

15A NCAC 13B .1617 APPLICATION REQUIREMENTS FOR MSWLF FACILITIES

(a) New permit as defined in G.S. 130A-294(a3)(1)a, c, d, and e. An applicant for a new MSWLF permit as defined in G.S. 130A-294(a3)(1)a, c, d, and e shall meet the requirements of Rule .1618 of this Section prior to submitting an application for a permit to construct.

- (1) Permit to Construct. A complete application for a permit to construct for a new permit as defined in G.S. 130A-294(a3)(1)a, c, d, and e shall contain the following:
 - (A) a facility plan that describes comprehensive development of the MSWLF facility prepared in accordance with Rule .1619 of this Section;
 - (B) an engineering plan that is prepared for the initial phase of landfill development prepared in accordance with Rule .1620 of this Section;
 - (C) a construction quality assurance plan prepared in accordance with Rule .1621 of this Section;
 - (D) an operation plan prepared in accordance with Rule .1625 of this Section;
 - (E) a closure and post-closure plan prepared in accordance with Rule .1629 of this Section;
 - (F) the design hydrogeologic report and monitoring plans prepared in accordance with Rule .1623(b) of this Section;
 - (G) an environmental compliance history for the applicant in accordance with G.S. 130A-295.3; and
 - (H) for an applicant that is not a federal, State, or local government, an organization chart showing the ownership structure of the applicant.

- (2) Permit to Operate. The owner or operator shall meet the pre-operative requirements of the permit to construct to qualify the constructed MSWLF unit for a permit to operate.

(b) New permit as defined in G.S. 130A-294(a3)(1)b. A complete application for a new MSWLF permit as defined in G.S. 130A-294(a3)(1)b shall identify the proposed expansion of the permitted activity and shall contain:

- (1) a facility plan that describes the comprehensive development of the MSWLF facility prepared in accordance with Rule .1619 of this Section;
- (2) local government approval in accordance with Rule .1618(c)(6) of this Section;
- (3) an environmental compliance history for the applicant in accordance with G.S. 130A-295.3;
- (4) for an applicant that is not a federal, State, or local government, an organization chart showing the ownership structure of the applicant;
- (5) if the applicant is proposing changes to the final elevations in the existing facility permit as a part of the proposed expansion:
 - (A) an updated engineering plan prepared in accordance with Rule .1620 of this Section;
 - (B) an updated construction quality assurance plan prepared in accordance with Rule .1621 of this Section; and
 - (C) an updated closure and post-closure plan prepared in accordance with Rule .1629 of this Section; and
- (6) if the applicant is proposing changes to the facility operations as a part of the proposed expansion, an updated operation plan prepared in accordance with Rule .1625 of this Section.

(c) Amendment to the permit.

- (1) An application for an amendment to the permit for a subsequent stage of landfill development in accordance with Rule .1603(a)(2)(A) of this Section shall contain the following:
 - (A) an updated engineering plan prepared in accordance with Rule .1620 of this Section;
 - (B) an updated construction quality assurance plan prepared in accordance with Rule .1621 of this Section;
 - (C) an updated operation plan prepared in accordance with Rule .1625 of this Section;
 - (D) an updated closure and post-closure plan prepared in accordance with Rule .1629 of this Section;
 - (E) an updated design hydrogeologic report and monitoring plans prepared in accordance with Rule .1623(b) of this Section;
 - (F) an updated environmental compliance history for the applicant in accordance with G.S. 130A-295.3; and
 - (G) for an applicant that is not a federal, State, or local government, an updated organization chart showing the ownership structure of the applicant.
- (2) An application for an amendment to the permit for a change in ownership or corporate structure in accordance with Rule .1603(a)(2)(B) of this Section shall contain the following:

- (A) a description of the proposed ownership change including affected facilities and permit numbers, the schedule for the change in ownership or corporate structure, and contact name and information for the applicant;
- (B) any changes to the facility name, property owner, facility operator, or billing contact names and contact information;
- (C) if the property owner changes, a copy of the recorded property deed for the new property owner;
- (D) for an applicant that is not a federal, State, or local government, an organization chart showing the ownership structure of the applicant, which shall be a business entity registered with the NC Secretary of State;
- (E) an environmental compliance history for the applicant in accordance with G.S. 130A-295.3;
- (F) any documentation that the Division may request to determine compliance with the requirements for financial responsibility for the applicant in accordance with G.S. 130A-295.2 and Section .1800 of this Subchapter, including an executed financial assurance mechanism for the applicant;
- (G) any updates to the cost estimates required to be submitted in accordance with Section .1800 of this Subchapter;
- (H) any modifications to the plans incorporated into the permit if changes are proposed by the applicant, or to correct any information included in the plans that has changed because of the change in ownership or corporate structure, such as the owner or operator names and contact information;
- (I) for any plans for which no changes or corrections are being made, a statement that the applicant shall continue to comply with the plans incorporated into the existing permit, which shall be identified in the statement by the date they were incorporated, and the file identification number assigned by the Division to the file containing the incorporated plan;
- (J) copies of any federal, State, or local government permits or approvals that were required for the facility permit approval to operate, and that have been revised because of the change to ownership or corporate structure, or a statement that these documents have not changed; and
- (K) any additional information that the Division may request if it is necessary to determine whether any additional changes to the permit are necessary to comply with the rules of this Section.

(d) Modifications to the permit. The owner or operator may propose to modify plans that were prepared and approved in accordance with the requirements set forth in this Section. A complete application shall identify the requirement(s) proposed for modification and provide information that demonstrates compliance with the rules of this Section.

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