

Permit application

Federal

§ 239.3 Components of program application.

Any state that seeks a determination of adequacy under this part must submit an application to the Regional Administrator in the appropriate EPA Region. The application must identify the scope of the program for which the state is seeking approval (i.e., which class of Subtitle D regulated facilities are covered by the application). The application also must demonstrate that the state's authorities and procedures are adequate to ensure compliance with the relevant Subtitle D federal revised criteria and that its permit program is uniformly applicable to all the relevant Subtitle D regulated facilities within the state's jurisdiction. The application must contain the following parts:

- (a) A transmittal letter, signed by the State Director, requesting program approval. If more than one state agency has implementation responsibilities, the transmittal letter must designate a lead agency and be jointly signed by all state agencies with implementation responsibilities or by the State Governor;
- (b) A narrative description of the state permit program in accordance with §239.4;
- (c) A legal certification in accordance with §239.5;
- (d) Copies of all applicable state statutes, regulations, and guidance.

§ 239.4 Narrative description of state permit program.

The description of a state's program must include:

- (a) An explanation of the jurisdiction and responsibilities of all state agencies and local agencies implementing the permit program and description of the coordination and communication responsibilities of the lead state agency to facilitate communications between EPA and the state if more than one state agency has implementation responsibilities;
- (b) An explanation of how the state will ensure that existing and new facilities are permitted or otherwise approved and in compliance with the relevant Subtitle D federal revised criteria;
- (c) A demonstration that the state meets the requirements in §§239.6, 239.7, 239.8, and 239.9;
- (d) The number of facilities within the state's jurisdiction that received waste on or after the following dates:
 - (1) For municipal solid waste landfill units, October 9, 1991.
 - (2) For non-municipal, non-hazardous waste disposal units that receive CESQG hazardous waste, January 1, 1998.

(e) A discussion of staff resources available to carry out and enforce the relevant state permit program.

(f) A description of the state's public participation procedures as specified in §239.6(a) through (c).

§ 239.5 State legal certification.

(a) A state must submit a written certification from the state Attorney General that the laws, regulations, and any applicable guidance cited in the application are enacted at the time the certification is signed and are fully effective when the state permit program is approved. This certification may be signed by the independent legal counsel for the state rather than the Attorney General, provided that such counsel has full authority to independently represent the lead state agency in court on all matters pertaining to the state program.

(b) If guidance is to be used to supplement statutes and regulations, the state legal certification must discuss that the state has the authority to use guidance to develop enforceable permits which will ensure compliance with relevant standards issued pursuant to RCRA section 4010(c) and that the guidance was duly issued in accordance with state law.

(c) If any laws, regulations, or guidance are not enacted or fully effective when the legal certification is signed, the certification should specify what portion(s) of laws, regulations, or guidance are not yet enacted or fully effective and when they are expected to be enacted or fully effective.

The Agency may make a tentative determination of adequacy using this legal certification. The state must submit a revised legal certification meeting the requirements of paragraph (a) of this section and, if appropriate, paragraph (b) of this section along with all the applicable fully enacted and effective statutes, regulations, or guidance, prior to the Agency making a final determination of adequacy. If the statutes, regulations or guidance originally submitted under §239.3(d) and certified to under this section are modified in a significant way, the Regional Administrator will publish a new tentative determination to ensure adequate public participation.

Illinois

Section 807.205 Applications for Permit

a) All applications for permit required under these regulations shall contain all data and information specified in those rules governing the type of unit or site for which the permit is required.

b) The Agency may adopt procedures requiring such additional information as is reasonably necessary to determine whether the waste management site will meet the requirements of the Act and regulations.

c) The Agency may prescribe the form in which all information required under these regulations shall be submitted.

d) All permit applications shall be signed by the owner and operator of the waste management site or their duly authorized agents, shall be accompanied by evidence of

authority to sign the application and shall be certified as to all engineering features by a professional engineer.

e) All permit applications shall be mailed or delivered to the appropriate address designated by the Agency, and shall be sent by registered or certified mail, return receipt requested or delivered in person. Applications which are hand-delivered shall be delivered to and received for by the Manager of the Agency's Division of Land Pollution Control or his designee.

f) An application for permit shall not be deemed filed until the Agency has received, at the designated address, all information, documents, and authorization in the form and with the content required by these rules and related Agency procedures. However, if the Agency fails to notify the applicant within 45 days after the receipt of an application for development permit and 30 days after the receipt of an application for an operating permit, that the application is incomplete, and of the reasons, the application shall be deemed to have been filed on the date received by the Agency. An applicant may deem the Agency's notification that the application is incomplete as a denial of the permit for purposes of review pursuant to Section 40 of the Act.

g) If the Agency fails to take final action on the application for development permit within 90 days from the filing thereof, or on the application for operating permit within 45 days from the filing thereof, the applicant may deem the permit granted on the 91st day or the 46th day after the application was filed.

h) Any applicant for a permit may waive the requirement that the Agency shall take final action within 90 days or 45 days from the filing of the application.

i) The Agency shall send all notices of final action by registered or certified mail, return receipt requested. Final action shall be deemed to have taken place on the date that such notice is mailed.

j) If specifically authorized by statute, any person may petition the Board for a hearing before the Board to contest the issuance by the Agency. (Title X of the Act).

k) Upon receipt of a request for a permit required by these regulations, the Agency shall notify the State's Attorney and the Chairman of the County Board of the county in which the subject facility is located and each member of the General Assembly from the legislative district in which that site is located and the clerk of each municipality any portion of which is within three miles of the site.

l) All applications filed after March 1, 1985, shall include, if required by Subparts E and F, a closure plan, a post-closure care plan, a closure cost estimate and a post-closure care cost estimate showing how the operator will close each unit and provide post-closure care in accordance with all applicable Board regulations.

(Source: Amended at 9 Ill. Reg. 18942, effective November 25, 1985)

Section 812.101 Scope and Applicability

a) All persons, except those specifically exempted by Section 21(d) of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1021(d)) [415 ILCS 5/21(d)] shall submit to the Agency an application for a permit to develop and operate a landfill. The applications must contain the information required by this Subpart and by Section 39(a) of the Act, except as otherwise provided in 35 Ill. Adm. Code 817.

b) Subpart A contains general standards applicable to all landfills. Subpart B contains additional standards applicable to landfills which accept only inert waste. Subpart C

contains additional standards applicable to landfills which accept chemical and putrescible waste.

c) All general provisions of 35 Ill. Adm. Code 810 apply to this Part.
(Source: Amended at 18 Ill. Reg. 12185, effective August 1, 1994)

Section 812.102 Certification by Professional Engineer

All designs shall be prepared by, or under the supervision of, a professional engineer. The professional engineer shall affix the name of the engineer, date of preparation, registration number, a statement attesting to the accuracy of the information and design, and a professional seal to all designs.

Section 812.103 Application Fees

The permit application must be accompanied by all filing fees required pursuant to Section 5(f) of the Act.

Section 812.104 Required Signatures

- a) All permit applications shall contain the name, address, and telephone number of a duly authorized agent of the operator and the property owner to whom all inquiries and correspondence shall be addressed.
- b) All permit applications shall be signed by a duly authorized agent of the operator and the property owner, shall be accompanied by an oath or affidavit attesting to the agent's authority to sign the application and shall be notarized. The following persons are considered duly authorized agents of the operator and the property owner:
 - 1) For Corporations, a principal executive officer of at least the level of vice president
 - 2) For a sole proprietorship or partnership, a proprietor or general partner, respectively; and
 - 3) For a municipality, state, federal or other public agency, by the head of the agency or ranking elected official.

Section 812.105 Approval by Unit of Local Government

The applicant shall state whether the facility is a new regional pollution control facility, as defined in Section 3.32 of the Act, which is subject to the site location suitability approval requirements of Sections 39(c) and 39.2 of the Act. If such approval by a unit of local government is required, the application shall identify the unit of local government with jurisdiction. The application shall contain any approval issued by that unit of local government. If no approval has been granted, the application shall describe the status of the approval request.

Section 812.106 Site Location Map

All permit applications shall contain a site location map on the most recent United States Geological Survey (USGS) quadrangle of the area from the 7 1/2 minute series (topographic), or on such other map whose scale clearly shows the following information:

- a) The permit area and all adjacent property, extending at least 1000 meters (3300 feet) beyond the boundary of the facility;

- b) All surface waters;
- c) The prevailing wind direction;
- d) All rivers designated for protection under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);
- e) The limits of all 100-year floodplains;
- f) All natural areas designated as a Dedicated Illinois Nature Preserve pursuant to the Illinois Natural Areas Preservation Act (Ill. Rev. Stat. 1989, ch. 105, par. 701 et seq.);
- g) All historic and archaeological sites designated by the National Historic Preservation Act (16 U.S.C. 470 et seq.) and the Illinois Historic Preservation Act (Ill. Rev. Stat. 1989 ch. 127, par. 133d1 et seq.);
- h) All areas identified as critical habitat pursuant to the Endangered Species Act (16 U.S.C. 1531 et seq.) and the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1989, ch. 8, par. 331 et seq.); and
- i) All main service corridors, transportation routes, and access roads to the facility.

Section 812.107 Site Plan Map

The application shall contain maps, including cross sectional maps of the site boundaries, showing the location of the facility on a scale no smaller than one inch equals 200 feet containing a two-foot contour interval. The following information shall be shown:

- a) The entire permit area;
- b) The boundaries, both above and below ground level, of the facility and all units included in the facility;
- c) Location of borrow areas;
- d) Boundaries of all areas to be disturbed;
- e) The proposed phasing of the facility, including a delineation of the approximate area to be disturbed each year and areas expected to be closed each year in compliance with 35 Ill. Adm. Code 811.107(a);
- f) All roads in and around the facility;
- g) Devices for controlling access to the facility;
- h) Devices for controlling litter;
- i) Fire protection facilities; and
- j) Utilities.

Section 812.108 Narrative Description of the Facility

The permit application shall contain a written description of the facility with supporting documentation describing the procedures and plans that will be used at the facility to comply with the requirements of 35 Ill. Adm. Code 811 and any other applicable Parts of 35 Ill. Adm. Code: Chapter I. Such descriptions shall include, but not be limited to the following information:

- a) The type of waste disposal units and the types of wastes expected in each unit;
- b) An estimate of the maximum capacity of each unit and the rate at which waste is to be placed;
- c) The manner in which waste will be placed and compacted to comply with 35 Ill. Adm. Code 811.105;
- d) The estimated unit weight of the waste;
- e) The length of time each unit will receive waste;

- f) The design period to be used for each unit;
- g) Size of the open face area, including all information showing that slopes steeper than two to one will be stable and in compliance with 35 Ill. Adm. Code 811.107(b);
- h) A description of how units will be developed to allow contemporaneous closure and stabilization pursuant to 35 Ill. Adm. Code 811.110, 811.111, 811.204, 811.205 or 811.322;
- i) A description of all equipment to be used at the facility for complying with 35 Ill. Adm. Code 807.304;
- j) A litter control plan for complying with 35 Ill. Adm. Code 811.107(k);
- k) A salvaging plan including a description of all salvage facilities and a plan for complying with 35 Ill. Adm. Code 811.108;
- l) A description of all utilities for operation in compliance with 35 Ill. Adm. Code 811.107(d);
- m) A boundary control plan describing how the operator will comply with the requirements of 35 Ill. Adm. Code 811.109;
- n) A maintenance plan describing how the operator will comply with 35 Ill. Adm. Code 811.107(c) and (e);
- o) An air quality plan describing the methods to be used to comply with the open burning requirements of 35 Ill. Adm. Code 811.107(f) and for controlling dust in compliance with 35 Ill. Adm. Code 811.107(g);
- p) A noise control plan describing how the operator will control noise in compliance with 35 Ill. Adm. Code 811.107(h);
- q) An odor control plan;
- r) A vector control plan to comply with 35 Ill. Adm. Code 811.107(i);
- s) a firefighting and fire safety plan; and
- t) A transportation plan that includes all existing and planned roads in the facility that will be used during the operation of the landfill facility; the size and type of such roads and the frequency with which they will be used.

Section 812.109 Location Standards

The permit application shall contain:

- a) Documentation that the facility will operate in compliance with 35 Ill. Adm. Code 811.102(a).
- b) A floodplain determination containing:
 - 1) Documentation that the facility is not located within the floodplain of the 100-year flood event; or
 - 2) Documentation that the facility meets the requirements of 35 Ill. Adm. Code 811.102(b).
- c) Documentation from the State Historic Preservation Officer that the facility will be in compliance with 35 Ill. Adm. Code 811.102(c).
- d) Documentation from the Illinois Nature Preserves Commission that the facility will be in compliance with 811.102(c) as it relates to Dedicated Illinois Nature Preserves.
- e) Documentation that the facility will be in compliance with 35 Ill. Adm. Code 811.102(d).
- f) Documentation that a facility located within a wetland is in compliance with Section 404 of the Clean Water Act (35 USC 1344).

- g) Documentation that the facility is in compliance with 35 Ill. Adm. Code 811.102(f).

Section 812.110 Surface Water Control

The permit application shall contain a plan for controlling surface water which demonstrates compliance with 35 Ill. Adm. Code 811.103, and which shall include at least the following:

- a) A copy of the approved National Pollutant Discharge Elimination System (NPDES) permit issued pursuant to 35 Ill. Adm. Code 309 or, if a permit is pending, a copy of the NPDES permit application to discharge runoff from all disturbed areas on the facility;
- b) A map showing the location of all structures affected by the surface water runoff from disturbed areas on the facility;
- c) Detailed designs of all structures to be constructed during development of the facility and during the first five year operating period; and
- d) Estimated construction dates of all structures to be constructed beyond the first five year operating period.

Section 812.111 Daily Cover

The application shall contain a description of the material to be used as daily cover:

- a) A description of the soil to be used, including its classification and approximate hydraulic conductivity; or
- b) Documentation that any proposed alternative materials or procedures to substitute for daily cover meet the minimum requirements of 35 Ill. Adm. Code 811.106(b).

Section 812.112 Legal Description

The permit application shall contain a legal description of the facility boundary and the boundaries of all units included in the facility. This legal description shall identify the nature and location of all stakes and monuments required by Section 811.104 and shall be prepared by or under the supervision of a professional surveyor, who shall affix a professional seal to the work.

Section 812.113 Proof of Property Ownership and Certification

The permit application shall contain a certificate of ownership of the permit area or a copy of the lease. The lease shall clearly specify that the owner authorized the construction of a waste disposal facility on the leased premises, and the duration of the lease will be at least as long as the design period of the landfill. Any prior conduct certifications issued to the owner or operator shall be included in the permit application. The owner and operator shall certify that the Agency will be notified within seven days of any changes in ownership or conditions in the lease affecting the permit area.

Section 812.114 Closure Plans

The permit application shall contain a written closure plan which contains, at a minimum, the following:

- a) A map showing the configuration of the facility after closure of all units, with the following:
 - 1) A contour map showing the proposed final topography (after placement of the

final cover) of all disturbed areas on a 1" = 200' scale and a contour interval of two feet; and

- 2) The location of all facility-related structures to remain as permanent features after closure.
- b) Steps necessary for the premature final closure of the site at the assumed closure date, as defined in 35 Ill. Adm. Code 811.700(e);
- c) Steps necessary for the final closure of the site at the end of its intended operating life;
- d) Steps necessary to prevent damage to the environment during temporary suspension of waste acceptance if the operator wants a permit which would allow temporary suspension of waste acceptance at the site without initiating final closure;
- e) A description of the steps necessary to decontaminate equipment during closure;
- f) An estimate of the expected year of closure;
- g) Schedules for the premature and final closure, which shall include, at a minimum:
 - 1) Total time required to close the site; and
 - 2) Time required for closure activities which will allow tracking of the progress of closure; and
- h) A description of methods for compliance with all closure requirements of 35 Ill. Adm. Code 811.

Section 812.115 Postclosure Care Plans

The application shall contain a postclosure care plan which includes a written description of the measures to be taken during the postclosure care period in compliance with the requirements of 35 Ill. Adm. Code 811.

Section 812.116 Closure and Postclosure Cost Estimates

The application shall contain an estimate of the costs of closure and postclosure care and maintenance in accordance with the requirements of 35 Ill. Adm. Code 811.Subpart G.

Section 813.102 Delivery of Permit Application

All permit applications shall be made on such forms as are prescribed by the Agency, and shall be mailed or delivered to the address designated by the Agency on the forms. The Agency shall provide a dated, signed receipt upon request. The Agency's record of the date of filing shall be deemed conclusive unless a contrary date is proved by a dated, signed receipt.

Kansas

(b) Every person desiring to obtain a permit to construct, alter or operate a solid waste processing facility or disposal area shall make application for such a permit on forms provided for such purpose by the rules and regulations of the secretary and shall provide the secretary with such information as necessary to show that the facility or area will comply with the purpose of this act. Upon receipt of any application and payment of the application fee, the secretary, with advice and counsel from the local health authorities and the county commission, shall make an investigation of the proposed solid waste processing facility or disposal area and determine whether it complies with the provisions of this act and any rules and regulations and standards adopted thereunder. The secretary

also may consider the need for the facility or area in conjunction with the county or regional solid waste management plan. If the investigation reveals that the facility or area conforms with the provisions of the act and the rules and regulations and standards adopted thereunder, the secretary shall approve the application and shall issue a permit for the operation of each solid waste processing or disposal facility or area set forth in the application. If the facility or area fails to meet the rules and regulations and standards required by this act the secretary shall issue a report to the applicant stating the deficiencies in the application. The secretary may issue temporary permits conditioned upon corrections of construction methods being completed and implemented.

(m) Before reviewing any application for a solid waste processing facility or solid waste disposal area, the secretary shall require the following information as part of the application:

(1) Certification by the board of county commissioners or the mayor of a designated city responsible for the development and adoption of the solid waste management plan for the location where the processing facility or disposal area is or will be located that the processing facility or disposal area is consistent with the plan. This certification shall not apply to a solid waste disposal area for disposal of only solid waste produced on site from manufacturing and industrial processes or from on-site construction or demolition activities.

(2) If the location is zoned, certification by the local planning and zoning authority that the processing facility or disposal area is consistent with local land use restrictions or, if the location is not zoned, certification from the board of county commissioners that the processing facility or disposal area is compatible with surrounding land use.

(3) For a solid waste disposal area permit issued on or after July 1, 1999, proof that the permittee owns the land where the disposal area will be located, if the disposal area is:

(A) A municipal solid waste landfill; or

(B) a solid waste disposal area that has:

(i) A leachate or gas collection or treatment system;

(ii) waste containment systems or appurtenances with planned maintenance schedules; or

(iii) an environmental monitoring system with planned maintenance schedules or periodic sampling and analysis requirements. This requirement shall not apply to a permit for lateral or vertical expansion contiguous to a permitted solid waste disposal area in operation on July 1, 1999, if such expansion is on land leased by the permittee before April 1, 1999.

28-29-6. Permits and engineering plans.

(a) Application for permits. Every person desiring to obtain a permit shall file an application for a permit for the proposed solid waste disposal area or processing facility with the department at least thirty (30) days before the date the person wishes to start construction, alteration, or operation of the disposal area or processing facility. The application shall be on forms furnished by the department.

Minnesota

7035.0605 AVAILABILITY OF REFERENCES. The documents needed for analyzing and classifying soils as required in parts 7035.0300 to 7035.2915 may be

obtained by contacting the Engineering Library of the University of Minnesota, through the Minitex interlibrary loan system, and requesting the standards from the American Society for Testing and Material, in the Annual Book of ASTM Standards, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.

The publication for classification of wetlands, titled "Classification of Wetlands and Deep Water Habitats of the United States," may be obtained through the Minitex interlibrary loan system or by requesting the publication from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.

Test Methods for Evaluating Solid Waste, EPA SW-846, Third Edition, November 1986, issued by the United States Environmental Protection Agency (EPA), is incorporated by reference. Sections of this document which are directly relevant to parts 7035.2885 to 7035.2915 are available through the Minitex interlibrary loan system. The entire document is available from EPA Environmental Monitoring and Support Laboratory, Cincinnati, Ohio, 45268. It is not subject to frequent change.

The document Standard Number 54: Flexible Membrane Liners, May 1990, issued by the National Sanitation Foundation, is incorporated by reference. It is available through the Minitex interlibrary loan system. It is not subject to frequent change.

EPA Document 600/4-79-020 Methods for Chemical Analyses of Water and Wastes, appearing in Code of Federal Regulations, title 40, part 136, 1990, is incorporated by reference. The document is available through the Minitex interlibrary loan system and EPA Environmental Monitoring and Support Laboratory, Cincinnati, Ohio, 45268. It is not subject to frequent change.

EPA Method 1312: the Synthetic Precipitation Leach Test for Soils (draft document, no date available) is incorporated by reference. The method is available through the Minitex interlibrary loan system. A copy of the method may also be obtained from the commissioner. The draft method is not subject to frequent change.

EPA Method 8290, November 1990, is incorporated by reference. The method is available through the Minitex interlibrary loan system and EPA Office of Solid Waste, Characterization and Assessment Division, Technical Assessment Branch, OS-331, Washington, D.C., 20460. The method is not subject to frequent change.

American Society of Testing and Materials (ASTM) Methods D3173 and D3174 are incorporated by reference. These methods are published in the Annual Book of ASTM Standards: Part 26, Gaseous Fuels; Coal and Coke; Atmospheric Analysis, 1981 Edition. This publication is available through the Minitex interlibrary loan system. The methods are not subject to frequent change.

STAT AUTH: MS s 115.03; 115A.97; 116.07

HIST: 13 SR 1150; 16 SR 2321

Current as of 03/16/04

7001.0040 APPLICATION DEADLINES.

Subpart 1. **Application for new permit.** Except as otherwise required by parts 7001.0530 and 7001.1040, a permit application for a new facility or activity may be submitted at any time. However, it is recommended that the permit application be submitted at least 180 days before the planned date of the commencement of facility construction or of the activity.

Subp. 2. **Modification or revocation and reissuance of existing permits.** If a permit has been issued by the agency, the person holding the permit may file with the agency, at any time, a written application for modification of the permit or for revocation and reissuance of the permit; except that if the reason for the application is the adoption by a federal agency of a new or amended pollution standard, limitation, or effluent guideline the permittee shall file an application within the time for filing specified by the federal agency as a part of the notice of adoption published in the Federal Register.

Subp. 3. **Reissuance of existing permits.** If a permit has been issued by the agency and the person holding the permit desires to continue the permitted activity beyond the expiration date of the permit, the person shall submit a written application for permit reissuance at least 180 days before the expiration date of the existing permit.

Subp. 4. **Preliminary application for new mixed municipal solid waste land disposal facility.** Applicants shall submit a preliminary permit application for a new mixed municipal solid waste or a new municipal solid waste combustor ash land disposal facility at least 90 days before the anticipated start of a detailed site investigation.

STAT AUTH: MS s 115.03; 115A.97; 116.07

HIST: 8 SR 2278; 12 SR 1564; 12 SR 2513; 13 SR 1150; 13 SR 2453; 16 SR 2321

Current as of 06/03/04

7001.0050 WRITTEN APPLICATION.

A person who requests the issuance, modification, revocation and reissuance, or reissuance of a permit shall complete, sign, and submit to the commissioner a written application. The person shall submit the written application in a form prescribed by the commissioner. The application shall contain the items listed in items A to I unless the commissioner has issued a written exemption from one or more of the data requirements. After receiving a written request for an exemption from a data requirement, the commissioner shall issue the exemption if the commissioner finds that the data is

unnecessary to determine whether the permit should be issued or denied. The application must contain:

- A. the name, address, and telephone number of the owner of the facility for which the application is submitted and identification of the status of the owner as a federal, state, public, private, or other entity;
- B. if the operator of the facility for which the application is submitted is different from the owner, the name, address, and telephone number of the operator and identification of the status of the operator as a federal, state, public, private, or other entity;
- C. the name, address, and telephone number of the person who prepared the application;
- D. a description including the location of the business, plant, system, facility, or activity for which a permit is sought;
- E. a general description of the materials handled, processed, stored, or disposed of by the applicant that are pertinent to the application; and a statement of the nature and quantity of the materials proposed to be stored, processed, discharged, emitted, or disposed of during the period of the required permit, and proposed methods for control of these materials;
- F. a topographic map, or other map if a topographic map is unavailable, that shows the facility and the area surrounding the facility for a distance of at least one mile in all directions of the facility; and all structures that relate to the proposed discharge, emission, storage, processing, or disposal activity;
- G. a copy of a draft or final environmental impact statement that has been prepared under the National Environmental Policy Act, United States Code, title 42, sections 4331 et seq. as amended through December 31, 1982, or a copy of an environmental assessment or environmental impact statement prepared under the rules of the Minnesota Environmental Quality Board, Minnesota Rules, chapters 4400 and 4410;
- H. additional information determined by the commissioner to be relevant to a decision as to permit issuance, including but not limited to plans, specifications, or other technical information that is necessary to determine whether the facility will meet all applicable Minnesota and federal statutes and rules; and
- I. other information relevant to the application as required by parts 7001.0550 to 7001.0640, 7001.1050, 7001.1290, 7001.3175 to 7001.3475, 7001.4200, or 7041.0700.

STAT AUTH: MS s 115.03; 115A.914; 116.07

HIST: 8 SR 2278; L 1987 c 186 s 15; 12 SR 1564; 12 SR 2513; 13 SR 1150; 18 SR 1059; 21 SR 1642; 25 SR 556

Current as of 06/03/04

7001.0060 SIGNATURES.

A permit application must be signed as follows:

A. for a corporation, by a principal executive officer of at least the level of vice-president or the duly authorized representative or agent of the executive officer if the representative or agent is responsible for the overall operation of the facility that is the subject of the permit application;

B. for a partnership or sole proprietorship, by a general partner or the proprietor, respectively;

C. for a municipality, state, federal, or other public agency, by either a principal executive officer or ranking elected official;

D. if the operator of the facility for which the application is submitted is different from the owner, by both the owner and the operator according to items A to C. Except in the case of a hazardous waste facility or a solid waste management facility permit application, if the commissioner finds that this requirement is impracticable under the circumstances, the commissioner shall require the operator to sign the application according to items A to C;

E. for solid waste management facilities, by the facility owner and landowner under items A to C if the landowner is different from the owner of the facility for which the application is submitted; and

F. for a firm preparing the necessary reports and plans for a solid waste management facility permit application, by an engineer registered in Minnesota.

STAT AUTH: MS s 115.03 subd 1; 116.07 subds 2,4,4g,4h

HIST: 8 SR 2278; L 1987 c 186 s 15; 13 SR 1150

Current as of 06/03/04

7001.0070 CERTIFICATION.

A person who signs a permit application shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete." Where applicable, the person shall also fulfill the certification requirements of part 7001.0540.

STAT AUTH: MS s 115.03 subd 1 para (e); 116.07 subd 4

HIST: 8 SR 2278

Current as of 06/03/04

7001.0080 RETENTION OF RECORDS.

The applicant shall retain copies of the permit application, all data and information used by the applicant to complete the application, and additional information requested by the commissioner during the review of the application for a period of at least three years from the date the application is signed. This period is automatically extended during the course of an unresolved enforcement action regarding the facilities or as requested by the commissioner.

STAT AUTH: MS s 115.03 subd 1 para (e); 116.07 subd 4

HIST: 8 SR 2278; L 1987 c 186 s 15

Current as of 06/03/04

7001.0090 REVIEW OF PERMIT APPLICATIONS.

The commissioner shall review all permit applications for completeness. If the commissioner finds that the application is incomplete or otherwise deficient, the commissioner shall promptly advise the applicant in writing of the incompleteness or deficiency. The commissioner shall suspend further processing of the portion of the application affected by the deficiency until the applicant has supplied the necessary information or otherwise corrected the deficiency.

STAT AUTH: MS s 115.03 subd 1 para (e); 116.07 subd 4

HIST: 8 SR 2278; L 1987 c 186 s 15

Current as of 06/03/04

7001.3075 SOLID WASTE MANAGEMENT FACILITY PERMIT APPLICATION.

Subpart 1. **Application submittals.** The application for a solid waste management facility permit must contain a final application with the appropriate supporting documents, and for mixed municipal solid waste and municipal solid waste combustor ash land disposal facilities, a preliminary application and detailed site evaluation report. The information requirements for the preliminary application are established in part 7001.3175 and for the detailed site evaluation in part 7001.3275. The information requirements for the final application are set forth in part 7001.3300. The applicant must also submit any information required in parts 7001.3375 to 7001.3475 with the final application.

Subp. 2. **Timing of application.** Applicants shall submit permit applications for existing and new solid waste management facilities or for reissuance of existing permits in accordance with part 7001.0040, except as provided in items A and B.

A. The applicant for a permit to construct a new mixed municipal solid waste or municipal solid waste combustor ash land disposal facility must submit a preliminary application at least 90 days before the work begins on the detailed site evaluation required by part 7001.3275.

B. Part 7001.0040, subpart 3, controls the submission of an application for the reissuance of existing permits except as provided in this part. When the commissioner receives a written request that shows good cause for an extension of time to submit the application for reissuance of an existing permit, the commissioner shall grant the extension if the requested date for filing does not extend beyond the expiration date of the permit. The application must contain the information required for a final application in part 7001.3300.

STAT AUTH: MS s 115.03; 115A.97; 116.07

HIST: 13 SR 1150; 16 SR 2321

Current as of 06/03/04

7001.3125 DENIAL OF CONTINUED OPERATION OF AN EXISTING LAND DISPOSAL FACILITY.

The agency may deny or revoke a permit to operate an existing land disposal facility. Permit denial or revocation is based on the owner's or operator's inability to comply with: financial assurance requirements; location, operation, and design requirements; or ground water, surface water, and air quality standards established in parts 7035.2525 to 7035.2875. If a permit for an existing land disposal facility is denied or revoked, the agency shall issue a closure document in accordance with part 7001.3055. The closure document may allow up to five years to comply with the closure requirements of parts 7035.2635, 7035.2645, 7035.2655, and 7035.2815, subpart 16. The closure document will establish a postclosure care period and requirements in accordance with parts 7035.2635 to 7035.2655, and 7035.2815, subpart 16.

STAT AUTH: MS s 115.03 subd 1; 116.07 subds 2,4,4g,4h

HIST: 13 SR 1150

Current as of 06/03/04

7001.3150 CERTIFICATION OF PERMIT APPLICATIONS AND REPORTS.

A person who signs a permit application or any portion of it, or any report required by a permit to be submitted to the commissioner or agency must make the certification required by part 7001.0070 and shall make the following additional certification: "I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment." An engineer registered in Minnesota must certify

all technical documents, such as design drawings and specifications, engineering reports, and hydrogeologic studies, required to be submitted as part of a permit application or by a permit condition.

The hydrogeologic report and all related ground water and surface water monitoring reports must be signed by a person knowledgeable in the field of hydrogeology. This person must certify the quality of work performed and must have been responsible for the gathering and interpretation of the hydrogeologic data and the preparation of the reports.

STAT AUTH: MS s 115.03 subd 1; 116.07 subds 2,4,4g,4h

HIST: 13 SR 1150

Current as of 06/03/04

7001.3175 CONTENTS OF PRELIMINARY APPLICATION.

The applicant shall submit four copies of a preliminary application to the commissioner. The application must contain the following:

- A. the information required in part 7001.0050, except item G;
- B. on the topographic map submitted under part 7001.0050, item F, the location of all current and former wells, springs, karst features, and permanent or intermittent surface water bodies listed in public records or otherwise determined by the applicant to exist within a one-mile radius of the property boundaries of the proposed facility site or sites;
- C. a preliminary site evaluation report as described in part 7001.3200;
- D. a list of other necessary permits and approvals and whether each has been granted;
- E. a description of the present land use of the site or sites and an area within a one-mile radius of the site or sites, including the identification of the landowners; zoning designations; recreational, historical, or archeological areas; present or proposed access roads and weight restrictions; and how the proposed facility might affect these areas;
- F. the amount of land required to provide the waste disposal capacity determined under Minnesota Statutes, sections 115A.917 and 473.823;
- G. a description of the work to be completed during the detailed site evaluation, as outlined in part 7001.3275, for the facility location recommended in the preliminary site evaluation report; and
- H. a description of efforts to secure leachate treatment.

STAT AUTH: MS s 115.03 subd 1; 116.07 subds 2,4,4g,4h

HIST: 13 SR 1150

Current as of 06/03/04

7001.3300 GENERAL INFORMATION REQUIREMENTS FOR FINAL APPLICATION.

The applicant shall submit to the commissioner four copies of the final application and supporting materials for any solid waste management facility. The applicant must use a horizontal scale of one inch equals 200 feet in all drawings and plans, unless otherwise specified. The applicant must mark all plans and reports with the initial date prepared. All subsequent revisions must be dated and include a notation of what revisions were made. The application must contain:

A. a general description of the facility;

B. an industrial waste management plan in accordance with part 7035.2535, subpart 5, to include a description of the waste types to be handled at the facility and the quantities of each waste type including a procedure for determining the analyses necessary to treat, store, or dispose of the waste properly in accordance with parts 7035.2525 to 7035.2885. Municipal solid waste combustor ash land disposal facility applications must explain how the owner or operator will ensure that industrial wastes other than wastes specifically approved by the commissioner in accordance with part 7035.2885, subpart 3, will not be disposed of at the facility;

C. a description of the security procedures and equipment required by part 7035.2535, subpart 3, or a discussion of reasons the security procedures are unnecessary at the facility;

D. the inspection schedule required by part 7035.2535, subpart 4;

E. the contingency action plan required by part 7035.2615, including the information, if applicable, in parts 7035.2815, subpart 15, and 7035.2825 to 7035.2885;

F. a description of procedures, structures, or equipment used at the facility to:

(1) prevent operational hazards;

(2) prevent run-off and run-on at the solid waste handling area, such as berms, dikes, or trenches;

(3) prevent contamination of ground water and surface water supplies; and

(4) mitigate effects of equipment failure and power outages;

G. a description of precautions used to prevent ignition or explosions of waste or waste by-products and an emergency response plan required by parts 7035.2595 and 7035.2605;

H. a description of the traffic patterns and traffic control at the facility including a drawing showing traffic lanes; parking, loading, and unloading areas; estimated traffic volume at the facility; types of vehicles expected to use the facility; and a description of access road surfacing and load bearing capacity;

I. a description including plans showing how the storage requirements of part 7035.2855 will be met;

J. a closure plan and, when applicable, the postclosure plan required by parts 7035.2625 and 7035.2645;

K. if applicable, an up-to-date closure cost estimate for the facility prepared under part 7035.2625, subpart 3 and evidence of the financial assurance required in parts 7035.2665 to 7035.2805;

L. if applicable, an up-to-date postclosure cost estimate for the facility prepared under part 7035.2645, subpart 2, and evidence of the financial assurance required in parts 7035.2665 to 7035.2805;

M. if applicable, an up-to-date corrective action cost estimate for the facility prepared under part 7035.2615 and evidence of the financial assurance required in parts 7035.2665 to 7035.2805;

N. a topographic and development map showing the facility and the area surrounding the facility for a distance of at least 1,320 feet using a scale of one inch equals 200 feet. The maps must include contours of not greater than two-foot intervals that show the pattern of surface water flow in and adjacent to the facility. The maps must show the following:

(1) date the map was prepared;

(2) map scale;

(3) floodplain area;

(4) surface waters, including intermittent streams and wetlands;

(5) zoning of surrounding lands including residential, commercial, agricultural, and recreational;

(6) a north arrow;

(7) legal boundaries of the facility site;

(8) county, township, and municipal boundaries;

(9) township, range, and section;

(10) land ownership surrounding the site;

(11) easements and rights-of-way;

(12) permanent benchmarks including location and elevation;

(13) a location grid system on every plan sheet;

(14) boundaries of parks and wildlife refuges;

(15) airports;

(16) location of fences, gates, and other access control measures;

(17) on-site and off-site water supply and monitoring wells; and

(18) all existing and proposed structures and buildings, and roads, including those used in treatment, storage, or disposal operations, run-off and run-on control systems; access and internal roads; loading and unloading areas; and fire control systems;

O. any additional geologic and other location information required to demonstrate compliance with parts 7035.2615, 7035.2815, subpart 15, and 7035.2825 to 7035.2885;

P. an operations and maintenance manual that includes:

(1) the facility description and design parameters;

(2) emergency shutdown procedures;

(3) operation variables and procedures, including the proposed frequency and materials to be used for intermittent and intermediate cover;

(4) troubleshooting procedures;

(5) preventive maintenance requirements;

(6) safety requirements and procedures;

(7) equipment maintenance records;

(8) site inspection records; and

(9) an inspection schedule for facility maintenance, such as controlling erosion, vegetation growth, and rodents;

Q. a construction inspection, quality control, and quality assurance plan showing a detailed inspection schedule for construction completed at the site; the sampling procedures including number and tests completed; the procedures for interpretation and submission of inspection and test results to the commissioner; and all other material required to comply with parts 7035.2525 to 7035.2885;

R. a household hazardous waste management plan according to part 7035.2535, subpart 6; and

S. any additional information that the commissioner determines is necessary to decide whether the facility will meet all applicable Minnesota and federal statutes and rules during permit issuance.

STAT AUTH: MS s 115.03; 115A.97; 116.07

HIST: 13 SR 1150; 15 SR 2106; 16 SR 2321

Current as of 06/03/04

7001.3475 FINAL APPLICATION INFORMATION REQUIREMENTS FOR MIXED MUNICIPAL SOLID WASTE LAND DISPOSAL FACILITIES.

The application for a mixed municipal solid waste land disposal facility permit must include the following information in addition to the information required by part 7001.3300:

A. The needed capacity determined under Minnesota Statutes, section 115A.917, for Greater Minnesota, or, for facilities located in the metropolitan area, Minnesota Statutes, section 473.823, subdivision 6.

B. A description of the waste types to be handled at the facility including any special handling procedures and areas designated for disposal of particular wastes.

C. A description of the status of the Environmental Assessment Worksheet or Environmental Impact Statement.

D. Detailed plans and an engineering report describing how the applicant will design, construct, operate, and maintain the facility to comply with the requirements of parts 7035.2525 to 7035.2815 and 7035.2855. The submission must address the following items as specified in part 7035.2815:

- (1) the liner system, leak detection, and the leachate collection and removal system;
- (2) control of run-off and run-on;
- (3) management of collection, conveyance, and holding facilities associated with run-off and run-on control systems;
- (4) control of wind dispersion of particulate matter;
- (5) treatment of collected run-off, run-on, and leachate; and
- (6) a phase development plan consistent with site capacity including two cross-sections per phase with a vertical scale of one inch equals ten feet and a horizontal scale of one inch equals 100 feet, perpendicular to one another, showing the existing grade, the excavation grade, final grade, the water table profile, and the profile and identity of the underlying geology in accordance with the requirements of part 7035.2815.

The submission must include the design specifications, materials and test data, the rationale for the design, and identification of elements critical to the performance of the design.

E. Geologic and hydrogeologic information necessary to demonstrate compliance with part 7035.2815, as submitted in the hydrogeologic report required in part 7001.3275.

F. An operation and maintenance manual detailing the procedures site personnel will follow in order to comply with parts 7035.2525 to 7035.2815.

G. A description of how the applicant will inspect the facility, including the liner and cover systems, in order to meet the requirements of part 7035.2815. The applicant must include this information in the inspection plan submitted under part 7001.3300, item D.

H. Detailed plans and an engineering report describing the final cover applied to each cell at closure under parts 7035.2525 to 7035.2815 and a description of how the applicant will maintain and monitor the facility after closure under parts 7035.2525 to 7035.2815. The applicant must include this information in the closure and postclosure plans submitted under part 7001.3300, item J.

I. The proposed gas monitoring, collection, and treatment system required in part 7035.2815, subpart 11.

STAT AUTH: MS s 115.03 subd 1; 116.07 subds 2,4,4g,4h

HIST: 13 SR 1150

Current as of 06/03/04

Missouri

10 CSR 80-2.020 Permit Issuance, Construction Permits, Operating Permits, Emergency Permits, and Exemptions.

PURPOSE: This rule describes the permitting requirements for solid waste disposal areas and solid waste processing facilities including the procedures and requirements for obtaining the appropriate permits. This rule also designates which solid waste disposal and processing activities are exempt from solid waste permitting requirements.

(1) General Requirements.

(A) Any disposal or processing of solid waste shall comply with the permitting requirements of this rule unless specifically exempted under section (9) of this rule.

(B) All solid waste disposal areas and solid waste processing facilities shall be located, designed and operated in conformity with the rules in 10 CSR 80, as authorized by section 260.225.1(3), RSMo.

(C) The owner/operator of any solid waste disposal area or solid waste processing facility also shall comply with any other applicable state and federal environmental rules, laws, regulations or other requirements.

(D) A construction and operating permit issued under this rule for a solid waste disposal area or solid waste processing facility shall be issued to the owner/operator, jointly.

(E) The department may, at any time during the life of a solid waste disposal area or solid waste processing facility, review the permit and require the solid waste disposal area or solid waste processing facility to comply with the currently applicable requirements of Chapter 260, RSMo and the corresponding rules.

(F) Each permit issued under this rule shall contain such terms and conditions as the department determines necessary to prevent or minimize potential health hazards, a public nuisance or environmental pollution. Construction and operation of the solid waste disposal area or solid waste processing facility shall be conducted in accordance with the terms and conditions of the permit—

1. The effective date of a permit is the date of issuance; and

2. The effective date of the denial of a permit is the date the denial is issued.

(G) Each permit for operation of a solid waste processing facility or solid waste disposal area shall be issued only to the person named in the application. Construction and operating permits are transferrable as a permit modification pursuant to section 260.205, RSMo and 10 CSR 80-2.020(4)(B).

(H) After the effective date of this rule, subcontracting the operation of the facility without submitting a change of operator permit modification within thirty (30) days of such a change will be considered to be operating without a permit. The new operator will be allowed to operate the facility while the change of operator permit modification is being reviewed.

(I) The applicant shall request and hold a preapplication meeting with the department prior to submission of a construction permit application. This meeting shall include, at a minimum, discussion on the proposed application, review of the required fees and time frames, and a discussion of the departments requirements and regulations.

(2) Solid Waste Disposal Area Permits.

(A) Construction Permits.

1. Any person desiring to construct a solid waste disposal area or horizontally expand the acreage specifically designated for the placement of solid waste in an existing permitted solid waste disposal area shall make an application to the department for a construction permit. A construction permit shall be obtained prior to the beginning of any solid waste disposal area construction activities, including any clearing of vegetation, earth work or construction of appurtenances (such as lagoons, settling basins and monitoring wells) associated with the disposal area. This requirement does not apply to detailed site investigation activities or general site improvements.

2. An application shall consist of the following items:

A. A completed Application for Construction Permit form furnished by the department;

B. Detailed plans and specifications prepared or approved by a professional engineer containing the information necessary to comply with the requirements of the Missouri Solid Waste Law and rules;

C. Evidence of financial responsibility as required by section 260.205, RSMo and 10 CSR 80-2.020(7);

D. Closure and post-closure plans as required by 10 CSR 80-2.030(4);

E. Evidence of compliance with all applicable local planning and zoning requirements as per section (6) of this rule;

F. The names and addresses of all recorded owners of real property located either adjoining or within one thousand feet (1,000') of the (proposed) solid waste disposal area;

G. Nonreturnable application fee as specified in section 260.205, RSMo and paragraph (2)(A)5. of this rule;

H. The detailed site investigation report to characterize the subsurface geologic and hydrologic conditions that has been approved by the Division of Geology and Land Survey for disposal area applications submitted on and after January 1, 1996;

- I. A completed violation history disclosure statement as required by 10 CSR 80-2.070; and
 - J. The applicant shall submit copies of applications for any applicable Water Pollution Control Program (WPCP) permits or approvals.
3. The applicant for a solid waste disposal area shall submit five (5) copies of the application to the department's Solid Waste Management Program.
 4. The review, approval and denial of a construction permit application shall conform to the provisions of this paragraph—
 - A. Within twelve (12) consecutive months of the receipt of an application for a construction permit, the department shall approve or deny the application;
 - B. Within ninety (90) days of receipt of the initial application and within one hundred eighty (180) days of receipt of subsequent revisions, the department will complete a review of the application to determine compliance with the Missouri Solid Waste Management Law and rules and provide a written decision to the applicant.
 - (I) When the review reveals that the application complies with the Missouri Solid Waste Management Law and rules, the department shall, within the twelve (12)-month period, approve the application and issue a construction permit.
 - (II) When the review reveals that the application does not comply with the Missouri Solid Waste Management Law and rules, the department may either send—
 - (a) A comment letter to the applicant explaining why the application is deficient; or
 - (b) A denial of the application along with the reasons for denial; and
 - C. Should a comment letter be issued per 10 CSR 80-2.020(2)(A)4.B., the applicant shall, within ninety (90) days from receipt of the comment letter, submit to the department a complete response. If the department does not receive a complete response from the applicant within ninety (90) days, the department may disapprove the application and deny the permit.
 5. The applicant for a construction permit shall remit application and review fees to the department as specified in this paragraph.
 - A. The applicant shall remit to the department a nonreturnable application fee of two thousand dollars (\$2,000).
 - B. The applicant shall reimburse the department for review costs up to an amount of eight thousand dollars (\$8,000). The department will submit a statement to the applicant for review costs upon completion of its review of the application.
 - C. Payments authorized in paragraphs (2)(A)5.A. and B. of this rule shall be made by check or money order made payable to the Missouri Department of Natural Resources. No further action will be taken on an application until the department receives a check for outstanding fees or review costs. When a check used for payment is returned to the department as nonnegotiable, review of the application will cease, and the applicant will be so notified. No further action will be taken until payment has been resubmitted in the form of a cashier's check or money order made payable to the Missouri Department of Natural Resources.
 - D. The department shall not collect the review costs authorized in 10 CSR 80-

2.020(2)(A)5.B. of this rule unless the department complies with the review time limits established in section 260.205, RSMo and 10 CSR 80-2.020(2)(A)4.

(B) Operating Permits.

1. Any person desiring to begin the operation of a solid waste disposal area or a horizontal expansion of an existing solid waste disposal area, shall make an application to the department for an operating permit. An operating permit shall be obtained prior to the receipt of waste in the initial area prepared to receive waste in the disposal area or the horizontal expansion area. Approval to accept waste in subsequent areas prepared to receive waste shall be handled in accordance with 10 CSR 80-2.020(4). If an application for an operating permit for the solid waste disposal area is not submitted to, and received by the department within sixty (60) months, the applicant, prior to submittal of an operating permit application, shall—
 - A. Hold a public awareness and community involvement session, solicit comments, and respond;
 - B. Submit to the department for approval any necessary changes to the design and operation of the facility so as to be in compliance with currently applicable law and rules; and
 - C. Submit to the department an updated violation history disclosure statement.
2. An application for an operating permit shall consist of the following items:
 - A. The owner shall execute an easement which allows the department, its agents or its contractors access to the permitted area to complete work specified in the closure plan, to monitor or maintain the solid waste disposal area or to take remedial action during the post-closure period;
 - B. The owner shall submit evidence to the department that a notice and covenant running with the land have been recorded with the recorder of deeds in the county where the solid waste disposal area is located.

The notice and covenant shall specify the following:

 - (I) The property has been permitted as a solid waste disposal area; and
 - (II) Use of the land in any manner which interferes with closure plans, and where appropriate, post-closure plans filed with the department is prohibited;
 - C. The owner/operator shall submit base data for the quality of groundwater in accordance with the requirements of 10 CSR 80-3.010(11)(C)3. or 10 CSR 80-4.010(11)(C)3. as appropriate;
 - D. The owner/operator shall submit to the department, by certified mail or hand delivery, a letter signed by the owner/operator and a professional engineer stating that all construction required before initial operations of the solid waste disposal area have been completed in compliance with the construction permit and approved engineering plans;
 - E. The owner/operator shall submit evidence that the permanent monument and boundary markers required by 10 CSR 80-3.010(7)(B) have been placed by a registered land surveyor in accordance with the approved plans;
 - F. For sanitary landfills, and for demolition landfills permitted after the effective date of this rule, the owner/operator shall submit an approvable financial assurance instrument for post-closure cost in the amount and form required under 10 CSR 80-2.030(4);
 - G. The applicant shall submit copies of any applicable Water Pollution Control

Program (WPCP) permits or approvals; and

H. The owner/operator shall submit copies of all quality assurance/quality control documentation per the requirements of 10 CSR 80-3.010(6).

3. The applicant for an operating permit shall submit three (3) copies of the application to the department.
4. The review, approval and denial of an operating permit application shall conform to the provisions of this paragraph.

A. Within sixty (60) days from the date of receipt of an application for an operating permit, the department shall issue or deny the application.

(I) When the department's review reveals that the application complies with the Missouri Solid Waste Management Law and rules and approved plans and specifications, the department shall approve the Application and issue an operating permit.

(II) When the department's review reveals that the application does not comply with the Missouri Solid Waste Management Law and rules, the construction permit and the approved plans and specification, the department shall issue a report stating reasons for denial.

B. An operating permit shall be issued for the life of the disposal area.

(3) Solid Waste Processing Facility Permits.

(A) Construction Permits.

1. Any person desiring to construct a solid waste processing facility shall apply to the department for a construction permit. A construction permit shall be obtained prior to the beginning of any solid waste processing facility construction activities, including any clearing of vegetation or earth work.
2. An application for a construction permit shall consist of the following items:
 - A. A completed Application for Construction Permit on a form furnished by the department;
 - B. Detailed plans and specifications prepared or approved by a professional engineer containing the information necessary to comply with the Missouri Solid Waste Law and rules;
 - C. Evidence of financial responsibility as required by section 260.205, RSMo and 10 CSR 80-2.020(7);
 - D. Evidence of compliance with all applicable local planning and zoning requirements as per section (6) of this rule;
 - E. A completed violation history disclosure statement as required in 10 CSR 80-2.070;
 - F. Nonreturnable application fee as specified in section 260.205, RSMo and in subparagraph (3)(A)5.A. of this rule; and
 - G. The applicant shall submit copies of applications for any applicable Water Pollution Control Program (WPCP) permits or approvals.
3. The applicant for a solid waste processing facility shall submit four (4) copies of the application to the department.
4. The review, approval and denial of a construction application shall conform to the provisions of this paragraph.
 - A. Within twelve (12) consecutive months of the receipt of an application for a construction permit for a solid waste incinerator, a municipal solid waste

composting facility or a material recovery facility and within one hundred eighty (180) days of receipt of an application for any other solid waste processing facility, the department shall approve or deny the application.

B. Within ninety (90) days of receipt of the initial application and within one hundred eighty (180) days of subsequent revisions for an incinerator, a municipal solid waste composting facility or a material recovery facility, and within forty-five (45) days of receipt of the initial application and within ninety (90) days of receipt of subsequent revisions for any other solid waste processing facility, the department shall complete a review of the application to determine compliance with the Missouri Solid Waste Management Law and rules and provide a written decision to the applicant.

(I) When the review reveals that the application complies with the Missouri Solid Waste Management Law and rules, the department shall, within a twelve (12)-month period for an incinerator, a municipal solid waste composting facility or a material recovery facility or a one hundred eighty (180)-day period for any other processing facility, approve the application and issue a construction permit.

(II) When the review reveals that the application does not comply with the Missouri Solid Waste Management Law and rules, the department may either send—

(a) A comment letter to the applicant explaining why the application is deficient; or

(b) A denial of the application along with the reasons for denial.

C. Should a comment letter be issued per 10 CSR 80-2.020(3)(A)4.B. the applicant shall, within ninety (90) days for an incinerator, a municipal solid waste composting facility or a material recovery facility, or fortyfive (45) days for any other solid waste processing facility from receipt of the comment letter, submit to the department a complete response. If the department does not receive a complete response from the applicant within ninety (90) days for an incinerator, a municipal solid waste composting facility or material recovery facility, or forty-five (45) days for any other solid waste processing facility, the department may deny the application.

5. The applicant for a construction permit shall remit application and review fees to the department as specified in section 260.205, RSMo and this paragraph.

A. The applicant shall remit to the department a nonreturnable application fee of one thousand dollars (\$1,000).

B. The applicant shall reimburse the department for review costs up to an amount of four thousand dollars (\$4,000). The department will submit a statement to the applicant for review costs upon completion of its review of the application.

C. Payments authorized in subparagraphs (3)(A)5.A. and B. of this rule shall be made by check or money order made payable to the Missouri Department of Natural Resources. No further action will be taken on an application until the department receives a check for outstanding fees or review costs. When a check used for payment is returned to the department as nonnegotiable, review of the application will cease, and the applicant will be so notified. No further action will be taken until payment has been resubmitted in the form of a cashier's check or

money order made payable to the Missouri Department of Natural Resources.

D. The department will not collect the review costs authorized in 10 CSR 80-2.020(3)(A)5.B. of this rule unless the department complies with the review time limits established in section 260.205, RSMo and 10 CSR 80-2.020(3)(A)4.A.

(B) Operating Permits.

1. Any person desiring to begin the operation of a solid waste processing facility shall make an application to the department for an operating permit. An operating permit shall be obtained prior to the receipt of waste at the solid waste processing facility. If an application for an operating permit for the solid waste processing facility is not submitted to, and received by the department within sixty (60) months, the applicant, prior to submittal of an operating permit application, shall—

A. Hold a public awareness and community involvement session, solicit comments, and respond;

B. Submit to the department for approval any necessary changes to the design and operation of the facility so as to be in compliance with currently applicable law and rules; and

C. Submit to the department an updated violation history disclosure statement.

2. An application for an operating permit shall consist of the following items:

A. A letter signed by the owner/operator and a professional engineer stating that all construction required before the initial operations of the facility have been completed in compliance with the construction permit and approved engineering plans;

B. A set of construction as-builts and specifications prepared or approved by a professional engineer; and

C. The applicant shall submit copies of any applicable Water Pollution Control Program (WPCP) permits or approvals.

3. The applicant for an operating permit shall submit three (3) copies of the application to the department.

4. The review, approval and denial of an operating permit application shall conform to the provisions of this paragraph.

A. Within sixty (60) days from date of application for an operating permit the department shall issue or deny the application.

(I) When the department's review reveals that the application complies with the Missouri Solid Waste Management Law and rules and approved plans and specifications, the department shall approve the Application and issue an operating permit.

(II) When the department's review reveals that the application does not comply with the Missouri Solid Waste Management Law and rules, the permit and the approved plans and specifications, the department shall issue a denial of the application.

B. An operating permit shall be issued for the life of the processing facility.

(4) Permit Modifications.

(A) Any permittee desiring to make any change(s) to the approved engineering report or plans for the design, construction, operation, closure or post-closure of either a solid waste disposal area or a solid waste processing facility shall submit a permit modification request to the department. Prior to implementing any change(s), the

permittee shall obtain a permit modification approval for the proposed change from the department. Permit modification requests shall consist of the following:

1. A letter signed by the permittee which both briefly describes and requests approval of the changes being proposed;
2. Detailed plans and specifications prepared by a professional engineer containing all necessary information reflecting the proposed changes to the currently approved engineering report and plans and complying with the Missouri Solid Waste Management Law and rules; and
3. For a proposed vertical expansion of an existing solid waste disposal area, evidence of compliance with local planning and zoning requirements as required by 10 CSR 80-2.020(6).

(B) Construction and operating permits are transferrable as a permit modification. Request for permit modification to transfer ownership and/or operator of the permit shall consist of the following:

1. A letter requesting transfer of the owner/operator of the permit. The letter shall identify the proposed new owner/operator. The letter shall be signed by both the existing owner/operator and the proposed new owner/operator;
2. A disclosure statement for the proposed permittee listing violations contained in 10 CSR 80-2.070;
3. The operation and design plans for the facility or area shall be updated to comply with currently applicable law and rules; and
4. A financial assurance instrument in such amount and form as prescribed by the department shall be provided for solid waste disposal areas by the proposed permittee prior to transfer of the permit. The financial assurance instrument of the original permittee shall not be released until the new permittee's financial assurance instrument has been approved by the department, and the transfer of ownership is complete.

(C) For approval of subsequent sections or phases of disposal areas, prepared to receive waste, the permittee shall submit the following information:

1. Detailed as-built plans and specifications and quality control/quality assurance information showing that all pre-operational construction of the newly lined area have been completed in accordance with the approved engineering plans; and
2. A letter signed by the owner/operator and a professional engineer stating that the pre-operational construction of the newly lined area have been completed in compliance with the permit and approved engineering plans.

(D) The review, approval and denial of a permit modification request shall conform to the following requirements:

1. Within twelve (12) consecutive months of the receipt of a request for a permit modification for vertically expanding a solid waste disposal area, the department shall approve or deny the request. Within ninety (90) days of receipt of the initial request and within sixty (60) days of receipt of subsequent revisions, the department shall complete a review of the request to determine compliance with the Missouri Solid Waste Management Law and rules and provide a written decision to the permittee;
2. Within sixty (60) days of the receipt of a request for a permit modification for placement of waste on newly constructed lined areas as required by 10 CSR 80-

2.020(4)(C), the department shall complete a review of the request and, when appropriate, complete an inspection of the area to determine compliance with the conditions of the permit and the approved engineering plans. If for any reason the department fails to complete a review within the time frame specified herein, the permittee may begin waste disposal in the new area in accordance with the approved operating plans. However, this does not represent or imply department approval of the liner. The permittee is still responsible, if necessary, to take whatever action is required by the department to either bring the liner into compliance, or demonstrate that the liner complies with requirements of the Missouri Solid Waste Management Law and rules and the approved plans;

3. Within six (6) consecutive months of the receipt of a request for a permit modification approval other than for modifications specified in (4)(D)1. and 2. of this rule, the department shall approve or deny the request;

4. When the review reveals that the request complies with the Missouri Solid Waste Management Law and rules, the department shall approve the request and issue a permit modification approval;

5. When the review reveals that the request does not comply with the Missouri Solid Waste Management Law and rules, the department may either issue—

A. A comment letter to the permittee explaining why the request is deficient; or

B. A denial of the request along with the reasons for denial; and

6. Should a comment letter be issued per 10 CSR 80-2.020(4)(D)5.A., the permittee shall, within sixty (60) days from receipt of the comment letter, submit to the department a complete response. If the department does not receive a complete response from the permittee within sixty (60) days, the department may deny the permit modification request.

(5) The department may issue emergency permits on a case-by-case basis. The applicant shall indicate that an emergency permit is necessary due to uncontrollable catastrophic events. The applicant shall provide general details on the operation of the facility and specify the length of time an emergency permit is requested.

(6) Evidence of Compliance with Local Requirements. An applicant for a solid waste disposal area or processing facility construction permit, as part of the application, shall submit evidence of compliance with local planning and zoning requirements.

(A) Satisfactory demonstration of compliance shall include either:

1. A letter from the local governing authority(ies) stating that there are no local planning and zoning requirements applicable to the proposed solid waste facility; or
2. A letter from the local governing authority(ies) stating that the proposed facility is in compliance with applicable planning and zoning requirements; or
3. A court order indicating that the proposed facility is exempt from local planning and zoning requirements.

(B) Legal opinions provided by the applicant concerning the inapplicability of local planning and zoning requirements are not satisfactory evidence of compliance.

(C) In the event that an applicant fails to provide evidence of compliance with local planning and zoning, the department shall issue a denial of the application.

(7) Evidence of Financial Responsibility. An applicant for solid waste disposal area or solid waste processing facility permit, as a part of the application, shall submit evidence of financial responsibility.

(A) An applicant for a solid waste disposal area permit may satisfy this requirement by obtaining the financial assurance instrument(s) required by 10 CSR 80-2.030(4)(B) for closure or post-closure care, or both.

(B) An applicant for a solid waste processing facility permit or for a solid waste disposal area permit which is part of an area permitted under sections 444.500–444.905, RSMo, shall satisfy this requirement by submitting a financial statement. As applicable, the financial statement shall include:

1. For counties, cities or other political subdivisions of the state, a copy of their most recent budget or annual audit report;
2. For a public corporation, a copy of the most recent annual financial report; and
3. For a private corporation, partnership or individual ownership, a copy of an audit of the corporation, partnership or individual ownership, prepared by an independent certified public accountant within the last twelve (12) months.

(8) In the event a person desires to operate a solid waste disposal area or solid waste processing facility for the disposal or processing of only special wastes and desires to operate differently from the procedures specified in 10 CSR 80-2.010 through 10 CSR 80-5.010, that person shall submit a written request with an application for a construction permit to the department requesting that such area or facility be allowed to operate differently from those procedures. The application shall explain in detail the characteristics of the special wastes. Special waste landfill and special waste processing facility as defined in 10 CSR 80-2.010(111) and (112), respectively, shall apply if the request is granted.

(A) The applications for construction and operating permits for special waste landfills or processing facilities shall include justification of any proposed design and operating procedures which differ from those provided in 10 CSR 80-2.010 through 10 CSR 80-5.010. Alternatives may only be proposed for design and operation requirements contained in Chapters 10 CSR 80-3 and 10 CSR 80-5. Special waste landfills are specifically prohibited from accepting those wastes listed at 10 CSR 80-3.010(3)(A).

(B) The department reserves the right to specify the time limit and any restrictions on the permit and at any time to require alternation in design and operation as it deems necessary to protect the public health, to minimize environmental damage and to prevent nuisances.

(9) Permit Exemptions.

(A) The following types of activities, solid waste disposal areas or solid waste processing facilities are not required to obtain a permit provided that pollution, a public nuisance or a health hazard is not created:

1. Any area receiving only uncontaminated soil, rock, sand, gravel, concrete, asphaltic concrete, cinderblocks and bricks for fill or reclamation;
2. Any on-site solid waste processing facility which processes solid waste from an individual household, single building or institution provided the facility is located on-site where the refuse originates;
3. Any properly managed disposal container of ten (10) cubic yards or less located in a rural area that receives residential solid waste from more than one (1) family unit as long as its contents are emptied and disposed of at a permitted solid waste disposal facility at least once per week;
4. The use of solid waste in normal farming operations;

5. The use of solid waste in the processing or manufacturing of products;
6. The disposal by an individual of solid waste resulting from his/her own residential activities on property owned or lawfully occupied by him/her;
7. The operation and/or closure of a waste stabilization lagoon, settling pond or other water or wastewater treatment facility which has a permit from the Missouri Clean Water Commission even though the facility may receive solid or semisolid waste materials so long as the facility complies with the provisions of 10 CSR 80-2.030(2)(B) regarding filing of the survey plat upon closure. A solid waste disposal area construction and operating permit shall be required for settling ponds intended for the permanent disposal of utility waste and where the owner/operator applies for a construction permit or approval from the Missouri Clean Water Commission after the effective date of this rule;
8. A recycling center or drop-off collection point that accepts source-separated or commingled recyclable materials;
9. The composting or co-composting of waste materials, other than municipal solid waste, generated by agricultural and domestic activities on property owned or lawfully occupied by the generator; or the composting or co-composting of yard waste, wood waste, paper waste and/or poultry waste as long as such activity has a permit or approval from the Missouri Clean Water Commission. Composting or co-composting of municipal solid waste and/or sewage sludge is NOT exempted and requires a solid waste processing facility permit for construction and operation;
10. A hospital pursuant to section 260.203, RSMo;
11. The beneficial use of bottom ash or boiler slag generated primarily from the combustion of coal or other fossil fuels for snow and ice control; and
12. The beneficial use of fly ash generated primarily from the combustion of coal or other fossil fuels for concrete/flowable fill additive.

(B) The department may grant an exemption from having to obtain a solid waste disposal area permit for a proposal to beneficially reuse solid waste, provided that beneficial use and/or reclamation can be demonstrated and provided that pollution, a public nuisance or a health hazard will not be created. In the event a person desires to request an exemption from the requirement to obtain a permit, that person shall submit a detailed, written request to the department which includes the following information:

1. A detailed explanation of the beneficial use or reclamation that supports the request;
2. A detailed explanation with supporting documentation identifying the site location, surrounding land use, and site characteristics;
3. An estimate of the quantity of waste needed to complete the project, the length of time required for completing the project and documentation specifying the source of the waste;
4. A detailed description of the physical and chemical characteristics of the waste, background soils and water quality immediately within and/or adjacent to the project area. The description shall include supporting laboratory test data. The appropriate laboratory tests shall be determined in conjunction with the department, and shall include, at a minimum, Toxicity Characteristic Leaching Procedure (TCLP) testing analyses or modified TCLP testing analyses. Details regarding locations of samples and sampling and testing methods shall be provided. Testing analyses shall

be performed on all applicable parameters (organic and/or inorganic substances) which comprise the waste. The detection limits for applicable constituents in the testing analyses shall be consistent with standard laboratory procedures. Sampling and analysis shall be conducted in accordance with U.S. EPA approved standard laboratory methods and procedures;

5. Verification that the placement of the waste will be kept above the seasonal high groundwater table, unless a variance is obtained from the Water Pollution Control Program (WPCP).

6. A detailed description of the proposed operational procedures for waste removal from the generator, transport, placement, compaction, dust control, erosion control and procedures for protecting the general aesthetics of the site;

7. Provisions for closing the area—

A. A description of the source, quality and quantity of cover required; and

B. A description of the type of vegetation to be established to prevent erosion; and

8. The exemption request must also include the following:

A. Name of the owner(s) of the property on which the proposed beneficial reuse operation will be located. If the owner differs from the person requesting the exemption, the permit exemption request shall include a statement signed by the owner stating his/her awareness of the beneficial use request and his/her approval of the operation;

B. Name of the operator(s) of the proposed operation;

C. A map showing land use within one thousand feet (1,000') of the proposed operation;

D. A management plan that describes and includes:

(I) Basic site design;

(II) Size of buffer zone;

(III) Site drainage control;

(IV) A list of the waste material to be beneficially reused;

(V) Quality and quantity of incoming waste material;

(VI) Type of technology to be used;

(VII) Odor and vector control and mitigation procedures; and

(VIII) Contingency plan (what steps will be taken to correct any problems that may occur as a result of the operation);

E. A copy of the application for any applicable Water Pollution Control Program permits or approvals;

F. A copy of the application for any applicable Air Pollution Control Program permits or approvals;

G. Evidence of compliance with local zoning and planning requirements;

H. Emergency contact phone number(s);

I. Final use or disposition of the material to be beneficially reused; and

J. A statement indicating what steps will be taken to ensure unacceptable waste is not received and verification that the unloading of waste will be supervised.

(C) The department may grant exemptions for small scale pilot projects or demonstration projects. Such projects must be for a beneficial use and not exceed a period of one (1) year. The pilot project may be exempt after receipt of prior written approval from the department. The applicant must include:

1. Location and size of the property on which the proposed pilot project or demonstration project will be located;
2. Name of the owner(s) of the property on which the proposed project will be located. If the owner differs from the person requesting the exemption, the permit exemption request shall include a statement signed by the owner stating his/her awareness of the beneficial use request and his/her approval of the operation;
3. Name of the operator(s) of the proposed project;
4. A map showing land use within one thousand feet (1,000') of the proposed project;
5. A management plan that describes and includes:
 - A. Basic site design;
 - B. Size of buffer zone;
 - C. Site drainage control;
 - D. A list of the waste material to be used;
 - E. Quality and quantity of incoming waste material to be used;
 - F. Type of technology to be used;
 - G. Odor and vector control and mitigation procedures;
 - H. Contingency plan (what steps will be taken to correct any problems that may occur as a result of the operation);
 - I. Frequency of testing;
 - J. Anticipated start date and length of project; and
 - K. A statement indicating what steps will be taken to ensure unacceptable waste is not received and verification that the unloading of waste will be supervised;
6. A copy of the application for any applicable Water Pollution Control Program (WPCP) permits or approvals;
7. A copy of the application for any applicable Air Pollution Control Program (APCP) permits or approvals;
8. Evidence of compliance with local zoning and planning requirements;
9. Emergency contact phone number(s); and
10. Final use or disposition of the product.

(D) The department may grant an exemption from having to obtain a solid waste processing facility permit for the composting or co-composting of solid waste not specifically addressed in 10 CSR 80-2.020(9)(A)9. (e.g., food waste) provided that beneficial use of the compost can be demonstrated and provided that the composting and beneficial use activities will not create pollution, a public nuisance or health hazard. In the event a person desires to request an exemption from the requirements to obtain a permit, that person shall submit a written request to the department which includes the following:

1. Location and size of the property on which the proposed composting or co-composting operation will be located;
2. Name of the owner(s) of the property on which the proposed composting or cocomposting operation will be located. If the owner differs from the person requesting the exemption, the permit exemption request shall include a statement signed by the owner stating his/her awareness of the beneficial use request and his/her approval of the operation;
3. Name of the operator(s) of the proposed operation;

4. A map showing land use within one thousand feet (1,000') of the proposed operation;
5. A compost management plan that describes and includes:
 - A. Basic site design;
 - B. Size of buffer zone;
 - C. Compost pad surface material and slope;
 - D. Site drainage control;
 - E. A list of the waste material to be composted;
 - F. Quality and quantity of incoming waste material to be composted;
 - G. Type of compost technology to be used;
 - H. Odor and vector control and mitigation procedures;
 - I. Contingency plan (what steps will be taken to correct any problems that may occur as a result of the operation); and
 - J. A statement indicating what steps will be taken to ensure unacceptable waste is not received and verification that the unloading of waste will be supervised;
6. A copy of the application for any applicable Water Pollution Control Program (WPCP) permits or approvals;
7. A copy of the application for any applicable Air Pollution Control Program

(APCP) permits or approvals;

8. Evidence of compliance with local zoning and planning requirements;

9. Emergency contact phone number(s); and

10. Final use or disposition of the compost.

(E) The department may grant an exemption from having to obtain a solid waste processing facility permit for the processing of construction and demolition waste provided that such activities will not create pollution, a public nuisance or health hazard. In the event a person desires to request an exemption from the requirements to obtain a permit, that person shall submit a written request to the department which includes the following:

1. Location and size of the property on which the proposed processing facility will be located;
2. Name of the owner(s) of the property on which the proposed processing facility will be located. If the owner differs from the person requesting the exemption, the permit exemption request shall include a statement signed by the owner stating his/her awareness of the beneficial use request and his/her approval of the operation;
3. Name of the operator(s) of the proposed operation;
4. A map showing land use within one thousand feet (1,000') of the proposed operation;
5. A management plan that describes and includes:
 - A. Basic site design;
 - B. Size of buffer zone;
 - C. A list of the waste materials to be processed;
 - D. Quality and quantity of incoming waste material;
 - E. Type of technology to be used;
 - F. Contingency plan (what steps will be taken to correct any problems that may occur as a result of the operation); and

- G. A statement indicating what steps will be taken to ensure unacceptable waste is not received and verification that the unloading of waste will be supervised;
6. A copy of the application for any applicable Water Pollution Control Program (WPCP) permits or approvals;
 7. A copy of the application for any applicable Air Pollution Control Program (APCP) permits or approvals;
 8. Evidence of compliance with local zoning and planning requirements;
 9. Emergency contact phone number(s); and
 10. Final use or disposition of recovered materials and residual waste.
- (F) The department may grant a general exemption for the beneficial use of type C fly ash and associated bottom ash and boiler slag generated primarily from the combustion of coal or other fossil fuels for beneficial use as road base or structural fill. The beneficial use of type C fly ash and bottom ash or boiler slag for road base will be allowed if the total mixture of soil and ash beneath the road will not exceed two feet (2'). The beneficial use of type C fly ash and bottom ash or boiler slag for structural fill will be allowed provided the area to be disturbed is less than five (5) acres in size and the maximum depth of ash will not exceed two feet (2'). The applicant must renew the exemption when the source of coal is changed or there is a change in the processing of the coal which has an effect on the ash produced. The renewal must be submitted to the Solid Waste Management Program at least thirty (30) days prior to such a change.
- (G) The department may grant a general exemption for the beneficial use of type C fly ash generated primarily from the combustion of coal or other fossil fuels for beneficial use as soil amendment or for soil stabilization. The beneficial use of type C fly ash for soil amendment will be allowed if the total mixture of soil and ash used will not exceed six inches (6"). The beneficial use of type C fly ash for soil stabilization will be allowed provided the area disturbed is less than five (5) acres in size and the maximum depth of ash will not exceed two feet (2'). The applicant must renew the exemption when the source of coal is changed or there is a change in the processing of the coal which has an effect on the ash produced. The renewal must be submitted to the Solid Waste Management Program at least thirty (30) days prior to such a change.
- (H) The department may grant an exemption for the beneficial use of type C fly ash and associated bottom ash and boiler slag in amounts greater than those specified in subsections (9)(F) and (G) above, as long as the beneficial use activity has a permit or exemption from the Missouri Clean Water Commission.
- (I) The department may grant a general exemption for the beneficial use of bottom ash or boiler slag for daily cover in a landfill.
- (J) Any request for a general or specific exemption listed above shall be accompanied by information that describes why the use is beneficial and an explanation/evaluation of the environmental impact associated with the beneficial use.

AUTHORITY: sections 260.205 and 260.225, RSMo Supp. 1996. Original rule filed Dec. 11, 1973, effective Dec. 21, 1973. Amended: Filed July 14, 1986, effective Jan. 1, 1987. Amended: Filed Jan. 5, 1987, effective June 1, 1987. Amended: Filed Jan. 29, 1988, effective Aug. 1, 1988. Amended: Filed Aug. 16, 1988, effective Dec. 29, 1988. Emergency amendment filed Sept. 29, 1993, effective Oct. 9, 1993, expired Feb. 5, 1994. Amended: Filed May 3, 1993, effective Jan. 13, 1994. Amended: Filed March 17,*

1992. ****Emergency rescission of the 1992 amendment filed March 19, 1997, effective April 1, 1997, expired Sept. 27, 1997. Amended: Filed Oct. 10, 1996, effective July 30, 1997. Rescission of the 1992 amendment filed April 3, 1997, effective Aug. 30, 1997.**

***Original authority: 260,203, RSMo (1986), amended 1988, 1992 and 260.225, RSMo (1972), amended 1975, 1986, 1988, 1990.**

****The Missouri Supreme Court in *Missouri Coalition for the Environment, et al., v. Joint Committee on Administrative Rules, et al.*, Case No. 78628, dated February 25, 1997, ordered the secretary of state to publish this amendment. The Missouri Department of Natural Resources subsequently filed an emergency rescission of this amendment as well as a proposed rescission of this amendment which became effective August 30, 1997. See the above authority section for filing dates.**



MISSOURI DEPARTMENT OF NATURAL RESOURCES
SOLID WASTE MANAGEMENT PROGRAM

P.O. BOX 176
JEFFERSON CITY, MISSOURI 65102

APPLICATION FOR SOLID WASTE DISPOSAL AREA OR PROCESSING FACILITY CONSTRUCTION PERMIT

NAME OF DISPOSAL AREA OR PROCESSING FACILITY TO APPEAR ON PERMIT _____			
GENERAL LEGAL DESCRIPTION _____ 1/4 _____ 1/4 _____ 1/4 _____ SECTION _____ TOWNSHIP _____ RANGE _____			
LATITUDE _____ LONGITUDE _____ COUNTY _____			
CHECK TYPE OF DISPOSAL AREA OR PROCESSING FACILITY PROPOSED	DISPOSAL AREA		PROCESSING FACILITY
	<input type="checkbox"/> SANITARY LANDFILL <input type="checkbox"/> DEMOLITION LANDFILL <input type="checkbox"/> SPECIAL WASTE LANDFILL (INDICATE TYPE BELOW) <input type="checkbox"/> UTILITY WASTE LANDFILL <input type="checkbox"/> OTHER (SPECIFY BELOW)		<input type="checkbox"/> INCINERATOR <input type="checkbox"/> TRANSFER STATION <input type="checkbox"/> COMPOST PLANT <input type="checkbox"/> RESOURCE RECOVERY FAC. <input type="checkbox"/> INFECTIOUS WASTE PROCESSING FACILITY (INDICATE TYPE BELOW) <input type="checkbox"/> OTHER (SPECIFY BELOW)
BRIEF DESCRIPTION OF FACILITY AND OPERATION:			
SIZE _____		PROPOSED OPERATING HOURS _____	
CAPACITY (TODAY) _____		OPERATING LIFE _____	
TYPE OF WASTE ACCEPTED _____			
DESCRIPTION OF PHYSICAL LOCATION (DIRECTIONS AND ADDRESS) _____ _____ _____			
REGISTERED ENGINEER OR CONSULTING ENGINEERING FIRM SUBMITTING PLANS Name of Engineer or Consulting Engineering Firm)			
NAME _____		TELEPHONE NO. _____	
ADDRESS _____		CITY _____ STATE _____ ZIP CODE _____	
THE PERMIT WILL BE ISSUED TO THE "PERSON(S)" DESIGNATED BELOW AS THE "OWNER" AND THE "OPERATOR." "Person" is defined by 260.200, RSMo to mean; individual, partnership, corporation, association, institution, city, county, other political subdivision, authority, state agency or institution, or federal agency or institution.			
OPERATOR ("Person" principally responsible for the day to day operation and management of disposal area or facility.)			
OPERATOR NAME _____		TELEPHONE NO. _____	
ADDRESS _____		CITY _____ STATE _____ ZIP CODE _____	
OWNER ("Person" which appears on general warranty deed as property landowner.)			
OWNER NAME _____		TELEPHONE NO. _____	
ADDRESS _____		CITY _____ STATE _____ ZIP CODE _____	
If granted this permit, we the undersigned, agree to abide by state and federal laws, and the rules, orders and decisions of the Missouri Department of Natural Resources. We understand that in the event of any false or fraudulent information in the application, plans and data, or of failure to construct the area or facility in a proper and legal manner, the permit may be revoked after due notice from the Missouri Department of Natural Resources. We understand the permit is issued jointly to the owner and operator, as designated above.			
SIGNATURE OF OPERATOR (OR AUTHORIZED REPRESENTATIVE) _____			DATE _____
PRINT NAME AND TITLE OF THE INDIVIDUAL WHO SIGNED ABOVE FOR THE OPERATOR _____			
SIGNATURE OF OWNER (OR AUTHORIZED REPRESENTATIVE) _____			DATE _____
PRINT NAME AND TITLE OF THE INDIVIDUAL WHO SIGNED ABOVE FOR THE OWNER _____			

MO 780-0303 (9-96)

10 CSR 80-2.021 Permit Issuance, Special Operating Permits and Permit Exemptions

*Emergency rule filed Sept. 29, 1993, effective Oct. 9, 1993, expired Feb. 5, 1994.
Emergency rule filed Jan. 28, 1994, effective Feb. 7, 1994, expired June 6, 1994.*

Nebraska

006.01 Contents of Application. All applicants for permits shall provide information set forth in these regulations, where applicable, and any additional information requested by the Department. Each application shall contain a certification that any information submitted is true, accurate, and complete. Each application shall include the following information at a minimum and shall include the non-refundable fee required by Chapter 9:

006.01A The activity or operation proposed by the applicant which requires a permit and a brief description of the nature of the applicant's business;

006.01B The owner and operator's name(s), address(es), telephone number(s), ownership status, and status as a federal, state, private, public, or other entity;

006.01C The legal description of the facility, and in the case of a solid waste disposal area, the legal description of the site boundaries;

006.01D The signatures required by 006.03 of this chapter;

006.01E Supporting documentation to the effect that a solid waste management facility is in compliance with the locational, construction/design, groundwater monitoring, and financial assurance requirements of these regulations;

006.01F An operational plan, and closure and post-closure plans prepared pursuant to these regulations;

006.01G Information demonstrating that the facility or operation will comply with all applicable requirements as well as ensure protection of public health and the environment; and

006.01H Evidence of notification or local approval required by Neb. Rev. Stat. §13-1701 to §13-1714 or Neb. Rev.Stat. §13-2035, whichever is applicable.

006.02 The contents of the application for all solid waste management facilities not listed in 002 or 003 of this chapter shall, upon permit issuance, become a condition of such permit.

006.03 Signatures: Applications. All permit applications and any supplemental application material submitted to the Department, as required by Section 001, shall be signed:

006.03A In the case of a corporation, by a principal executive officer of at least the level of vice-president;

006.03B In the case of a partnership or sole proprietorship, by a general partner or the sole proprietor, respectively; and

006.03C In the case of a municipal, state, federal, or other public facility, by either a principal executive officer or ranking elected official.

006.03D Any reports or correspondence relating to a permit may be signed by a duly authorized representative of the persons described in 006.03A to 006.03C of this chapter if: such representative is responsible for the overall operation of the activity or operation; the authorization is made in writing by the person designated in paragraphs 006.03A to 006.03C of this chapter; and the written authorization is submitted to the Department.

006.03D1 Any change in an authorization meeting the requirements of 006.03D of this chapter shall be submitted to the Department in writing prior to or together with any report to be signed by an authorized representative.

006.04 Additional Information Requests. Once an application has been received, the Department shall determine whether the application is administratively complete. The Department shall not issue a permit before receiving a complete application, except for emergency permits.

006.04A If the application is not administratively complete, the Department shall notify the applicant of the information necessary to complete the application and retain the application submitted pending receipt of such additional information.

006.04A1 If such additional information is not received within one-hundred and eighty (180) days of the date of the Department notification, the application will be considered abandoned, and will not be reviewed further by the Department.

006.04B The sixty day review period requirement of §13-2036 shall not commence until all the necessary information has been received by the Department and the application is determined to be administratively complete.

006.04C An applicant shall not commence construction of a facility until the Department provides written notification that all requirements have been satisfied and further notifying such applicant that he or she may commence construction.

007 Required Maps and Drawings. The permit application for a solid waste disposal area shall include the following maps. When a structure described in 007.03 and 007.04 is not present at the site, a notation shall be made on the required map or drawing.

007.01 A topographic map or maps of any solid waste disposal area drawn to the scale of 200 feet to the inch or larger, containing 5-foot contour intervals where the relief exceeds 20 feet, and 2-foot contour intervals where the relief is 20 feet or less, and referred to a United States Geological Survey datum.

007.02 A topographic map indicating the proposed final contours and landscaping of completed solid waste disposal areas with a statement of the proposed final use of the site, if known.

007.03 Maps of the site, drawn to scale, indicating the location of:

007.03A Ground water monitoring wells and gas monitoring locations, if required;

007.03B Points of entrance to and exit from the facility and to and from the operating area of the facility;

007.03C Loading, dumping and any temporary storage areas;

007.03D Interior roads and ramps;

007.03E Devices for controlling litter;

007.03F Devices for controlling unauthorized access to the facility site;

007.03G Drainage facilities, structures, walls, cribbing, surface protection devices, and any other devices as are necessary to comply with applicable water quality standards;

007.03H Fire protection facilities;

007.03I Utilities to service the site;

007.03J Gas and oil wells;

007.03K High tension power lines;

007.03L Fuel transmission pipelines;

007.03M Salvage operations;

007.03N Fill area;

007.03O Borrow areas; and

007.03P Provisions for concealing a solid waste disposal area from public view.

007.04 Maps of the area within one-quarter mile of the boundaries of the site, drawn to scale, showing the location of:

007.04A Waterways and surface drains;

007.04B Borings, wells, springs, and their surface elevations, and depths and elevations of water levels;

007.04C Field tile drains; and

007.04D Underground and surface mines, elevations of mine pools, and mine pool discharges.

Enabling Legislation: Neb. Rev. Stat. §§13-2034; 13-2036; 81-1504 (1), (2), (7), (11)-(13), (20); 81-1505; 81-1528 (7);

Legal Citation: Title 132, Ch.3, Nebraska Department of Environmental Quality

Chapter 9 - PERMIT APPLICATION FEES

001 Scope. This chapter shall apply to:

001.01 Any application by any person for a permit to:

001.01A Operate a solid waste management facility for which a permit is required pursuant to the Integrated Solid Waste Management Act, Sections 13-2001 through 13-2043 Revised Statutes of Nebraska, 1992; or

001.01B Operate a facility governed by the Nebraska Environmental Protection Act, Sections 81-1501 through 81-1533, Reissue Revised Statutes of Nebraska, 1943.

001.02 Any major modification to the design or operation of any of the permitted facilities of Section 001.01 above.

002 Fee schedule. Non-refundable fees in the following amounts shall be paid in full and shall accompany an application for a permit to operate a facility or for renewal of a permit or for a major modification to any permitted facility:

	Initial	Major Modification	Renewal	Initial Application for Existing Facility
Municipal Solid Waste Disposal Area	\$15,000	\$ 7,500	\$ 750	\$1,500
Construction Demolition Disposal Area	1,500	500	250	150
Fossil Fuel Combustion Ash Disposal Area	2,500	1,250	300	250
Delisted Waste Disposal Area	45,000	22,250	2,250	4,500
Industrial Waste Disposal Area	3,100	1,500	350	310
Solid Waste Compost Site	3,100	1,500	350	310

Materials Recovery Facility	1,500	500	250	150
Solid Waste Transfer Station	500	250	150	50
Other Solid Waste	750	375	100	75
Land Application Unit for Repeated Disposal or Treatment of Special Waste	3,100	1,500	350	310

003 Fees for Multiple Facilities on Same Location. For facilities which are located on the same premises, fees shall be equal to the highest fee required for any type of facility plus 20% of the initial fee for each of the remaining facilities. This same method shall be used for fees required for major modifications to facilities on the same premises.

Enabling Legislation: Neb. Rev. Stat. §§13-2034; 13-2041; 81-1504; 81-1505

Legal Citation: Title 132, Ch. 9 Nebraska Department of Environmental Quality

North Dakota

33-20-03.1-01. Preapplication procedures.

1. For all new solid waste management facilities subject to the location standards of subsection 2 of section 33-20-04.1-01, a preapplication consisting of a preliminary facility description and a site assessment must be submitted to the department for review prior to submitting a permit application.
 - a) The preliminary facility description must include, at a minimum, the location of the facility; a projection of capacity, size, daily waste receipts, type of waste accepted, years of operation, description of operation, and costs; and a discussion of the proposed facility’s compliance with local zoning requirements and the district waste management plan.
 - b) The preliminary site assessment must include available information pertaining to the site’s geology, hydrogeology, topography, soils, and hydrology based on existing information.
2. Within sixty days of receipt of a preapplication, the department will provide written notification of approval or disapproval of the preapplication. If, after review of all information received, the department makes the determination to disapprove the preapplication, the department shall inform the applicant in writing of the reasons for the disapproval. If the preapplication is disapproved, the applicant may submit a new preapplication. A disapproval must be without prejudice to the applicant’s right to a hearing before the department pursuant to North Dakota Century Code chapter 28-32.
3. An application may be filed only after approval of the preapplication and a finding by the department, after consultation with the state geologist and state engineer, that the site is geologically and hydrogeologically suitable for further evaluation and consideration.

History: Effective December 1, 1992; amended effective October 1, 1994.

General Authority: NDCC 23-29-04

Law Implemented: NDCC 23-29-04, 23-29-07, 23-29-07.6, 23-29-07.11

33-20-03.1-02. Permit application procedures.

1. An application for a permit must be submitted on forms available from the department by any person desiring to transport solid waste or to establish, construct, or operate a solid waste management unit or facility.
2. The application for a permit must be prepared by the applicant or the applicant's authorized agent and signed by the applicant.
3. Four copies of the application and supporting documents are required to be submitted to the department with the fee specified in chapter 33-20-15.
4. Upon the submission of an application for a permit for a new solid waste management unit or facility, the applicant shall publish a public notice indicating that an application has been submitted to the department. The public notice must indicate the type and location of the unit or facility and must be made by two separate publications in the official county newspaper in the county in which the site or operation is located. The applicant shall provide proof of publication by submitting to the department, within sixty days after the second publication of the notice, and affidavit from the publisher accompanied by a copy of the published notice, which shows the date of publication. The department may require public notice for facility changes listed in subsection 4 of section 33-20-02.1-06.
5. Applicants proposing a solid waste management facility in a mining permit area for disposal of coal processing waste must also file a copy of the application with the public service commission in accordance with subdivision a of subsection 1 of section 69-05.2-19-02.
6. Applications for a solid waste management unit or facility permit must include the following information where applicable:
 - a) A completed application form, subsection 1;
 - b) A description of the anticipated physical and chemical characteristics, estimated amounts, and sources of solid waste to be accepted, including the demonstration required by North Dakota Century Code section 23-29-07.8;
 - c) The site characterization of section 33-20-13-01 and a demonstration that the site fulfills the location standards of section 33-20-04.1-01;
 - d) Soil survey and segregation of suitable plant growth material;
 - e) Demonstrations of capability to fulfill the general facility standards of section 33-20-04.1-02;
 - f) Facility engineering specifications adequate to demonstrate the capability to fulfill performance, design, and construction criteria provided by this article and enumerated in this subdivision;
 - 1) Transfer stations and drop box facilities, section 33-20-04.1-06.
 - 2) Waste piles, section 33-20-04.1-07.
 - 3) Resource recovery, section 33-20-04.1-08.
 - 4) Land treatment, sections 33-20-04.1-09 and chapter 33-20-09.

- 5) Surface impoundments, sections 33-20-04.1-09 and chapter 33-20-08.1.
 - 6) Any disposal, section 33-20-04.1-09.
 - 7) Inert waste landfill, chapter 33-20-05.1.
 - 8) Municipal waste landfill, chapter 33-20-06.1.
 - 9) Industrial waste landfill, chapters 33-20-07.1 or 33-20-10.
 - 10) Special waste landfill, chapter 33-20-07.1;
 - g) The plan of operation of section 33-20-04.1-03;
 - h) Demonstration of the treatment technology of section 33-20-01.1-12;
 - i) The place where the operating record is or will be kept, section 33-20-04.1-04;
 - j) Demonstration of capability to fulfill the ground water monitoring, section 33-20-13-02;
 - k) Construction quality assurance and quality control;
 - l) Demonstrations of capability to fulfill the closure standards, section 33-20-04.1-05 and otherwise provided by this article;
 - m) Demonstrations of capability to fulfill the postclosure standards, section 33-20-04.1-09 and otherwise provided by this article;
 - n) Demonstration of conformance with the district solid waste management plan as required by North Dakota Century Code sections 23-29-06 and 23-29-07; and
 - o) A disclosure statement as required by North Dakota Century Code section 23-29-07.11.
7. Applications for a solid waste transporter's permit must include the following information:
- a) A completed application form, subsection 1;
 - b) Description of the types of solid waste to be transported, approximate quantities, and anticipated generator sources;
 - c) A list of the anticipated solid waste management facilities that will store, treat, process, recycle, or dispose the solid waste;
 - d) Description of equipment and transportation spill prevention as required by section 33-20-01.1-05; and
 - e) A disclosure statement as required by North Dakota Century Code section 23-29-07.11.

History: Effective December 1, 1992; amended effective August 1, 1993; October 1, 1994.

General Authority: NDCC 23-29-04

Law Implemented: NDCC 23-29-04, 23-29-07, 23-29-07.8, 23-29-07.11

33-20-03.1-03. Permit application review and action.

1. The department will review the applications, plans, and specifications for solid waste transporters and for solid waste management facilities and information submitted as a result of the public notices.
2. Upon completion of the department's review, the application for permit will be approved, returned for clarification and additional information, or denied.

- a) The basis for approval must be an application which demonstrates compliance with this article and the North Dakota Century Code chapter 23-29.
 - b) The basis for return must be an application which is procedurally or technically incomplete, inaccurate, or deficient in detail, or which precludes an orderly review and evaluation. If the application is returned, the applicant may resubmit an application, complete with all necessary information to satisfy deficiencies. If the applicant does not resubmit an application within six months, the department shall consider the application withdrawn, and any subsequent application must be considered a new application.
 - c) The basis for denial must be an application which contains false, misleading, misrepresented, or substantially incorrect or inaccurate information; fails to demonstrate compliance with this article; proposes construction, installation, or operation of a solid waste management unit or facility which will result in a violation of any part of this article; or is made by an applicant for whom an environmental compliance background review reveals any of the circumstances listed in subsection 14 of North Dakota Century Code section 23-29-04.
3. If the department makes a preliminary determination to issue a permit for a solid waste management facility, the department shall prepare a draft permit. The draft permit will be available for public review and comment after the department publishes a notice of its intent to issue the permit. The public notice must be published in the official county newspaper in the county in which the solid waste management unit or facility is located and in a daily newspaper of general circulation in the area of the facility.
 - a) Interested persons may submit written comments to the department on the draft permit within thirty days of the final public notice. All written comments will be considered by the department in the formulation of its final determinations.
 - b) The department may hold a hearing if it determines there is significant public interest in holding such a hearing. Public notice for a hearing will be made in the same manner as for a draft permit. The hearing will be before the department and will be held at least fifteen days after the public notice has been published.
 4. If, after review of all information received, the department approves the permit application, the department shall issue a permit. The department may impose reasonable conditions upon a permit.
 5. If, after review of all information received, the department makes the determination to deny the permit, the applicant will be notified, in writing, of the denial. The department shall set forth in any notice of denial the reasons for denial. If the application is denied, the applicant may submit a new application, which will require a new public notice. A denial must be without prejudice to the applicant's right to a hearing before the department pursuant to North Dakota Century Code chapter 28-32.

History: Effective December 1, 1992; amended effective October 1, 1994;

August 1, 1995.

General Authority: NDCC 23-29-04

Law Implemented: NDCC 23-29-04, 23-29-07

33-20-03.1-04. Existing permits. A permittee of an existing permit on December 1, 1992, that is subject to this article shall notify the department of all requirements, including a proposed schedule, as are necessary to bring the permittee into compliance with this article. The notification must be submitted to the department before October 9, 1993. The department must establish a compliance schedule to achieve compliance with this article.

History: Effective December 1, 1992; amended effective August 1, 1993.

General Authority: NDCC 23-29-04

Law Implemented: NDCC 23-29-04, 23-29-07

33-20-03.1-05. Existing nonpermitted facilities. The owner of an existing facility which does not have a permit on December 1, 1992, and which is required to be permitted by North Dakota Century Code chapter 23-29 and this article shall apply to the department for a permit within twenty-four months of December 1, 1992.

History: Effective December 1, 1992.

General Authority: NDCC 23-29-04

Law Implemented: NDCC 23-29-04, 23-29-07

33-20-03.1-06. Permit application review timeline. Upon receipt of a permit application, the department has one hundred twenty days to review and approve or disapprove the application and notify the applicant of the decision. The department may extend the period an additional one hundred twenty days if the applicant submits a significant change that in the department's judgment requires additional time to review.

History: Effective December 1, 1992.

General Authority: NDCC 23-29-04

Law Implemented: NDCC 23-29-04, 23-29-07

South Dakota

74:27:08:01. Permits required -- Applications. A person may not construct or operate a facility until the person has applied for and obtained a valid permit from the board or secretary. Permits are required before construction begins. Applications shall be made on forms provided by the secretary and shall address the requirements of chapter 74:27:09.

Application forms may be obtained from and completed applications shall be submitted to:

Department of Environment and Natural Resources
Division of Environmental Regulation
Foss Building
523 East Capitol Avenue
Pierre, South Dakota 57501
(605) 773-3153

Source: 17 SDR 8, effective July 26, 1990; 19 SDR 186, effective June 10, 1993.

General Authority: SDCL 34A-6-1.6.

Law Implemented: SDCL 34A-6-1.4, 34A-6-1.6, 34A-6-1.8.

Note: Fees, § 74:27:08:03.

74:27:08:02. Categories of facilities. Facilities are divided into the following categories:

- 1) Type I facilities are those facilities that receive more than 150,000 tons of solid waste each year;
- 2) Type IIA facilities are those facilities that receive between 25,000 tons and 150,000 tons of solid waste each year;
- 3) Type IIB facilities are those facilities that receive between 5,000 tons and 24,999 tons of solid waste each year;
- 4) Type III facilities are those facilities that receive between 500 tons and 4,999 tons of solid waste each year; and
- 5) Type IV facilities are those facilities that receive less than 500 tons of solid waste each year.

Source: 17 SDR 8, effective July 26, 1990; 19 SDR 186, effective June 10, 1993.

General Authority: SDCL 34A-6-1.6.

Law Implemented: SDCL 34A-6-1.6, 34A-6-1.8, 34A-6-1.16.

74:27:08:03. Fees. Each permit application shall be accompanied by the proper application fee as follows:

Type I Facilities	\$5000
Type IIA and IIB Facilities	\$ 500
Type III Facilities.....	\$ 250
Type IV Facilities	No fee required

Source: 17 SDR 8, effective July 26, 1990.

General Authority: SDCL 34A-6-1.6.

Law Implemented: SDCL 34A-6-1.6, 34A-6-1.8, 34A-6-1.16.

74:27:08:04. Compliance with state, federal, and local requirements. The applicant shall comply with all applicable state, federal, and local laws and ordinances.

Source: 17 SDR 8, effective July 26, 1990; 19 SDR 186, effective June 10, 1993.

General Authority: SDCL 34A-6-1.6.

Law Implemented: SDCL 34A-6-1.6, 34A-6-1.8.

74:27:08:05. Presubmission meetings. An applicant proposing to construct a new Type I or IIA facility shall schedule a presubmission meeting with the secretary at least 30 days before submittal of the Phase I application. Other applicants may schedule meetings with the secretary to discuss general and technical application requirements, including the site

characterization required by chapter 74:27:12, in advance of permit application preparation.

Source: 17 SDR 8, effective July 26, 1990; 19 SDR 186, effective June 10, 1993.

General Authority: SDCL 34A-6-1.6.

Law Implemented: SDCL 34A-6-1.6, 34A-6-1.8.

74:27:08:05.01. Preapplication -- Public information meeting. An applicant proposing to construct a new Type I or IIA facility shall schedule a public information meeting prior to the presubmission meeting required by § 74:27:08:05. The applicant shall present information regarding the proposed facility and take public comment on the proposed facility. A notice of the public information meeting must be published in the official newspapers of the county in which the proposed facility is to be located at least 20 days before the meeting date and must contain the following information:

- 1) The name, address, and phone number of the applicant;
- 2) A description of the proposed facility, including the types and sources of solid waste to be accepted;
- 3) The legal description of the proposed facility's location; and
- 4) The date, time, and location of the meeting.

Source: 20 SDR 56, effective October 24, 1993.

General Authority: SDCL 34A-6-1.6.

Law Implemented: SDCL 34A-6-1.6, 34A-6-1.8.

74:27:08:06. Phase I application for new Type I and IIA facilities. An applicant for a new Type I or IIA facility shall submit a Phase I application. The secretary shall determine if a permit application may proceed by:

- 1) Evaluating the Phase I application;
- 2) Conducting a feasibility inspection of the proposed location; and
- 3) Conducting a background investigation to determine the applicant's reputation, qualifications, and experience.

Source: 17 SDR 8, effective July 26, 1990; 19 SDR 186, effective June 10, 1993.

General Authority: SDCL 34A-6-1.6, 34A-6-1.14.

Law Implemented: SDCL 34A-6-1.6, 34A-6-1.8, 34A-6-1.14.

74:27:08:07. Review of Phase I applications for new Type I and IIA facilities. Within 90 days from the receipt of a Phase I application and fee, the secretary shall conduct a review and decide on the Phase I application. Based on the secretary's review of the Phase I application, the inspection, and the investigation, the secretary shall notify the applicant either that the permit application may proceed or that the permit application may not proceed because the secretary has determined that the Phase I application is inadequate or incomplete, that the location is unsuitable for development of a solid waste facility, or that the results of the background investigation show the applicant to be unworthy as described in SDCL 34A-6-1.13. The applicant shall be informed of the reasons for a decision that a permit application may not proceed.

The applicant may, for any Phase I application or proposed location determined to be unsuitable, collect and supply to the secretary additional information relating to the proposed location and its suitability as a solid waste facility. If the secretary fails to decide on the Phase I application as provided by this section, the applicant may proceed with the application as provided for by this chapter.

Source: 17 SDR 8, effective July 26, 1990; 19 SDR 186, effective June 10, 1993.

General Authority: SDCL 34A-6-1.6, 34A-6-1.14.

Law Implemented: SDCL 34A-6-1.6, 34A-6-1.8, 34A-6-1.14.

74:27:08:08. Effect of rejection of Phase I application. If, for any reason, the Phase I application is determined by the secretary to be unsuitable and no additional information is supplied by the applicant to support the development of a facility, the secretary shall reject the Phase I application, the application process shall cease, and the secretary shall deny the application. The application fee is nonrefundable. The applicant may appeal the rejection of a Phase I application to the board as provided by this article and SDCL 34A-6-1.14. The scope of the hearing before the board is limited to those items upon which the secretary's rejection was based. If the board finds the secretary improperly rejected the Phase I application, the board shall direct the secretary to allow the applicant to file its application.

Source: 17 SDR 8, effective July 26, 1990; 19 SDR 186, effective June 10, 1993.

General Authority: SDCL 34A-6-1.6, 34A-6-1.14.

Law Implemented: SDCL 34A-6-1.6, 34A-6-1.8, 34A-6-1.14.

Cross-Reference: Procedures -- Board of minerals and environment, art 74:09.

74:27:08:09. Time to apply for new facilities. A person proposing to construct a new Type I or IIA facility must submit a Phase I application for a solid waste permit at least 270 days before the proposed date on which construction of the facility is to begin. A person proposing to construct any other facility must submit an application for a solid waste permit at least 180 days before the proposed date on which construction of the facility is to begin. An additional 180 days may be required if an applicant is directed by the secretary to prepare an environmental impact statement (EIS) pursuant to SDCL 34A-9-4.

Source: 17 SDR 8, effective July 26, 1990; 19 SDR 186, effective June 10, 1993; 20 SDR 56, effective October 24, 1993.

General Authority: SDCL 34A-6-1.6.

Law Implemented: SDCL 34A-6-1.4, 34A-6-1.6, 34A-6-1.8.

74:27:08:10. Time to apply for permit amendment. A solid waste permit may be amended at any time by submittal of an application by the applicant or by filing a petition by the secretary or a member of the board. The application or petition shall specify the requested modification and the reasons for it. An application to amend a permit for a facility expansion must be submitted to the secretary within 180 days before the proposed

date on which construction for the expansion is to begin. All other applications to amend a permit must be submitted at least 90 days before the proposed date on which changes are to be implemented. Applications for permit amendments must be in the form required to chapter 74:27:09 and are subject to the application fees in § 74:27:08:03.

Source: 17 SDR 8, effective July 26, 1990; 19 SDR 186, effective June 10, 1993.

General Authority: SDCL 34A-6-1.6, 34A-6-1.14.

Law Implemented: SDCL 34A-6-1.4, SDCL 34A-6-1.6, 34A-6-1.8, 34A-6-1.14, 34A-6-1.15, 34A-6-1.16.

74:27:08:11. Time to apply for permit renewal. An application for renewal of a solid waste permit must be submitted at least 90 days before the expiration date. Applications for permit renewals must be in the form required by chapter 74:27:09 and are subject to the same application fee listed in § 74:27:08:03.

Source: 17 SDR 8, effective July 26, 1990; 19 SDR 186, effective June 10, 1993.

General Authority: SDCL 34A-6-1.6.

Law Implemented: SDCL 34A-6-1.4, 34A-6-1.6, 34A-6-1.8.

74:27:08:12. Permit application -- Completeness review. The secretary shall conduct a completeness review of each permit application received as follows:

- 1) Within 90 days after submission of an application or amendment for a Type IIB, III, or IV facility, within 90 days after completion of a Phase I application for a Type I or IIA facility, or within 30 days after submission of a renewal, the secretary shall notify the applicant in writing whether the application is complete;
- 2) If the application is incomplete, the secretary shall identify the items required to complete the application; and
- 3) The secretary shall determine the adequacy of the applicant's response to each incomplete item within 15 days after receipt of the response.

Source: 17 SDR 8, effective July 26, 1990; 19 SDR 186, effective June 10, 1993; 20 SDR 56, effective October 24, 1993.

General Authority: SDCL 34A-6-1.6, 34A-6-1.14.

Law Implemented: SDCL 34A-6-1.6, 34A-6-1.8, 34A-6-1.14.

74:27:08:13. Permit application -- Technical review. When the application is determined to be complete, the secretary shall conduct a review to determine its technical adequacy and its compliance with all applicable standards and laws. The secretary shall complete the technical review within 90 days after the determination of the completeness of an initial application, unless the secretary determines that an environmental impact statement (EIS) pursuant to SDCL 34A-9-4 is required. If the secretary determines that an EIS is required, the secretary shall complete the technical review within 90 days after the final EIS is completed. The secretary shall complete the technical review within 60 days after determination of the completeness of a renewal application.

Source: 17 SDR 8, effective July 26, 1990; 19 SDR 186, effective June 10, 1993; 20 SDR 56, effective October 24, 1993.

General Authority: SDCL 34A-6-1.6, 34A-6-1.14.

Law Implemented: SDCL 34A-6-1.6, 34A-6-1.8, 34A-6-1.14.

74:27:08:14. Secretary's recommendation. Based on the technical review, the secretary shall mail a written recommendation of approval, approval with conditions, or denial of the application to the applicant within the 90-day technical review period. A recommendation to deny the application shall include an explanation of the reasons for denial. A recommendation to approve the application shall include any proposed permit conditions. If the secretary has not made a recommendation within 270 days on an application for Type I or IIA facilities, within 180 days on an application for all other facilities, or within 90 days on an application for permit renewal, the applicant may petition the board for a contested case hearing. The petition must conform to the requirements of article 74:09.

Source: 17 SDR 8, effective July 26, 1990; 19 SDR 186, effective June 10, 1993.

General Authority: SDCL 34A-6-1.6, 34A-6-1.14.

Law Implemented: SDCL 34A-6-1.6, 34A-6-1.8, 34A-6-1.14.

74:27:09:01. Signatory requirements. The operator, the landowner, and any lien holder of public record shall sign all permit applications. All persons signing the application must be authorized agents. The following persons are considered authorized agents:

- 1) For a municipal, state, federal or other public agency, the head of the agency, or the ranking elected official;
- 2) For a corporation, a principal executive officer of at least the level of vice president; and
- 3) For a sole proprietorship or partnership, the proprietor or a general partner, respectively.

Source: 17 SDR 8, effective July 26, 1990; 19 SDR 186, effective June 10, 1993.

General Authority: SDCL 34A-6-1.6.

Law Implemented: SDCL 34A-6-1.6, 34A-6-1.8.

74:27:09:02. Permit application instructions. A permit application consists of the information required by the applicable provisions of §§ 74:27:09:03 to 74:27:09:06, inclusive, and the fee established in § 74:27:08:03. Design and construction portions of a permit application must be prepared and certified by a qualified professional engineer registered in the state of South Dakota. Applicants for permits for new Type I or IIA facilities must submit ten copies of the permit application to the secretary. Applicants for permits for all other new facilities and for expansions of existing facilities must submit three copies of the permit application to the secretary. All applicants must file one copy of the permit application with the county commission of the county in which the proposed facility is to be located, and file one copy of the permit application with the municipality which is nearest to the proposed facility. In addition, the applicant must

notify by certified mail all adjacent land owners of record, according to property tax roles, that an application has been filed.

Source: 17 SDR 8, effective July 26, 1990; 19 SDR 186, effective June 10, 1993.

General Authority: SDCL 34A-6-1.6.

Law Implemented: SDCL 34A-6-1.6, 34A-6-1.8, 34A-6-1.16, 34A-6-103.

74:27:09:03. Solid waste disposal permit application -- Contents. Except as provided by SDCL 34A-6-1.18, a solid waste disposal permit application must include complete information as required in this section:

1) General information, including:

- a) The name, address, and phone number of the landowner, operator, owner, and any lien holder of public record of the facility;
- b) The name, address, and phone number of the party responsible for the facility. If the facility is a contract operation, the facility must submit the contract specifications. When a contract is awarded, the facility shall forward the information required in this subdivision to the secretary;
- c) Information pertaining to felony convictions or convictions of other crimes involving moral turpitude, violations of any state or federal environmental laws or regulations, and revocations of any state or federal environmental permit or license of the applicant; any officer, director, or manager of the organization; any shareholder of the organization owning 20 percent or more of its capital stock; or any other person conducting or managing the affairs of the applicant or of the proposed facility in whole or in part;
- d) An agreement with the board acknowledging perpetual responsibility and liability as required by SDCL 34A-6-1.10;
- e) The legal description of the location of the proposed facility by county, quarter-quarter, section, township, and range or lot and subdivision if legally subdivided;
- f) The municipality nearest to the proposed location;
- g) The type of facility proposed;
- h) The category of facility;
- i) The types and characteristics of waste to be handled;
- j) The municipalities served or contracted with and other sources of wastes to be received;
- k) The total population served by the facility;
- l) Certification of compliance with local requirements, including planning and zoning, required by § 74:27:08:04;
- m) Resolution of county approval as required by SDCL 34A-6-103;
- n) A description of local concerns, including summaries of general comments and questions and the proceedings of public meetings;
- o) Other department permits required and their status;
- p) Copies of any other environmental reviews to include potential impacts to state and federal threatened or endangered species;
- q) The anticipated start-up date of construction; and

- r) The anticipated start-up date of operation;
- 2) Design and construction details, including the following:
- a) A general description of the type of design, including groundwater and surface water protection features, leachate minimization features, and estimated impacts to surface waters and groundwaters;
 - b) All information and calculations pertaining to the site characterization required by § 74:27:12:03, conclusions, and a description of the impacts of site characteristics on facility design;
 - c) A description of how the facility meets the design and construction requirements of chapter 74:27:12, including a copy of the construction quality assurance plan;
 - d) Design methods, design assumptions, data, calculations, and descriptions addressing the following:
 - (i) The sources, types, and amounts by weight and volume of solid waste received at the facility both monthly and annually and projected increases of solid waste handled over the life of the facility;
 - (ii) The projected life of the facility;
 - (iii) The life expectancy of landfill units, special waste management areas, and a timetable for fill progression;
 - (iv) The volume of cover required for operation and closure, the volume of clay liner material, if required, the volume of material available at the site, and other sources of material, if necessary;
 - (v) Water requirements for the facility and the source of water;
 - (vi) A plan addressing control of sedimentation and erosion; and
 - (vii) Sizing for pumps, pipe, ditches, culverts, ponds, and hydraulic equipment for surface and subsurface water flows;
 - e) Technical details for all aspects of the facility design, including the following:
 - (i) Existing grade, excavation grade, and final grade;
 - (ii) Cross-sections of the lowest point in the lowest cell relating to groundwater elevation;
 - (iii) Surface drainage controls;
 - (iv) Subsurface drainage controls;
 - (v) Leachate collection and removal systems;
 - (vi) Liners;
 - (vii) Trenches and fill areas including special waste areas;
 - (viii) Lithologic well logs and groundwater monitoring well completion details;
 - (ix) Gas monitoring systems;
 - (x) Perimeter fencing;
 - (xi) Internal litter catch screens or fences;
 - (xii) Roads; and
 - (xiii) Surface water quality monitoring system;

- f) Miscellaneous information, including a table of the capacity and purpose for each piece of equipment required to operate the facility as designed;
 - g) General facility plans, and specifications detailing the following:
 - (i) The facility boundary and buffer zone;
 - (ii) The perimeter fence location;
 - (iii) Points of access to facility;
 - (iv) Points of access to active waste disposal areas;
 - (v) Borrow and fill areas;
 - (vi) Trenches or fill areas;
 - (vii) The progressive development of trenches or fill areas;
 - (viii) Resource recovery areas;
 - (ix) Special waste areas;
 - (x) Litter fence placements;
 - (xi) Cover material stockpile locations;
 - (xii) Topsoil stockpile locations;
 - (xiii) Facility buildings for equipment and personnel;
 - (xiv) Drainage control structures;
 - (xv) Groundwater monitoring well locations; and
 - (xvi) Gas monitoring points;
- 3) Maps, including the following:
- a) A United States Geological Survey 7.5 minute quadrangle topographical map of the site area with the facility boundary indicated;
 - b) An existing conditions map or maps of the area showing the following, at a minimum:
 - (i) The section, township, and range;
 - (ii) Land use and zoning within one mile from all boundaries of the site;
 - (iii) Land and mineral ownership;
 - (iv) All occupied dwellings, schools, hospitals, and buildings within one mile from all boundaries of the site;
 - (v) Roads;
 - (vi) Surface waters;
 - (vii) Groundwater wells;
 - (viii) All other existing and man-made features;
 - (ix) The general topography;
 - (x) The site boundary;
 - (xi) The site layout;
 - (xii) Airports;
 - (xiii) One hundred-year floodplains;
 - (xiv) Unstable areas; and
 - (xv) Wetlands map, either national wetlands map or soil conservation service wetlands delineation map;
 - c) A final contour map;
 - d) A contour map of the shallowest occurrences of groundwater, and of any other groundwater surface of concern, showing the groundwater monitoring well locations and disposal areas; and

- e) Site maps showing the locations of soil borings, piezometers, soil tests, existing wells, monitoring wells, and other information completed or obtained for the site characterization required by § 74:27:12:03;
- 4) Operational information, including the following:
 - a) An operational plan that addresses each of the requirements in chapter 74:27:13, including the sources and amounts of special wastes to be handled. A copy of the recordkeeping log to be used, a copy of the contingency plan, a description of waste screening methods, and a description of the personnel training plan must be included with the operational plan;
 - b) Miscellaneous information, including:
 - (i) Fees and collection methods;
 - (ii) Volume reduction methods used at the site;
 - (iii) Operational methods to ensure efficient, progressive filling of lifts, cells, and trenches;
 - (iv) Special operating procedures during high winds;
 - (v) Dust control methods; and
 - (vi) Odor control methods;
- 5) Closure/postclosure plans required by chapter 74:27:15;
- 6) Financial assurance information required by chapter 74:27:16; and
- 7) Groundwater monitoring information required by chapter 74:27:19.

Source: 17 SDR 8, effective July 26, 1990; 19 SDR 186, effective June 10, 1993; 20 SDR 56, effective October 24, 1993.

General Authority: SDCL 34A-6-1.6.

Law Implemented: SDCL 34A-6-1.6, 34A-6-1.8.

74:27:09:04. Solid waste incinerator permit application -- Contents. Solid waste incinerator permit applications shall include complete information on the following:

- 1) The general information required in subdivision 74:27:09:03(1);
- 2) The applicable design and construction details required in subdivision 74:27:09:03(2), except subdivision 74:27:09:03(2)(c), and the following:
 - a) A description of how the facility meets the design and construction requirements of § 74:27:14:02, including copies of the construction quality assurance plan and the ash management plan;
 - b) A copy of the air quality permit application required by articles 74:35 and 74:36; and
 - c) Stack performance tests required and results, if available;
- 3) The applicable maps required in subdivision 74:27:09:03(3);
- 4) An operational plan that addresses each of the requirements in § 74:27:14:03 and in § 74:27:14:04, if applicable, including the sources, types, and amounts of wastes to be handled. A copy of the recordkeeping log to be used, a copy of the contingency plan, a description of waste screening methods, and a description of the personnel training plan must be included with the operational plan;
- 5) The applicable miscellaneous information required in subdivision 74:27:09:03(4)(b);

- 6) The closure and postclosure plans required by chapter 74:27:15; and
- 7) Financial assurance information required by chapter 74:27:16.

Source: 17 SDR 8, effective July 26, 1990; 19 SDR 186, effective June 10, 1993.

General Authority: SDCL 34A-6-1.6.

Law Implemented: SDCL 34A-6-1.6.

74:27:09:05. Renewal applications and amendments. Applications for permit renewals and permit amendments shall include all information required by §§ 74:27:09:03 and 74:27:09:04 that has not been submitted in permit applications prior to the effective date of these rules. Applications shall reflect any changes in operation, in the amount of wastes handled, the types of waste handled, or other changes since the previous permit was issued.

Source: 17 SDR 8, effective July 26, 1990.

General Authority: SDCL 34A-6-1.6.

Law Implemented: SDCL 34A-6-1.6.

74:27:09:06. Permit applications for other solid waste facilities. Permit applications for the following solid waste facilities must include applicable information required by §§ 74:27:09:03 and 74:27:09:04 and chapters 74:27:12, 74:27:13, 74:27:14, 74:27:15, 74:17:16, and 74:27:19 and other information considered necessary by the secretary to ensure compliance with this article:

- 1) Surface impoundment facilities;
- 2) Land application systems;
- 3) Monofills;
- 4) Industrial waste facilities;
- 5) Solid waste processing facilities, including waste-to-energy facilities and refuse-derived fuel production facilities;
- 6) Transfer stations handling more than 500 tons of solid waste a year;
- 7) Solid waste storage facilities, excluding transfer stations;
- 8) Other facilities normally covered by the provisions of a general permit under chapter 74:27:10;
- 9) Balefills;
- 10) Resource recovery facilities or systems as defined by SDCL 34A-6-1.3(14); and
- 11) Other unusual circumstances.

Source: 17 SDR 8, effective July 26, 1990; 19 SDR 186, effective June 10, 1993; 20 SDR 56, effective October 24, 1993.

General Authority: SDCL 34A-6-1.6.

Law Implemented: SDCL 34A-6-1.6.

Wisconsin

NR 500.05 General submittal requirements. Unless otherwise specified, all submittals for review and approval of any initial site report, feasibility report, plan of

operation, site investigation report, remedial action options report, construction documentation report or closure plan shall include the following:

(1) REVIEW FEE. The appropriate review fee specified in s. NR 520.04 shall be identified. The department will send an invoice for the plan review fee to the contact for the facility upon receipt of the submittal. Payment in check or money order shall be sent to the department's bureau of finance within 30 days after receipt of the invoice.

(2) COVER LETTER. A letter detailing the desired department action or response.

(3) NUMBER OF COPIES. Unless otherwise specified, 5 copies of the plan or report prepared pursuant to the appropriate section of chs. NR 500 to 538. Two copies shall be submitted to the department's field office responsible for the area in which the facility is located and 3 copies shall be submitted to the bureau of waste management in Madison.

(4) CERTIFICATION.

(a) The report and plan sheets shall be under the seal of a registered professional engineer. In addition, the following certification shall be included:

"I, _____, hereby certify that I am a registered professional engineer in the State of Wisconsin, registered in accordance with the requirements of ch. A-E 4, Wis. Adm. Code; that this document has been prepared in accordance with the Rules of Professional Conduct in ch. A-E 8, Wis. Adm. Code; and that, to the best of my knowledge, all information contained in this document is correct and the document was prepared in compliance with all applicable requirements in chs. NR 500 to 538, Wis. Adm. Code."

(b) Initial site reports, feasibility reports, plans of operation, site investigation, remedial action options reports and any other reports where interpretation of geology or hydrogeology is necessary shall be under the seal of a registered professional geologist. In addition, the following certification shall be included:

"I, _____, hereby certify that I am a registered professional geologist in the State of Wisconsin, registered in accordance with the requirements of ch. A-E 10, Wis. Adm. Code; that this document has been prepared in accordance with the Rules of Professional Conduct in ch. A-E 8, Wis. Adm. Code; and that, to the best of my knowledge, all information contained in this document is correct and the document was prepared in compliance with all applicable requirements in chs. NR 500 to 538, Wis. Adm. Code."

(5) TECHNICAL PROCEDURES. All technical procedures used to investigate a solid waste facility shall be the current standard procedures as specified by the American society for testing materials, United States geologic survey, standard methods for the examination of water and wastewater, or other equivalent or appropriate methods approved by the department. Test procedures used shall be specified. Any deviation from a standard method shall be explained in detail with reasons provided.

(6) VISUALS. Maps, figures, photographs and tables to clarify information or conclusions. The visuals shall be legible. All maps, plan sheets, drawings, isometrics, cross-sections and aerial photographs shall meet the following requirements:

(a) No larger than 24 inches _ 36 inches and no smaller than 8 _ inches _ 11 inches.

(b) Be of appropriate scale to show all required details in sufficient clarity.

(c) Be numbered, referenced in the narrative, titled, have a legend of all symbols used, contain horizontal and vertical scales, where applicable, and specify drafting or origination dates.

- (d) Use uniform scales.
 - (e) Contain a north arrow.
 - (f) Use USGS datum as a basis for all elevations.
 - (g) Contain a survey grid based on monuments established in the field which is referenced to state plane coordinates.
 - (h) Show original topography and the grid system on plan sheets showing construction, operation or closure topography. For complex plans, existing conditions within the landfill area may be shown by lighter lines or may be eliminated.
 - (i) Show survey grid location and reference major plan sheets on all cross-sections. A reduced diagram of a cross-section location plan view map shall be included on the sheets with the cross-sections.
- (7) TABLE OF CONTENTS.** A table of contents listing all sections of the submittal.
- (8) APPENDIX.** An appendix listing names of all references, all raw data, testing and sampling procedures and calculations.
- History:** Cr. Register, January, 1988, No. 385, eff. 2-6-88; am. (intro.), (1), (3), (4) and (6) (h), Register, June, 1996, No. 486, eff. 7-1-96; am. (3) and (4), Register, December, 1997, No. 504, eff. 1-1-98.

NR 500.06 License applications. Unless otherwise specified, no person may operate or maintain a solid waste facility without a license from the department. A submittal for initial licensing or relicensing of any solid waste facility shall include:

- (1) LICENSE FEE.** The appropriate fee as specified in s. NR 520.04 in check or money order payable to the department. Except as provided in s. NR 500.065, license fees are not transferable, proratable or refundable.
- (2) APPLICATION FORM.** A completed copy of the appropriate application form.
- (3) FINANCIAL RESPONSIBILITY.** For all land disposal facilities with plans of operation approved under s. 289.30, Stats., proof of financial responsibility as specified in s. NR 520.05.
- (4) AFFIDAVIT OF FACILITY REGISTRY.** Submittal on form 4400-67 that proof that a notation of the existence of the facility has been recorded in the office of the register of deeds in each county in which a portion of the facility is located.

Note: This form may be obtained from the Department of Natural Resources, Bureau of Waste Management, 101 S. Webster Street, Natural Resources Building, Madison, WI 53707.

(5) NONCOMPLIANCE WITH PLANS OR ORDERS. A submittal for initial licensing of a new or expanded solid waste disposal facility shall contain the following information:

- (a) Identification of all persons owning a 10% or greater legal or equitable interest in the applicant or in the assets of the applicant, including shareholders of a corporation which is an applicant and partners of a partnership which is an applicant.
- (b) Identification of all other Wisconsin solid or hazardous waste facilities for which the applicant or any person identified in par. (a), is named in, or subject to an order or plan approval issued by the department.
- (c) Identification of all other Wisconsin solid or hazardous waste facilities which are owned by persons, including corporations and partnerships, in which the applicant or

person identified in par. (a) owns or previously owned a 10% or greater legal or equitable interest or a 10% or greater interest in the assets.

(d) A statement indicating whether or not all plan approvals and orders relating to all facilities identified in pars. (b) and (c) are being complied with.

Note: If noncompliance with an order or plan approval occurs while the applicant has or had a 10% or greater legal or equitable interest in the facility and is continuing, the Department is prohibited from licensing the new or expanded solid waste disposal facility, unless the applicant provides proof of financial responsibility under s. 289.34 (3), Stats., to assure that compliance is achieved.

History: Cr. Register, January, 1988, No. 385, eff. 2-6-88; am. (1) (intro.), Register, June, 1996, No. 486, eff. 7-1-96; am. (1) and cr. (5), Register, September, 1998, No. 513, eff. 10-1-98.

NR 500.065 License issuance.

(1) INITIAL APPLICATIONS. The department shall make a determination on an initial application for a solid waste facility license within 65 business days of receipt of all of the information specified in s. NR 500.06. If a determination is not made on the application within 65 business days, the department shall refund the license application fee paid by the applicant.

(2) RENEWALS. The department shall make a determination on a license renewal application for a solid waste facility license within 65 business days of receipt of all of the information specified in s. NR 500.06, or by the end of the current license period, whichever occurs later. If a determination is not made within these time constraints, the department shall refund the license renewal application fee paid by the applicant.

History: Cr. Register, September, 1998, No. 513, eff. 10-1-98.

NR 500.07 Review times. Except as otherwise provided in chs. NR 500 to 538, the department shall review and approve, deny or deem incomplete requests for plan approvals or exemptions within 65 business days after receiving the request. For the purposes of determining department compliance with review times specified in chs. NR 500 to 538 and ch. 289, Stats., the review time starts when the appropriate copies and review fee are received.

History: Cr. Register, January, 1988, No. 385, eff. 2-6-88; am., Register, June, 1996, No. 486, eff. 7-1-96; am., Register, December, 1997, No. 504, eff. 1-1-98.

NR 500.09 Construction inspection. The department may require as a condition of a grant of exemption, the approval of a feasibility report, plan of operation, groundwater monitoring plan, closure plan, site investigation report and remedial action options report or a modification to any approval that critical construction steps of a facility, as specified in the approval, be inspected by the department. The applicant shall pay an inspection fee as specified in s. NR 520.04 (5).

History: Cr. Register, January, 1988, No. 385, eff. 2-6-88; am., Register, June, 1996, No. 486, eff. 7-1-96.

NR 500.10 Exemption for use of municipal solid waste as a fuel. The department may grant exemptions in writing from any of the requirements of chs. NR

500 to 538 for municipal solid waste combustors and any other solid waste facilities which manage the residue from municipal solid waste combustors. The department also may issue an approval for solid waste which has been processed into a fuel for a municipal solid waste combustor which exempts the combustor and any facility which manages the combustor residue from regulation under chs. NR 500 to 538. Such exemptions may be granted under this section. The department shall consider the following criteria in determining whether an exemption shall be granted under this section:

- (1) The source of the waste to be used as fuel.
- (2) The variability of the waste to be used as fuel.
- (3) The physical and chemical properties of the waste to be used as fuel.
- (4) The quantity of the waste to be used as fuel.
- (5) The percentage of the total fuel mix contributed by the municipal solid waste.
- (6) The physical and chemical properties of the residue.

History: Cr. Register, May, 1992, No. 437, eff. 6-1-92; correction made under s. 13.93 (2m) (b) 1., Stats., Register, May, 1995, No. 473; am. (intro.), Register, June, 1996, No. 486, eff. 7-1-96; am. (intro.), Register, December, 1997, No. 504, eff. 1-1-98.