



MUNICIPAL SOLID WASTE LANDFILL SOLID WASTE FACILITY PLAN APPROVAL AMENDMENT APPLICATION INSTRUCTIONS

INSTRUCTIONS

Pursuant to the Arizona Revised Statutes (A.R.S.) §49-762, a municipal solid waste landfill (MSWLF) applicant must prepare and submit a Solid Waste Facility Plan (SWFP) for design and operations, and receive Arizona Department of Environmental Quality (ADEQ) approval, prior to commencement of activities. This application is for an amendment to an existing SWFP approval and must be submitted for review, and approved prior to issuance of the SWFP. An amended approval will supersede the previous approval upon the effective date of the amendment. **Do not submit this application if you are applying for a new MSWLF permit.**

Note: Based on the nature and scope of the amendment request, the amendment will be deemed either a Type I, Type II, Type III or Type IV change. The category of change will impact the review process, the nature and detail of the information needed to be provided in the amended SWFP, and the associated licensing timeframe. Category descriptions are provided below.

Type I – an insignificant change that does not require notification to the Department. This includes changes to a facility not directly related to the physical management of solid waste or the replacement of equipment or structures with similar items. An amendment application is not required for a Type I change.

Type II – a minor change that requires notification to the Department. This includes changes to a facility that are directly related to the physical management of solid waste and that do not require detailed review by the Department. An amendment application is not required for a Type II change; however, written notification to the Department is required.

Type III – a substantial change that does not require public notice. This includes changes that are significant, that require detailed review by the Department and that are equally or more protective of the public health and environment, changes that are required by statute or regulation or other substantial changes that are not Type IV changes.

Type IV – a substantial change that requires a public notice. This includes significant changes in the total storage, process, treatment or disposal capacity of the solid waste facility. A Type IV change also includes a lateral expansion of an existing solid waste landfill or the addition of a process or a major piece of equipment for which the net effect of the change will be an increase in discharges.

This application document is divided into three main parts:

- 1) **Instructions** – The instructions are intended to give you basic information regarding the application process, how long the process may take, and how much it will cost. More detailed information can be obtained by referencing the specific rule citation listed with each application item. Please do not submit the instructions with your application.
- 2) **General Information** – This section includes basic applicant and facility information, and is considered to be part of the SWFP. It includes key contact information and basic facility information.
- 3) **Technical Information** – This section requires information regarding the facility and specific ways the MSWLF will be designed and operated. These submittal items are to be attached to the MSWLF application in the form of a SWFP. To facilitate the processing of your application, ADEQ recommends that you organize all the attachments using a Table of Contents with appropriate references to the application item number (Ex. “Attachment 1 – Facility Description [Item 13]”). To assist you in this process, ADEQ has prepared a SWFP checklist which is to be used as an attachment to this application and is designed to assist you in preparing an administratively complete SWFP amendment application submittal. Note: Engineering design drawings and associated calculations must be affixed with the seal of an Arizona-registered professional of an appropriate discipline.

For assistance or inquiries regarding the application process, please contact ADEQ Permits and Plan Review Unit at (602) 771-4123 or toll free in Arizona at (800) 234-5677, ext. 771-4123.

GENERAL

- 1) Applicant submits two (2) bound or stapled copies, and one electronic copy, of the application including attachments, the initial fee, and a cover letter that provides a general overview of the project (briefly describe nature of the amendment, the location of

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the facility, and at least one general contact and phone number). Solid waste facility plan review procedures are provided at A.R.S. §49-762.04. **At least one copy of the amendment application must be submitted with the original Signature.**

- 2) ADEQ reviews application for administrative completeness.
- 3) Applicant satisfies any administrative deficiencies.
- 4) ADEQ issues public notice; 30-day public comment period begins (calendar days).
- 5) Applicant satisfies any substantive deficiencies.
- 6) ADEQ issues a Decision to Grant/Deny the application.
- 7) Public hearing (if needed).
- 8) ADEQ sends the final invoice for application processing.
- 9) Applicant pays the invoice.

Please note that Steps 4 and 7 above are only required for a Type IV change.

If the Department disapproves a SWFP amendment, it will provide the owner or operator a complete written, detailed rationale for the disapproval per A.R.S. §49-762.04(B). ADEQ’s decision is an appealable agency action per A.R.S. §41-1092.

FEES

An initial fee is required along with your application in accordance with A.A.C. R18-13-702(A). This fee varies with the Type of change and ranges from \$750 to \$15,000. Types I and II amendments carry no fee. The permit team assigned to your project will bill at a rate of \$122 per hour up to a maximum fee in accordance with A.A.C. R18-13-702(A) and (B).

PERMITTEE

The permittee shall be the person responsible for complying with the terms and conditions of the SWFP requirements of A.R.S. §49-762 et seq., 40 CFR §258, and the amended SWFP approval. Often the “permittee” may be more than one entity including the landfill owner and the landfill operator, should they be two separate entities.

HOW LONG DOES THE APPLICATION PROCESS TAKE?

Licensing Time Frames (LTF) are specified by ADEQ in A.A.C. R18-1-525, which limits the number of business days (excludes Saturdays, Sundays and Holidays) ADEQ can review your project without a penalty. The LTF clock can be stopped by the ADEQ one time during the administrative review if necessary data are missing. The LTF clock can be stopped one time during the substantive review to request additional technical information or technical clarification from the applicant. Whether or not a public hearing is held depends on the types and number of comments received during the public comment period.

The LTF for a permit amendment will be in accordance with the Type of change sought. ADEQ will re-assign the license time if a public hearing is required in accordance with A.R.S. §49-762.04(A)(6) or if review of the amended application indicates a change in amendment Type.

License Type	Administrative Completeness Review	Substantive Review	Overall Time Frame
Solid waste facility plan type III substantial change (MSWLF) with no public hearing	21	41	62
Solid waste facility plan type IV substantial change (MSWLF) with no public hearing	21	41	62
Solid waste facility plan type IV substantial change (MSWLF) with public hearing	21	62	83

Licensing timeframes are not applicable to Type I and Type II modifications.

WITHDRAWING YOUR APPLICATION

An application may be withdrawn by the applicant at any time during the application process in accordance with A.A.C. R18-1-517. You may withdraw your amendment application by submitting a written request to the Permits and Plan Review Unit Manager. Withdrawing your application causes the LTF to cease. A final bill will be assessed at the time of withdrawal.

WHERE DO I SUBMIT MY APPLICATION?

Submit your application to:

Arizona Department of Environmental Quality
Permits and Plan Review Unit
1110 West Washington Street
Phoenix, AZ 85007

WHERE DO I GET HELP?

Program guidance can be found on our website at: <http://www.azdeq.gov/environ/waste/solid/plan.html>. A copy of the rules and statutes relating to SWFP submittals and MSWLF permitting can also be found at: <http://www.azdeq.gov/environ/waste/solid/rules.html>. It is strongly recommended that you review the applicable rules and statutes to ensure that you provide a complete and accurate application. ADEQ recommends scheduling a pre-application meeting to go over the various details of the program. During the amendment process, you are encouraged to communicate with the project team to resolve any issues that may arise during the process.



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APPROVAL AMENDMENT
APPLICATION**

GENERAL INFORMATION

What Type of Amendment Are You Seeking?

- Type IV
 Type III
 Briefly Describe: _____

1. Applicant [A.R.S. §49-762.03(A) and A.A.C. R18-1-503(A)(1)]
Identify "who" is requesting this modification. Provide the name and title of the highest ranking local Company official responsible for day-to-day operation and permit condition compliance. Include the name of the Company as it should appear on the amended permit and its mailing and street address. Include one phone number for the identified Company official and a business phone number for the Company.

- Owner
 Operator
 Owner and Operator
 Other: _____

Name and Title _____
 Company _____
 Mailing Address _____ City _____ State _____ Zip _____
 Street Address _____ City _____ State _____ Zip _____
 Telephone Numbers: (a) _____ (b) _____
 Email _____
 Registered to do business in Arizona? Yes No

2. Contact Information for the Facility Owner [A.R.S. §49-762.03(A)]
Identify who owns this facility. This may be the official identified above, or another individual.
 Check this box if the contact information for the facility owner is the same as in item 1 above.

Contact Name _____
 Company Name _____
 Address _____ City _____ State _____ Zip _____
 Telephone _____ FAX _____
 Email _____

3. Contact Information of Landowner(s) [A.R.S. §49-762.03(A)]
 Check this box if the person listed below is not the Applicant listed above in item 1.
 Attach a copy of the Lease or Contract for the entire property subject to this permit application.
 Check this box if information regarding additional owners is provided in the Facility Plan. Additional owners are any not listed below.

Contact Name _____
 Company Name _____
 Address _____ City _____ State _____ Zip _____
 Telephone _____ FAX _____
 Email _____

Contact Name _____
 Company Name _____
 Address _____ City _____ State _____ Zip _____
 Telephone _____ FAX _____
 Email _____

4. Facility Name [A.R.S. §49-762.07(A)(1)]
Provide the name of the facility under which operations are conducted.

Facility Name _____

5. Contact Information of Authorized Agent [A.A.C. R-18-1-503(A)(3)]
If you are designating an Authorized Agent for receipt of official communications, please provide contact information here; otherwise, Section 5 may be left blank.

Contact Name _____
 Company Name _____
 Address _____ City _____ State _____ Zip _____
 Telephone _____ FAX _____
 Email _____

6. Initial Fee [A.A.C. R18-13-702(A) and R18-1-503(A)(6)]
Please note that this is an initial fee and that additional costs may be incurred in the review of this amendment application. Please contact ADEQ to confirm your initial fee if you are unclear with regard to your amendment type.

Check this box to indicate the initial fee is attached.

7. Facility Address and Location Information [A.R.S. §49-762.07(A)(1)]

Address _____
 City _____ State _____ Zip _____
 County _____
 Township _____ Range _____ Section(s) _____
 Latitude _____ ° ' " N Longitude _____ ° ' " W

8. Legal Description of Facility Location [A.R.S. §49-762.07(A)(2)]
Provide the legal description of the proposed location below. If the description is lengthy, please provide it as an attachment to this application and type "see attachment" or "see SWFP" in the space provided below.

Legal Description _____

9. Certificate of Disclosure [A.R.S. §49-109]

Are you required to file a certificate of disclosure according to A.R.S. §49-109? Yes No*
 *By checking "No" above, you are certifying that a Certificate of Disclosure is not required per A.R.S. §49-109.
 If yes, I have attached supporting documentation. Yes

10. Compliance with Zoning [A.R.S. §49-762.03(B) and 49-767(A)]

Provide evidence that the facility complies with applicable municipal or county zoning ordinances, codes and regulations.
 I have attached supporting documentation. Yes

11. Cost Estimates [A.R.S. §49-770(D)]
Attach a detailed cost estimate for the closure and post closure of the facility based upon any changes proposed in the amendment. Provide documentation supporting the cost estimate(s) including any assumptions made. Ensure cost estimates are sealed by an Arizona-registered professional of an appropriate discipline.

I have attached supporting documentation. Yes

12. Financial Demonstration [A.R.S. §49-761(B) and 770(A)]

Select Financial Mechanism (Check all that apply)	
<input type="checkbox"/> Performance Surety Bond	<input type="checkbox"/> Insurance Policy
<input type="checkbox"/> Payment Surety Bond	<input type="checkbox"/> Local Government Financial Test
<input type="checkbox"/> Trust Fund	<input type="checkbox"/> Local Government Guarantee
<input type="checkbox"/> Corporate Guarantee	<input type="checkbox"/> State-approved mechanism
<input type="checkbox"/> Corporate Financial Test	<input type="checkbox"/> State assumption of responsibility
<input type="checkbox"/> Letter of Credit	

Note: Please reference 40 CFR §258.74 for specific financial mechanism requirements.

13. Facility Description [A.R.S. §49-762.07(A)(3)]

I have attached a facility description that includes the following information:

- A) General description of the facility, its size, and appropriate sequencing of phases. A diagram of the property showing the location of the solid waste facility or facilities.
- B) When operations began, the volume of waste managed on an annual basis, and the estimated life expectancy.
- C) Description of waste storage and treatment equipment and methods of waste management.
- D) Description of waste management practices used at the facility including measures taken to protect the environment and public health.

14. Technical Requirements

Using the SWFP amendment checklist provided by the ADEQ, provide the necessary supporting documentation, including plans, calculations, design drawings, etc., to address the technical requirements and applicable requirements of A.R.S. Title 49, Chapter 4, A.A.C. Title 18, Chapter 13 and 40 CFR §258 regarding solid waste requirements. Attach this information to the application in the form of the amended SWFP.

Ensure that all design drawings and calculations are sealed by an Arizona-registered professional of an appropriate discipline.

15. Certification Statement

I certify under penalty of law that this application and all attachments were prepared under my direction or authorization and all information is, to the best of my knowledge, true, accurate and complete. I also certify that the facilities described in this form are or will be designed, constructed, operated, and/or closed in accordance with the terms and conditions of the applicable requirements of A.R.S. Title 49, Chapter 4, A.A.C. Title 18, Chapter 13 and 40 CFR §258 regarding solid waste requirements. I am aware that there are significant penalties for submitting false information.

Print Name _____

Title _____

Signature _____ Date _____

Pursuant to Arizona Revised Statutes (A.R.S. § 41-1030):

- (1) ADEQ shall not base a licensing decision, in whole or in part, on a requirement or condition not specifically authorized by statute or rule. General authority in a statute does not authorize a requirement or condition unless a rule is made pursuant to it that specifically authorizes the requirement or condition.
- (2) Prohibited licensing decisions may be challenged in a private civil action. Relief may be awarded to the prevailing party against ADEQ, including reasonable attorney fees, damages, and all fees associated with the license application.
- (3) ADEQ employees may not intentionally or knowingly violate the requirement for specific licensing authority. Violation is cause for disciplinary action or dismissal, pursuant to ADEQ's adopted personnel policy. ADEQ employees are still afforded the immunity in A.R.S. §§ 12-821.01 and 12-820.02.