



NON-MSW LANDFILL INDIVIDUAL AQUIFER PROTECTION PERMIT AMENDMENT APPLICATION INSTRUCTIONS

INSTRUCTIONS

Pursuant to the Arizona Revised Statutes (A.R.S.) §49-250(B)(17) and Arizona Administrative Code (A.A.C.) R18-9-A201 et seq., a Non-Municipal Solid Waste (Non-MSW) landfill applicant must prepare and submit an Individual Aquifer Protection Permit (APP) application for operations, and must amend that application, as needed. This application must be completed, submitted for review, and approved prior to amending an existing Non-MSW landfill permit. An amended permit will supersede the previous permit upon the effective date of the amendment. **Do not use this application if you are submitting an application for a new Non-MSW landfill facility. Do not use this application if you are requesting a permit transfer; a permit transfer may be facilitated by submitting the specific information requested at A.A.C. R18-9-A212.**

NOTE: Based on the nature and scope of the amendment request, the amendment will be deemed either “significant,” “minor,” “other,” and/or “complex.” The type of amendment requested will impact the review process, the nature and detail of the information needed to be attached to this amendment application, and the associated licensing timeframe. Brief category descriptions are provided below.

A **“Significant”** amendment is formally defined at A.A.C. R-18-9-A211(B) and includes situations where part or all of a facility becomes a new facility, or a physical change is proposed that results in a change in the type, amount or concentration of a pollutant. Several other changes in facility operations or discharges may trigger the “significant” amendment protocol. The public notice and public participation requirements apply to a “significant” amendment.

A **“Minor”** amendment includes revisions to correct typographical errors, changes to non-technical administrative information, corrections to minor technical errors, and to increase the frequency of monitoring and reports. See A.A.C. R18-9-A211(C) for a complete description of activities that are considered to be “minor” in nature. A minor amendment does not include public notice or public participation.

An **“Other”** amendment includes those changes that are neither significant or minor in nature. See A.A.C. R18-9-A211(D) for a complete description. The public notice requirements apply to an “other” amendment.

A **“Complex modification”** is one in which the pollutant management area is expanded such that a new point of compliance is required, or a new subsurface disposal area is developed. A complete definition is provided at A.A.C. R18-14-101(2).

This amendment application document is divided into three main parts:

- 1) **Instructions** – The instructions are intended to give you basic information regarding the application amendment 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, including information regarding the nature of the amendment sought.
- 3) **Technical Information** – This section requires information regarding the facility and specific ways the Non-MSW landfill is to be amended, and the corresponding design and operation of that amended facility. These submittal items are to be attached to the Non-MSW landfill amendment application. To facilitate the processing of your amended application, ADEQ recommends that you organize all the attachments using a Table of Contents that references the application item number (Ex. “Attachment 1 – Facility Description [Item 17]”). To assist you in this process, Arizona Department of Environmental Quality (ADEQ) has prepared a Non-MSW landfill permit amendment checklist which is to be used as an attachment to this application and is designed to assist you in preparing an administratively complete permit amendment submittal. Note: (1) Engineering design drawings and associated calculations must be affixed with the seal of an Arizona-registered professional of an appropriate discipline; and (2) due to the nature of the amendment process, a varying number of items requested in the checklist may be non-applicable to your specific amendment request.

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 APPLICATION PROCESS

- 1) Applicant submits two (2) bound or stapled copies of the amendment application including attachments, the initial fee, and a cover letter that provides a general overview of the nature of the amendment (briefly describe the nature and extend of the amendment, an overview of the facts and reasons justifying the request, any proposed changes in the type(s) of waste to be received, etc.). **At least one copy of the amended application must be submitted with the original Signature.**
- 2) ADEQ reviews amendment application for administrative completeness.
- 3) Applicant satisfies any administrative deficiencies.
- 4) Applicant satisfies any substantive deficiencies.
- 5) Internal/external review of draft permit.
- 6) 30-day public comment period; if needed. (calendar days).
- 7) Public hearing; if needed.
- 8) ADEQ’s sends a Decision to Grant/Deny the amended application.
- 9) ADEQ sends the final invoice for application processing.
- 10) Applicant pays the invoice.
- 11) The division director signs the permit or denies the application.
- 12) ADEQ mails the permit or issues a formal denial of the application.

ADEQ’s decision is an appealable agency action per Arizona Revised Statute (A.R.S.) §41-1092.

FEEES

A \$2,000 initial fee is required along with your application in accordance with A.A.C. R18-14-103. The permit team assigned to your project will bill at a rate of \$122.00 per hour up to a maximum fee in accordance with A.A.C. R18-14-102.

PERMITTEE

The permittee shall be the person responsible for complying with the terms and conditions of the amended Non-MSW landfill requirements of A.A.C. R18-9-A201 et seq., 40 CFR §257, and the revised Non-MSW landfill permit. 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 an individual permit amendment varies with the nature of the amendment (e.g., significant, minor, other and/or complex) and whether a public hearing is required. ADEQ may re-assign the license time based on submitted information in accordance with A.A.C. R18-9-501(9).

License Type	Administrative Completeness Review	Substantive Review	Overall Time Frame
Non-MSW landfill with Individual APP significant amendment (no public hearing)	35	186	221
Non-MSW landfill with Individual APP significant amendment (with public hearing)	35	232	267
Complex Non-MSW landfill with Individual APP significant amendment (no public hearing)	35	249	284
Complex Non-MSW landfill with Individual APP significant amendment (public hearing)	35	295	330
Non-MSW landfill with Individual APP other amendment	35	186	221
Complex Non-MSW landfill with Individual APP other amendment	35	249	284
Non-MSW landfill with Individual APP permit transfer approval	21	32	53
Non-MSW landfill with Individual APP closure plan approval	21	41	62

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 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/enviro/waste/solid/plan.html>. A copy of the rules and statutes relating to Non-MSW landfill permitting can also be found at: <http://www.azdeq.gov/enviro/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 application process, you are encouraged to communicate with the project team to resolve any issues that may arise during the process.



**NON-MSW LANDFILL
INDIVIDUAL AQUIFER PROTECTION
PERMIT AMENDMENT
APPLICATION**

GENERAL INFORMATION

What Type of Amendment Are You Seeking?

Significant Minor Other and/or Complex

Briefly Describe: _____

1. Applicant [A.A.C. R18-1-503(A)(1) and R18-9-A201(B)]

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.A.C. R18-9-A201(B)]

Identify who owns this facility. This may be the official identified above, or another individual.

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

3. Contact Information of Landowner(s) [A.A.C. R18-9-A201(B)]

- Check this box if the person listed below is not the Applicant listed above.
- 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 attached to this application. 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.A.C. R18-1-503(A)(2)]
Provide the name of the facility under which operations are proposed.

Facility Name _____

5. Contact Information of Authorized Agent [A.A.C. R18-1-503(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. R18-1-503(6) and R18-14-103]
Please note that the \$2,000 is the initial application fee and that additional costs may be incurred in the review of this application.

Check this box to indicate the initial fee of \$2,000 is attached.

7. Facility Address and Location Information [A.A.C. R18-9-A201(B)(1)]

If the information is the same as the original Non-MSW landfill application, then check this box and leave the section below blank.

Address _____
City _____ State _____ Zip _____
County _____
Township _____ Range _____ Section(s) _____
Latitude _____ Longitude _____

8. Legal Description of Facility Location [A.A.C. R18-9-A201(B)(1)]
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" in the space provided below.

Check this box if the Legal Description has changed from the existing non-MSW landfill permit.

Legal Description _____

9. Operational Life [A.A.C. R18-9-A201(B)(1)]
Provide an estimate of the operational life of the facility.

Check this box if the Operational Life estimate has changed from the existing non-MSW landfill permit.

The operational life of the facility is _____

10. Existing Environmental Permits [A.A.C. R18-9-A201(B)(1)]

Check this box if any other federal or state environmental permits have been issued for the facility, or are needed by the facility prior to the approval of this amendment. Provide a list of permits as an attachment to this application.

11. Certificate of Disclosure [A.A.C. R18-9-A201(B)(2)]

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.
I have attached supporting documentation. Yes

12. Compliance with Zoning [A.A.C. R18-9-A201(B)(3)]

Provide evidence that the proposed facility amendment will be in compliance with applicable municipal or county zoning ordinances, codes and regulations.
I have attached supporting documentation. Yes

13. Technical Capability [A.A.C. R18-9-A202(B)]

I have attached evidence that the applicant has the ability to carry out the terms of the permit (design, construction, operation, closure). The attached evidence includes:

- A) Pertinent licenses or certifications held by the person.
- B) Professional training relevant to the design, construction, or operation of the facility.
- C) Work experience relevant to the design, construction, or operation of the facility.

I have attached supporting documentation. Yes

14. Cost Estimates [A.A.C. R18-9-A201(B)(5)]

Attach a detailed cost estimate for the closure and post closure of the facility. 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

15. Financial Demonstration [A.A.C. R18-9-A203]

- A) I have attached a letter by the Chief Financial Officer stating that the applicant is financially capable of meeting the costs listed in the above item.
I have attached supporting documentation. Yes
- B) For government entities, submit a statement that indicates how the entity is capable of meeting the closure cost estimate.
I have attached supporting documentation. Yes
- C) For non-government entities, submit the information required for at least one of the financial assurance mechanisms listed below that covers the estimated closure and post-closure costs, including:
 1. The selected financial mechanism or mechanisms;
 2. The amount covered by each financial mechanism;
 3. The institution or company that is responsible for each financial mechanism used in the demonstration; and
 4. Any other details that demonstrate how the applicant is financially capable of meeting the estimated closure costs.

Select Financial Mechanism (Check all that apply)

<input type="checkbox"/> Financial Test for Self-Assurance	<input type="checkbox"/> Letter of Credit
<input type="checkbox"/> Performance Surety Bond	<input type="checkbox"/> Insurance Policy
<input type="checkbox"/> Certificate of Deposit	<input type="checkbox"/> Cash Deposit
<input type="checkbox"/> Trust Fund	<input type="checkbox"/> Guarantees

Note: Please reference A.A.C. R18-9-A203 for specific financial mechanism requirements.

16. Compliance History (A.A.C. R18-9-A202(A)(11))

Indicate whether or not there have been compliance or enforcement actions related to this facility within the last 5 years. If yes, provide details of actions as a separate attachment to this application.

- Yes; there have been compliance or enforcement actions relating to this facility within the last 5 years. (Attach copies)
- No; there is no history of compliance and/or enforcement actions relating to this facility for the last 5 years.

17. Facility Description [A.R.S. §49-243(K)(8)]

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

- A) General description of the facility, its size, and appropriate sequencing of phases.
- B) When operations began, the volume of waste to be managed, and estimated life expectancy.
- C) Information regarding the types of wastes managed, waste management practices, and screening protocols.
- D) Information regarding the facility location and its proximity to sensitive receptors and area resources.
- E) A description of the proposed facility amendment.

18. List of Discharging Facilities [A.R.S. §49-241]
Aside from the landfill operations, are there any other discharging facilities associated with this application? If so, provide a description and location for those discharging facilities to be operated or closed under this application.

Check this box if the information provided below is different from the description present in the existing non-MSW landfill permit.

Operational Discharging Facilities		
Description	Latitude	Longitude
	° ' " N	° ' " W
	° ' " N	° ' " W
Discharging Facilities to be Closed Under this Permit		
Description	Latitude	Longitude
	° ' " N	° ' " W
	° ' " N	° ' " W

Please provide additional information as an attachment to this application.

19. Technical Requirements
Using the Non-MSW landfill amendment checklist provided by the ADEQ, provide the necessary supporting documentation, including plans, calculations, design drawings, etc., to address the technical requirements of the Individual Aquifer Protection Permit amendment application and applicable requirements of A.R.S. Title 49, Chapter 2, and A.A.C. Title 18, Chapter 9 regarding Aquifer Protection Permits; and A.R.S. Title 49, Chapter 4, A.A.C. Title 18, Chapter 13 and 40 CFR §257 regarding solid waste requirements

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

20. Point of Compliance (POC) [A.A.C. R18-9-A202(A)(6)]
Provide the location of the primary point of compliance; include a complete listing of all points of compliance as an attachment to this application. The primary point is the one that is anticipated to receive the more direct impact from facility operations.

Check this box if the information provided below is different from the description present in the existing non-MSW landfill permit.

Latitude ° ' " N Longitude ° ' " W

Existing Well Proposed Well Proposed Point (well not proposed).

Check this box if additional points of compliance are proposed.

21. Certification Statement [A.A.C. R18-9-A201(B)(7)]

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 discharging facilities described in this form are or will be designed, constructed, operated, and/or closed in accordance with the terms and conditions of the Aquifer Protection Permit and applicable requirements of A.R.S. Title 49, Chapter 2, and A.A.C. Title 18, Chapter 9 regarding Aquifer Protection Permits; and A.R.S. Title 49, Chapter 4, A.A.C. Title 18, Chapter 13 and 40 CFR §257 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.