

WAC 173-351-720 Permit application procedures. (1) Initial and reissuance procedures.

(a) Forms and complete application. An application for a permit under this regulation must be submitted on a form prescribed by the department. In order to be complete:

(i) Two or more copies (as determined by the jurisdictional health department) of the application must have been signed by the owner and operator and received by the jurisdictional health department;

(ii) The application must include evidence of compliance with the State Environmental Policy Act (SEPA) rules, chapter 197-11 WAC; and

(iii) The application must include the plans, reports, and other supporting information required by this regulation.

(b) Notice. Once the jurisdictional health department determines that an application for a permit is complete, it will:

(i) Refer one copy to the appropriate regional office of the department for review and comment;

(ii) For all permits except renewal, modified and transition permits give notice of its receipt of a complete permit application to the public and to interested persons for public comment for thirty days after the publication date of the notice and perform the following additional public notification requirements:

(A) Mail the notice to persons who have requested notice in writing;

(B) Mail the notice to state agencies and local governments with a regulatory interest in the proposal;

(C) Include in the public notice a statement that any person may express their views in writing to the jurisdictional health department within thirty days of the last date of publication;

(D) Mail a copy of the MSWLF permit decision to any person who has made written request for such decision; and

(E) Add the name of any person, upon request, to a mailing list to receive copies of notices for all applications.

(c) Standards for approval. The jurisdictional health department must investigate every application to determine whether the facility meets all applicable laws and regulations, conforms to the most recently adopted comprehensive solid waste management plan in effect at the time of application and complies with all zoning requirements. A land use permit or letter from the jurisdictional zoning authority is sufficient to demonstrate compliance with zoning requirements.

(d) Fees. The jurisdictional health department may establish reasonable fees for permits and renewal of permits. All permit fees collected by the health department must be deposited in the account from which the jurisdictional health department's operating expenses are paid.

(e) Department's findings. The department will report to the jurisdictional health department its findings on each permit application within forty-five days of receipt of a complete application or inform the jurisdictional health department as to the status of the application and when it expects its findings will be transmitted to the jurisdictional health department. Additionally, the department must recommend for or against the issuance of each permit by the jurisdictional health department.

(f) Permit approval. When the jurisdictional health department has evaluated all information in the public record, it will issue or deny a permit. Every complete permit application must be approved or disapproved within ninety days after its receipt by the jurisdictional

health department or inform the owner or operator as to the status of the application with a schedule for final determination.

(g) Permit format. Every permit issued by a jurisdictional health department must be on a format prescribed by the department and contain specific requirements necessary for the proper operation of the facility including the requirement that final engineering plans and specifications be submitted for approval by the jurisdictional health department.

(h) Filing permits with the department. The jurisdictional health department must mail all issued permits to the department no more than seven days after the date of issuance. The department will review and may appeal the permit as set forth in RCW 70.95.185 and 70.95.190. No permit issued pursuant to this chapter will be valid unless it has been reviewed by the department.

(2) SEPA review. The State Environmental Policy Act (SEPA), the SEPA rules and local SEPA rules apply to permit decisions made pursuant to this chapter.

(3) Preapplication meetings. Preapplication meetings between the jurisdictional health department and the owner or operator are encouraged to address, among other things, the development of a complete application.

(4) Activities authorized in permits, generally.

(a) Construction. A valid MSWLF permit entitles the owner or operator to construct the MSWLF unit or MSWLF units, subject to conditions the jurisdictional health department may impose. Authorization to construct each lateral expansion or subsequent MSWLF unit is subject to the preconstruction review requirements of WAC 173-351-750(4) and the construction of each lateral expansion or MSWLF unit must comply with all requirements of this regulation and other regulations applicable at the time jurisdictional health department approval is granted.

(b) Operation. Except for MSWLF units governed by the transition rules of WAC 173-351-700(2), the jurisdictional health department's approval to accept solid waste will not be given until the owner or operator has demonstrated to the jurisdictional health department's satisfaction that each MSWLF unit has been constructed in accordance with the approved plans and specifications for that MSWLF unit.

(c) Post-closure activities. The jurisdictional health department's approval for post-closure activities will not be given until the permittee has demonstrated to the jurisdictional health department's satisfaction that the MSWLF unit or all the MSWLF units have been closed in accordance with the final engineering plans of WAC 173-351-500 (1) (e) (ii) and the approved closure plan.

Note: Failure to obtain approval for post-closure activities may prevent reimbursement under post-closure financial assurance in WAC 173-351-600.

(5) Renewal procedures. Except as provided in WAC 173-351-710(6), the owner or operator of a facility must apply for renewal of the MSWLF permit at least thirty days before the renewal date. The owner or operator is authorized to continue activities authorized under the most recent expired permit, if the jurisdictional health department has not rendered a decision on renewal by the renewal date of the current permit.

(a) Prior to renewing a permit, the jurisdictional health department will:

(i) Review the original application, modifications, and additional information required in WAC 173-351-730 (3) (b) for compliance with these regulations; and

(ii) Collect the renewal fee if the jurisdictional health department so chooses.

(b) If the facility meets all applicable laws and regulations and conforms to the most recently adopted comprehensive solid waste management plan, the jurisdictional health department may renew the permit for a period not to exceed five years; and

(c) The jurisdictional health department must file the renewed permit with the department no more than seven days after the date of renewal. The department will review and may appeal the renewal as set forth in RCW 70.95.185 and 70.95.190. See also reissuance under subsection (6) of this section. No permit issued pursuant to this chapter will be valid unless it has been reviewed by the department.

(6) Permit modifications.

(a) Any owner or operator intending to modify a valid MSWLF permit must file a modification application at least forty-five days before the intended modification. A modification application must be made on forms authorized by the jurisdictional health department and the department, and the forms must include information identified in WAC 173-351-730 (3)(a).

(b) The jurisdictional health department will follow the procedures of subsection (1) of this section in issuing a permit modification except for the following:

(i) Subsection (1)(b)(ii) and (iii) of this section, public notice;

(ii) The department will report its findings under subsection (1)(e) of this section within thirty days; and

(iii) The jurisdictional health department will approve or disapprove the modification application within forty-five days after its receipt or inform the owner or operator as to the status of the application with a schedule for final determination.

(c) To allow for permit modifications to be authorized at the time of permit renewal, any owner or operator may combine the application required for a permit modification in WAC 173-351-730 (3)(a) with the application required for a renewal permit in WAC 173-351-730 (3)(b).

(d) Lateral expansions, a fifty percent increase or greater in design volume capacity, or changes resulting in significant adverse environmental impacts that have led a responsible official to issue a declaration of significance under WAC 197-11-736 are not considered a modification but require permit reissuance under these rules.

(7) Permit reissuance. Any owner or operator intending to continue construction, operation, or post-closure beyond the permitted duration of a valid MSWLF permit must file a reissuance application at least ninety days before the existing permit expires. Reissuance applications are subject to the public notification process of subsection (1)(b) of this section. A reissuance application must be made on forms authorized by the jurisdictional health department and the department, and must include information identified in WAC 173-351-730(4). The jurisdictional health department will follow the procedures of subsection (1) of this section in reissuing a permit.

[Statutory Authority: RCW 70.95.020(3), 70.95.060(1), and 70.95.260(1), (6). WSR 12-23-009 (Order 07-15), § 173-351-720, filed 11/8/12, effective 12/9/12. Statutory Authority: Chapter 70.95 RCW and 40 C.F.R. 258. WSR 93-22-016, § 173-351-720, filed 10/26/93, effective 11/26/93.]