The initial application shall:
 - (A) contain a cover sheet stating the project title and location, the applicant's name and address, and the engineer's name, address, signature, date of signature and seal; and
 - (B) contain a statement defining the purpose of the submittal signed and dated by the applicant.
- (2) The text of the application shall:
 - (A) be submitted in a three ring binder;
 - (B) contain a table of contents or index outlining the body of the application and the appendices;
 - (C) be paginated consecutively; and
 - (D) identify revised text by noting the date of revision on the page.
- (3) Drawings. The engineering drawings for all landfill facilities shall be submitted using the following format.
 - (A) The sheet size with title blocks shall be at least 22 inches by 34 inches.
 - (B) 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.
 - (C) Where the requirements do not explicitly specify a minimum scale, maps and drawings shall be prepared at a scale that adequately illustrates the subject requirement(s).
- (4) Number of copies. An applicant shall submit a minimum of three copies of each original application document and any revisions to the Division. The Division shall request additional copies as necessary. The Division shall require submittal of relevant documents in electronic format.

(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.

- (B) Applicability. Applications for a Permit to Construct for a new facility, for a substantial amendment to the permit for an existing facility, or for a modification to the permit involving corrective remedy selection required by Paragraphs (d) through (h) of Rule .0545 of this Section shall be subject to the requirements of Subparagraphs (c)(2) through (c)(9) of this Rule. Applications submitted in accordance with Subparagraphs (a)(2) and (a)(4) of this Rule are not subject to the requirements of this Paragraph.
- (2) Draft Permits.
 - (A) Once an application is complete, the Division shall decide whether the permit should be issued or denied.
 - (B) If the Division decides to deny the permit, the Division shall send a notice to deny to the applicant. Reasons for permit denial shall be in accordance with Rule .0203(e) of this Subchapter.
 - (C) If the Division decides the permit should be issued, the Division shall prepare a draft permit.
 - (D) A draft permit shall contain (either expressly or by reference) all applicable terms and conditions for the permit.
 - (E) 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 Sheet.
 - (A) The Division shall prepare a fact sheet for every draft permit.
 - (B) The fact sheet shall include a brief description of the type of facility or activity which is the subject of the draft permit. It shall also include a description of the area to be served and of the volume and characteristics of the waste stream, and a projection of the useful life of the landfill. The fact sheet shall contain a brief summary of the basis for the draft permit conditions, including references to applicable statutory or regulatory provisions and appropriate supporting references to the permit application. The fact sheet shall describe the procedures for reaching a decision on the draft permit. It shall include the beginning and ending dates of the comment period under Subparagraph (4) of this Paragraph, the address where comments will be received, the procedures for requesting a public hearing and any other procedures by which the public may participate in the decision. The fact sheet shall contain the name and telephone number of a person to contact for additional information.
 - (C) The Division shall send this fact sheet to the applicant and make it available to the public for review or copying at the central office of the Division of Waste Management – Solid Waste Section. The Division shall post the fact sheet on the Division web site.
 - (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. 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 publication in a daily or weekly local newspaper of general circulation, and by any other method deemed necessary or appropriate by the Division to give actual notice of the activities to persons potentially affected.
 - (H) General Public Notices. All public notices issued under this Part shall at minimum contain the following: (1) name, address and phone number of the office processing the permit action for which notice is being given; (2) name and address of the owner and operator applying for the permit; (3) a brief 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; (4) a brief 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; (5) name, address, and telephone number of a Division staff from whom interested persons may obtain further information; (6) a description of the time frame and procedure for making an approval or disapproval decision of the application; and (7) any additional information considered necessary or proper as required by the Division.

- (I) Public Notices for Public Hearing. In addition to the general public notice described in Part (4)(A) of this Paragraph, the public notice of a public hearing shall contain the date, time, and place of the public hearing; a brief description of the nature and purpose of the public hearing, including the applicable rules and procedures; and a concise statement of the issues raised by the persons requesting the hearing.
- (5) Public Comments and Requests for Public Hearings. During the public comment period 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 at its discretion 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 convenient to the nearest population center 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 public comment period under Subparagraph (4) of this Paragraph is extended to the close of any public hearing conducted under this Subparagraph. The hearing officer may also extend the public 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 commentors 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.
 - (C) The Division shall make available to the public a recording or written transcript of the hearing for review or copying at the central office of the Division of Waste Management - Solid Waste Section.
- (7) Reopening of the Public Comment Period.
 - (A) If any data, information, or arguments submitted during the public comment period appear to raise substantial new questions concerning a permit action, the Division may prepare a new draft permit, appropriately modified, under Subparagraph (2) of this Paragraph; prepare a fact sheet or revised fact sheet under Subparagraph (3) of this Paragraph and reopen the comment period under Subparagraph (4) of this Paragraph; or reopen or extend the comment period under Subparagraph (4) of this Paragraph to give interested persons an opportunity to comment on the information or arguments submitted.
 - (B) Comments filed during the reopened comment period shall be limited to the substantial new questions that caused its reopening. The public notice under Subparagraph (4) of this Paragraph shall define the scope of the reopening.
 - (C) Public notice of any of the actions of this Subparagraph shall be issued in accordance with Subparagraph (4) of this Paragraph.
- (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.

(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 written 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 briefly describe and respond to all significant comments on the draft permit raised during the public comment period, or during any public hearing.

(B) The Division shall make the response to comments available to the public for review or copying at the central office of the Division of Waste Management – Solid Waste Section.

(d) Permit approval or denial. The Division shall review all permit applications in accordance with Rule .0203 of Section .0200 - PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES.

*History Note: Authority G.S. 130A-294;
Eff. January 1, 2007.*