	OFFICE OF WASTE MANAGEMENT AND RADIOLOGICAL PROTECTION POLICY AND PROCEDURE		DEPARTMENT OF ENVIRONMENTAL QUALITY
Original Effective Date: May 9, 1990 Revised Date: July 31, 2013 Reformatted Date: September 26, 2013	Subject: Processing of Solid Waste Operating Licenses, Construction Permit Applications, and Certifications		Category: <input checked="" type="checkbox"/> Internal/Administrative <input type="checkbox"/> External/Non-Interpretive <input type="checkbox"/> External/Interpretive
	Division/Office and Program Names: OWMRP-Solid Waste Section		
	Number: OWMRP-115-7	Page: 1 of 10	

A Department of Environmental Quality (DEQ) Policy and Procedure cannot establish regulatory requirements for parties outside of the DEQ. This document provides direction to DEQ staff regarding the implementation of rules and laws administered by the DEQ. It is merely explanatory; does not affect the rights of, or procedures and practices available to, the public; and does not have the force and effect of law.

PURPOSE:

The purpose is to delineate review procedures, and to clarify the roles of participants in that review, for the processing of solid waste disposal area construction permit applications, operating license applications, and construction and closure certifications under Part 13, Permits, and Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA).¹ The following procedures shall be used when the DEQ, Office of Waste Management and Radiological Protection (OWMRP), receive a construction or closure certification or an application for either a construction permit or an operating license.

AUTHORITY:

Parts 13 and 115 of the NREPA.

PROCEDURES:

Construction Permit

District staff will be responsible for the following unless otherwise indicated:

1. Prior to receipt of a construction permit application, preferably during a site advisory analysis, district staff shall encourage the potential applicant to involve the community prior to submission of applications for new landfill construction.
2. Immediately upon receipt of an application for a new landfill, district staff shall send a notice to the municipality or municipalities in which the proposed landfill is to be located, notifying them of DEQ receipt of the application. This step may be disregarded if the applicant has involved the community prior to submission, as recommended above.
3. District staff shall review the application to determine administrative completeness using the appropriate OWMRP checklist for administrative completeness. Part 13 requires that

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this review must be completed and acknowledged within 30 calendar days from the receipt of the application (the "application period"). Staff is encouraged to complete the initial administrative completeness review within 15 calendar days. District staff shall enter application information into the Waste Data System (WDS) Database per established procedures within 24 hours of receipt. The WDS will calculate an initial due date that is 150 days (30-day application period plus 120-day processing period) from the receipt date. Staff shall use the 30 calendar day time when entering the administrative completeness due date in the WDS. However, if the application is received on the last day of the month or the last Friday of the month, the data shall be entered that same day.

4. Application fees are supposed to be submitted by the applicant directly to the DEQ Cashier's Office, which then notifies the Resource Management Group, Administration Section (AS). Documentation of receipt of the fee will typically be provided to the Solid Waste Section (SWS) by the AS, within three days. The SWS will immediately notify the district staff when this documentation is received. See OWMRP and DEQ cash handling procedures.
5. If the application does not include all information required by Part 115 and the Part 115 Rules, district staff shall use Attachment 1A of this Policy and Procedure to notify the applicant, in writing, that the application package has been determined to be administratively incomplete. This letter shall include a complete listing of the items that are required to make the application administratively complete. Staff shall NOT return the application or fee. Staff shall enter into the WDS the date the administrative completeness review was completed, and the application shall be terminated as administratively incomplete and the review period is "tolled". When the applicant submits revisions, contact SWS geologist specialist, so that they can make the updates to the WDS to begin the clock on the review for administrative completeness. Staff should review the revisions and notify the applicant of whether the revised application is administratively complete within the remaining application period. They will need to notify SWS geologist specialist if the second review is complete. If the revised application is still not administratively complete, then again notify the SWS geologist specialist if the application must be terminated in the WDS as administratively incomplete on the date the revisions were submitted (the 30-day application period remains tolled until a complete application is submitted). If the revised application is administratively complete, then the 120-day processing period begins on the date that the applicant is notified that the application is administratively complete. If the applicant is not notified within the application period, the 120-day processing period begins on the date that the 30-day application period ends.
6. If the application is determined to be administratively complete, district staff shall use Attachment 1B of this Policy and Procedure to notify the applicant, in writing, that the application package has been determined to be administratively complete. District staff must enter the date the application was determined to be administratively complete into the WDS. This date is needed to calculate the final decision due date. The WDS will recalculate the due date by adding 120 days to the administratively complete date. The

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letter shall include the date the application was received, the date it was determined to be administratively complete, and the deadline for a decision on the application (this date is the recalculated date, once the administratively complete date is entered into the WDS). The decision date is 120 days from the date the application is determined to be administratively complete. District staff shall send a copy of this letter to the clerk of the municipality in which the disposal area is proposed, to fulfill the requirements of Section 11510(2)(a). The original application form must be forwarded to the SWS within five working days of the completion of the administrative completeness review. In addition, the Part 115 Checklist and Compliance Update form must be sent to the SWS at this time. The Part 115 Checklist and Compliance Update form template is found in Attachment 2 of this Policy and Procedure.

7. When an application is determined to be administratively complete, Section 11510(2)(b) requires the DEQ to publish a public notice in a newspaper having major circulation near the proposed disposal area. The public notice shall be published within two weeks of the date that the application package was determined to be administratively complete. Before the public notice may be submitted to the newspaper for publication, staff must first seek approval from the AS Chief. District staff will develop and submit for publication a public notice that shall contain a map indicating the location of the proposed disposal area, a description of the proposed disposal area, a listing and description of any variances, and the location where the complete application package may be reviewed and where copies may be obtained. If a public hearing has been requested, the public notice shall include information as to the date, time, and location of the hearing. If a hearing has not been requested, the public notice shall indicate that a public hearing will be held in the area of the proposed disposal area if a written request is submitted by the applicant or a municipality within 30 days after the date of the publication of the public notice, or by a petition, validated by the clerk of the municipality, submitted to the DEQ containing a number of signatures equal to but not less than ten percent of the number of registered voters of the municipality where the proposed disposal area is to be located, who voted in the last gubernatorial election, per Section 11510(2)(c). Staff should also contact the local unit of government to see if they have a location on their Web site to put the hearing notice.
8. When an application is determined to be administratively complete, district staff shall notify all of the following parties, per Section 11510(2)(a): the clerk of the municipality in which the disposal area is located or proposed to be located; the local soil erosion and sedimentation control agency; appropriate divisions within the Department of Natural Resources, such as the Wildlife Division and the Forest, Mineral and Fire Management Division; each program division within the DEQ; and the designated regional solid waste management planning agency. Section 11510(2)(e) requires notification of the Michigan Aeronautics Commission. All of the above notifications shall contain a description or a map indicating the location of the proposed disposal area; a description of the proposed disposal area; the location where the complete application package may be reviewed and where copies may be obtained; the deadline for final decision on the application; and the scheduled date, time, and location of any public hearing that has been scheduled in

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reference to the proposed disposal area. These notifications shall be made within two weeks of the date that the application package was determined to be administratively complete.

9. When an application is determined to be administratively complete, district staff shall request the SWS Chief to make a determination of consistency with the approved Solid Waste Management Plan. This request shall follow the procedure established in OWMRP Policy and Procedure 115-8. The SWS will process the application per established procedures and shall enter additional application information into the WDS.
10. If the applicant is in violation of Part 115, the Part 115 Rules, a consent order, or a consent judgment, then within 10 days after the application is determined to be administratively complete, district staff shall send an e-mail to the Enforcement Section (ES) Chief describing the current violations of the applicant or referring to the enforcement referral if one was already sent to the ES. A discussion with the ES should be scheduled within 20 days after the application is determined to be administratively complete.
11. If a public hearing has been requested, as described in Item 6, above, the date, time, and place of the public hearing needs to be scheduled by district staff. A hearings officer shall be selected for the public hearing. The recording equipment from Lansing needs to be reserved and picked up or district staff needs to arrange for recording equipment locally. District staff shall notice the date of the public hearing in the DEQ Calendar. Local state legislators shall receive copies of the notice.
12. Per Section 11510(2)(c) the requested public hearing shall be held after the DEQ has made a preliminary review (administrative completeness review) of the application package and all pertinent data and before a construction permit is issued or denied. Following a public hearing, district staff shall prepare a responsiveness summary and send it to all interested parties and to the SWS. The SWS shall also be provided with the date of the public notice, the name of the newspaper where published, and the date of the public hearing, if held.
13. A consistency review of the application must be made by persons qualified in hydrogeology and sanitary landfill engineering. District staff must contact the statewide engineer and the geologist specialists of the SWS early in the process to determine if they should schedule a technical overview meeting to discuss the upcoming substantive review and identify issues of concern. This initial technical overview meeting shall be held approximately 30 days after the application has been determined to be administratively complete.
14. Subsequent to any public hearing and consistency reviews, district staff should send a letter notifying the applicant of any deficiencies and identifying a specific date by which additional material has to be submitted in order for it to be considered by district staff in processing of the application. District staff is encouraged to meet with the applicant to discuss deficiencies before sending this letter.

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15. If a determination is made that the application meets the requirements of Part 115 and Part 115 Rules, district staff shall draft a construction permit, Fact Sheet, and Decision Memo and send the package to the SWS for review at a minimum of four weeks prior to the final decision deadline.ⁱⁱ The Fact Sheet should follow the format in Attachment 3 of this Policy and Procedure. The Decision Memo shall follow the format in Attachment 4 of this Policy and Procedure. If this permit is a modification or renewal, the Fact Sheet may need to be updated. NOTE: SWS staff, upon receipt of the draft construction permit, Fact Sheet, and Decision Memo, shall conduct a review of the documents per established SWS procedures.
16. If the application does not meet the requirements of Part 115 and Part 115 Rules, district staff must prepare and send a draft denial letter and Decision Memo to the SWS and the ES for review at a minimum of four weeks prior to the final decision deadline.ⁱⁱ The denial letter shall include the reasons for the denial of the application. The Decision Memo shall follow the format in Attachment 4 of this Policy and Procedure and shall support the denial letter. The denial letter in Attachment 5 of this Policy and Procedure shall be used as a template for the construction permit denial letter.
17. If a facility chooses to withdraw a construction permit application, the facility must submit a written request to have the application withdrawn from consideration. The letter requesting that the application be withdrawn must be signed by one of the same persons who signed the original application. The withdrawal request should be sent to the SWS upon receipt by District. The SWS will prepare a letter that acknowledges the withdrawal request. All appropriate application fees will be returned at that time.
18. A final decision on the construction permit application must be made within 120 daysⁱⁱⁱ after the application is determined to be an administratively complete application pursuant to Part 13, unless an extension to the processing period is requested and approved. The SWS shall ensure that the date of the final decision on the construction permit is noticed in the DEQ Calendar within 30 days after the application is determined to be administratively complete. A final decision cannot be made prior to seven days after the initial publication in the DEQ Calendar.
19. Within a time frame established by the SWS Chief, the statewide engineer and geologist specialists shall conduct a final review of the proposed decision before the SWS Chief completes the package and submits the proposed decision to the OWMRP Chief. These reviews by the SWS are to help ensure legal requirements are met and that decisions are made in a consistent manner. The SWS shall submit the proposed decision to the Director, or OWMRP Chief, 14 days before the final date of the decision. Due dates to the Director, or the OWMRP Chief, are backed up to the previous working day if the due date falls on a holiday or weekend.

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20. The OWMRP Chief will sign decisions for solid waste transfer station and processing plant permits. The Director of the DEQ will sign all decisions for other solid waste disposal area permits.
21. Section 11511(1) obligates the DEQ to notify the clerk of the municipality in which the disposal area is located, in writing, when a final decision is made on the application. The SWS shall send the clerk a copy of the decision. NOTE: The SWS shall enter permit data into the WDS once the final decision is made.

Operating License

District staff is responsible for the following unless otherwise indicated:

1. District staff shall review the application to check for administrative completeness using the appropriate OWMRP checklist for administrative completeness. Part 13 requires that this review must be completed and acknowledged within 30 calendar days from the receipt of the application. Staff is encouraged to complete the initial administrative completeness review within 15 calendar days. District staff shall enter application information into the WDS Database per established procedures within 24 hours of receipt. The WDS will calculate an initial due date that is 120 days (30-day application period plus 90-day processing period) from the receipt date. Staff shall use the 30-calendar day time when entering the administrative completeness due date into WDS. However, if the application is received on the last day of the month or the last Friday of the month, the data shall be entered that same day.
2. Application fees are supposed to be submitted by the applicant directly to the DEQ Cashier's Office, which then notifies the OWMRP, AS. Documentation of receipt of the fee will typically be provided to the SWS by the OWMRP, AS, within three days. The SWS will immediately notify the district staff when this documentation is received. See OWMRP and DEQ cash handling procedures.
3. If the application does not include all information required by Part 115 and the Part 115 Rules, district staff shall use Attachment 1A of this Policy and Procedure to notify the applicant, in writing, that the application package has been determined to be administratively incomplete. This letter shall include a complete listing of the items that are required to make the application administratively complete. Staff shall NOT return the application or fee. Staff shall enter into the WDS the date the administrative completeness review was completed, and the application shall be terminated as administratively incomplete and the review period is "tolled". When the applicant submits revisions, contact SWS geologist specialist, so that they can make the updates to the WDS to begin the clock on the review for administrative completeness. Staff should review the revisions and notify the applicant of whether the revised application is administratively complete within the remaining application period. They will need to notify SWS geologist specialist when the second review is complete. If the revised application is still not administratively complete,

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then again notify the SWS geologist specialist if the application must be terminated in WDS as administratively incomplete on the date the revisions were submitted (the 30-day application period remains tolled until a complete application is submitted.) If the revised application is administratively complete, then the 90-day processing period begins on the date that the applicant is notified that the application is administratively complete. If the applicant is not notified within the application period, the 90-day processing period begins on the date that the 30-day application period ends.

4. If the application is determined to be administratively complete, district staff shall use Attachment 1B of this Policy and Procedure to notify the applicant, in writing, that the application package has been determined to be administratively complete. District staff must enter the date the application was determined to be administratively complete into the WDS. This date is needed to calculate the final decision due date. The WDS will recalculate the due date by adding 90 days to the administratively complete date. The letter shall include the date the application was received, the date it was determined to be administratively complete, and the deadline for a decision on the application (this date is the recalculated date, once the administratively complete date is entered into WDS). The decision date is 90 days from the date the application is determined to be administratively complete. The original application form must be forwarded to the SWS within five working days of the completion of the administrative completeness review. In addition, the Part 115 Checklist and Compliance Update form must be sent to the SWS at this time. The Part 115 Checklist and Compliance Update form template is found in Attachment 2 of this Policy and Procedure. NOTE: The SWS will process the application per established procedures and shall enter additional application information into the WDS.
5. A consistency review of the application must be made by persons qualified in hydrogeology and sanitary landfill engineering. Subsequent to the consistency review, district staff should send a letter notifying the applicant of any deficiencies and identifying a specific date by which additional material has to be submitted in order for it to be considered by district staff in processing of the application. District staff is encouraged to meet with the applicant to discuss deficiencies before sending this letter.
6. If the applicant is in violation of Part 115, the Part 115 Rules, a consent order, or a consent judgment, then within 10 days after the application is determined to be administratively complete, district staff shall send an e-mail to the section chief of the ES describing the current violations of the applicant or referring to the enforcement referral if one was already sent to the ES. A discussion with ES should be scheduled within 20 days after the application is determined to be administratively complete.
7. If a determination is made that the application meets the requirements of Part 115 and the Part 115 Rules, construction permit, and approved plans, district staff shall prepare a draft operating license and Decision Memo to be sent to the SWS for review a minimum of two weeks prior to the final decision deadline.ⁱⁱ District staff shall also review the Fact Sheet at

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this time to determine if any changes are needed. The Decision Memo shall follow the format in Attachment 4 of this Policy and Procedure.

8. If the application does not meet the requirements of Part 115, the Part 115 Rules, or the approved plans, a draft denial letter and Decision Memo must be prepared by district staff and sent to the SWS and the ES for review a minimum of two weeks prior to the final decision deadline.ⁱⁱ The denial letter shall include the reasons for the denial of the application. The Decision Memo shall follow the format in Attachment 4 of this Policy and Procedure. The denial letter in Attachment 6 of this Policy and Procedure shall be used as a template for the operating license denial letter.
9. If a facility chooses to withdraw an operating license application, the facility must submit a written request to have the application withdrawn from consideration. The letter requesting that the application be withdrawn must be signed by one of the same persons who signed the original application. The withdrawal request should be sent to the SWS upon receipt by the district. The SWS will prepare a letter that acknowledges the withdrawal request. Generally, application fees are not returned.
10. The statewide engineer and geologist specialists of the SWS will conduct a review of the proposed decision before a final decision is made on the draft license/denial. These reviews by the SWS are to help ensure legal requirements are met and that decisions are made in a consistent manner.
11. A final decision on the operating license application must be made within 90 days^{iv} of receipt of the administratively complete application pursuant to Part 13 unless an extension to the processing period is requested and approved. Operating license decisions will be signed by the SWS Chief.

NOTE: If an operating license expired before an application was submitted, the license subsequently issued would be a NEW license.

NOTE: If the owner is new, the license will be issued as the FIRST license to the new owner.

12. Section 11516(1) obligates the DEQ to notify the clerk of the municipality in which the disposal area is located, in writing, when a final decision is made on the application. The clerk shall be sent a copy of the cover letter and decision by the SWS. NOTE: The SWS shall enter permit data into the WDS once the final decision is made.

Construction Certification

District staff is responsible for the following unless otherwise indicated:

1. District staff shall review the certification to check for administrative completeness. Although not required by law, staff shall attempt to complete this review within 30 calendar

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days from the receipt of the certification. The certification must include all of the information required by Rule 921 of the Part 115 Rules and the construction permit that authorized construction of the area.

2. If the certification does not have all of the information required by Part 115, the Part 115 Rules, or the approved plans, the certification shall be denied. District staff shall prepare and send the denial to the applicant with a listing of the items that are required to make the certification administratively complete.
3. If a determination is made that the certification meets the requirements of Part 115 and the Part 115 Rules, construction permit, and approved plans, the district supervisor shall send a letter approving the certification and authorizing solid waste disposal in the newly constructed area. The letter in Attachment 7 of this Policy and Procedure shall be used as a template for the construction certification approval letter.
4. If the certification does not meet the requirements of Part 115 or the Part 115 Rules, construction permit, or approved plans, district staff shall draft a letter that states the reasons that the construction or the certification is not consistent with Part 115, the Part 115 Rules, construction permit, or approved plans. The letter in Attachment 8 of this Policy and Procedure shall be used as a template for the construction certification denial letter. District staff shall transmit the draft denial letter to the SWS and ES for review and comment at least 2 weeks prior to the 60-day final decision date.ⁱⁱ The SWS and ES shall provide comments at least 3 days prior to the 60-day final decision date. Upon completion of the review, the district supervisor will sign the denial.
5. An approval or denial of the certification must be made within 60 days of receipt of the certification pursuant to Section 11516(5). A copy of this letter shall be sent by district staff to the clerk of the municipality in which the disposal area is located and to the SWS.

Closure Certification (Partial or Complete Closure)

District staff is responsible for the following unless otherwise indicated:

1. District staff shall review the certification to check for administrative completeness. Although not required by law, staff shall attempt to complete this review within 30 calendar days from the receipt of the certification. The certification must include all of the information required by Rule 921 and the closure plan.
2. Once it has been determined to be administratively complete, district staff shall review the closure certification for compliance with Part 115 and the Part 115 Rules.
3. If a determination is made that the closure certification meets the requirements of Part 115, the Part 115 Rules, and the closure plans, the district supervisor shall send a letter

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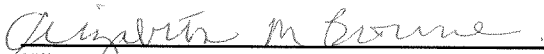
approving the closure certification. The letter in Attachment 9 of this Policy and Procedure shall be used as a template for the closure certification approval letter.

4. If the closure certification does not meet the requirements of Part 115, the Part 115 Rules, construction permit, or closure plans, district staff shall draft a denial letter that states the reasons that the construction or the certification is not consistent with Part 115, the Part 115 Rules, or the approved plans. The letter in Attachment 10 of this Policy and Procedure shall be used as a template for the closure certification denial letter. District staff shall transmit the draft denial letter to the SWS and ES for review and comment. The SWS and ES shall provide comments to the district supervisor within two weeks of receipt of the draft.
5. An approval or denial of the closure certification must be made within 60 days of receipt of the certification pursuant to Rule 448(7) of the Part 115 Rules. A copy of this letter shall be sent to the clerk of the municipality in which the disposal area is located and to the SWS.

APPENDICES:

Attachments 1-10 (templates)

OFFICE CHIEF APPROVAL:



Elizabeth M. Browne, Chief
Office of Waste Management and Radiological Protection

ⁱ All statutory citations herein, referenced as "Part" or "Section," are to the NREPA. Administrative rules citations, referenced as "Rule," are to the administrative rules implementing Part 115, R 299.4101 *et seq.* (Part 115 Rules).

ⁱⁱ Due dates to the SWS are backed up to the previous working day if the due date falls on a holiday or weekend.

ⁱⁱⁱ Day 1 of the 120-day review period is the day the application was determined to be administratively complete by the DEQ or the certified health department, whichever is earlier.

^{iv} Day 1 of the 90-day review period is the day the application was determined to be administratively complete by the DEQ or the certified health department, whichever is earlier.

ATTACHMENT 1A

**[NOTE: This is an outline for an administratively incomplete application letter.
Print this letter on applicable District Office letterhead. Revised 2012]**

[DATE]

[APPLICANT'S NAME/ADDRESS]

Dear:

SUBJECT: [FACILITY NAME] Landfill [Construction Permit/Operating License] -
Administratively Incomplete Application

The Department of Environmental Quality (DEQ), Office of Waste Management and Radiological Protection (OWMRP), acknowledges the receipt of your {construction permit/operating license} application for the [FACILITY NAME] located in [TOWNSHIP, COUNTY]. The administrative completeness review was performed pursuant to the requirements of Part 13, Permits, and Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

[INSERT ALL SPECIFIC ITEMS REGARDING WHY THE APPLICATION IS ADMINISTRATIVELY INCOMPLETE]

The application is, therefore, administratively incomplete, and the time period for the administrative completeness review has been tolled until you submit to the DEQ all of the information specified above needed to make the application administratively complete. The processing period will not begin until the application is administratively complete. If you have any questions, feel free to contact [Mr./Ms.] [LEAD DISTRICT STAFF], [TITLE], [DISTRICT NAME], OWMRP, at [TELEPHONE], or you may contact me.

Sincerely,

[D.S. NAME]
[DISTRICT NAME] District Supervisor
Office of Waste Management and Radiological
Protection
[TELEPHONE]

cc: [TOWNSHIP CLERK]
[LOCAL HEALTH DEPARTMENT]
SWS Chief, DEQ
[LEAD DISTRICT STAFF], DEQ
Facility File - Lansing

ATTACHMENT 1B

**[NOTE: This is an outline for an administratively complete application letter.
Print this letter on applicable District Office letterhead. Revised 2012]**

[DATE]

[APPLICANT'S NAME/ADDRESS]

Dear:

SUBJECT: [FACILITY NAME] Landfill [Construction Permit/Operating License] -
Administratively Complete Application

The Department of Environmental Quality (DEQ), Office of Waste Materials and Radiological Protection (OWMRP), acknowledges the receipt of your administratively complete, but technically unevaluated, {construction permit/operating license} application for the [FACILITY NAME] located in [TOWNSHIP, COUNTY]. The administrative completeness review was performed pursuant to the requirements of Part 13, Permits, and Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

[INSERT ANY SPECIFIC COMMENTS REGARDING THE APPLICATION HERE IF NECESSARY]
The application was determined to be administratively complete on [DATE].

As a result of this application being considered administratively complete, the [120-day/90-day] processing period under Part 13 review deadline for this application has started. Consequently, the [120-day/90-day] deadline for the OWMRP's decision on this application is [DATE]. If you have any questions, feel free to contact [Mr./Ms.] [LEAD DISTRICT STAFF], [TITLE], [DISTRICT NAME], OWMRP, at [TELEPHONE], or you may contact me.

Sincerely,

[D.S. NAME]
[DISTRICT NAME] District Supervisor
Office of Waste Management and Radiological
Protection
[TELEPHONE]

cc: [TOWNSHIP CLERK]
[LOCAL HEALTH DEPARTMENT]
SWS Chief, DEQ
[LEAD DISTRICT STAFF], DEQ
Facility File - Lansing

Attachment 2

Part 115 Checklist and Compliance Update

Facility Tracking Information

ISSUE / DENY DEADLINE: 11/16/01

FACILITY NAME: ACME Landfill and Varmint Disposall		APPLICATION TYPE: Construction Permit	
PERMITTEE / LICENSEE: Wile E. Coyote , Inc.		Facility Type:	
Facility ID # 11-06	County: BERRIEN	Primary: Type II	
Received By: DEQ - OWMRP on 7/20/2001	Draft due to STSWS: 10/19/01	Second: Not Applicable	
PERMITTEE / LICENSEE is registered to do business in Michigan: DETERMINATION NEEDS TO BE MADE BEFORE SUBMITTING FORM			

License Application Package Documents

STSWS	Dist.	Application	STSWS	Dist.	Forms A-D (as appropriate)	CP - Forms are NA
<input type="checkbox"/>	<input type="checkbox"/>	Application	<input type="checkbox"/>	<input type="checkbox"/>	Are Forms A-D Correct?	Forms Not Correct
<input type="checkbox"/>	<input type="checkbox"/>	Fee Worksheet	<input type="checkbox"/>	<input type="checkbox"/>	PCF Evidence Statement Balance: \$	4.00 as of 07/03/52
<input type="checkbox"/>	<input type="checkbox"/>	Application Fee: \$12.00	<input type="checkbox"/>	<input type="checkbox"/>	PCF	----- Agreement: ----- Dated 04/13/10
<input type="checkbox"/>	<input type="checkbox"/>	Facility Area Summary Sheet (License only)	<input type="checkbox"/>	<input type="checkbox"/>	RDC: Dated 08/08/10	Adequate? -----
<input type="checkbox"/>	<input type="checkbox"/>	Attachment A (Facility Map)	<input type="checkbox"/>	<input type="checkbox"/>		

Financial Assurance Provided

STSWS	Dist.	Type Provided	Amount(s) Provided	Construction Permit Application - Financial Assurance Not Required	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fin. Test	\$ 5.00	Original Bond	
<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>				
Total Provided: \$ 5.00				Total Required: None Required	(per WHMD review)
				Total Required: None Required	(per Applicant)

Facility Compliance Status

Please include comments for any question answered yes.

Last Inspection Date: 10/1/1993 → Status:		Has previous OL Lapsed?
Compliance with Special Conditions:		Has ownership changed during last licence period?
Number of MW in approved Hydro:		Are there currently any outstanding compliance issues that may result in a denial recommendation?
No. of monitoring locations in Gas Plan:		Are New Special Conditions Needed?
Leachate discharges directly to a sewer:		Are there any unusual/unique requirements at the site?
An Active Gas Collection System is operational:		
Date and Number of Existing Order: DATE IS: 9/16/1999	WMD 115-11-31-02-99	Is a new Order being considered?

Comment Section:

Type comments on individual lines or indicate "NONE"

Checklist Prepared By TYPE YOUR NAME	Initials	District Office SELECT YOUR DISTRICT	Date Submitted: 8/1/2001
STSWS Received on:	STSWS Review by:	Reviewed on:	

ATTACHMENT 3

[NOTE: This is an outline for a construction permit Fact Sheet. Include applicable information as indicated in each section. Revised 2013]

[THIS FACT SHEET MAY REQUIRE UPDATING WITH ANY PERMIT RENEWALS, MODIFICATIONS, APPROVED CHANGES TO ENGINEERING PLANS, OR OWNERSHIP CHANGES.]

(FACILITY NAME)
Waste Data System (WDS) Number _____
FACT SHEET
DATE: _____

I. FACILITY INFORMATION:

- Name of the owner and operator of the facility. Include a discussion of any change in ownership and/or name including nature of change, e.g., stock versus asset purchase.
- Physical location of the facility.
- Total facility acreage.
- Description of other contiguous or on-site licensed activities (e.g., landfills, transfer stations, processing plants) and their corresponding DEQ WDS number and status. Explanation for any change in the WDS Number (e.g., this permit is being combined with another permit; the previous WDS Number had been assigned incorrectly, etc.
- Description of other non licensed activities on site.... including material recovery facilities, processing, etc.
- For processing plants and transfer stations, describe types of wastes accepted and a brief description of the process, storage of wastes and recovered materials, sorting process, disposal of leachate, or other liquid wastes, etc.
- Type of wastes accepted by the facility.

II. DESIGN:

- a. Discuss leakage control criteria and how they will be met.
- b. Discuss facility design and engineering. For all areas being authorized to receive solid waste, information should be included on the liner, leachate collection system, secondary collection system (if applicable), and any other technical details affecting facility construction and operation.
- c. Description of any closed areas, final cover design, and any unique engineering features such as underdrains, geogrids, overfills, etc.

III. HYDROGEOLOGY:

This should include a description of site hydrogeologic conditions, including any unusual site hydrogeologic characteristics.

IV. MONITORING:

Information on the facility's hydrogeological monitoring program should be provided here. This includes whether or not the facility has a DEQ-approved hydrogeological monitoring plan and its approval date, number and location of monitoring wells, and a discussion of any monitoring results of significance.

V. VARIANCES:

Descriptions of what they are and why needed, if not readily apparent.

VI. ADDITIONAL INFORMATION (OPTIONAL):

Any additional information pertinent to the permitting of the facility should be included here. (Do NOT include specifics on special conditions- this should be included in the decision memo)

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE COMMUNICATION

ATTACHMENT 4

TO: Steven R. Sliver, Chief, Solid Waste Section
Office of Waste Management and Radiological Protection

FROM: [DISTRICT NAME] District Supervisor

DATE: [DATE]

SUBJECT: Decision Memo; [FACILITY NAME]; Waste Data System Number [NUMBER]

An application for [A/AN] [TYPE OF DOCUMENT RECEIVED] was received in the [DISTRICT NAME] District (District) on [DATE RECEIVED]. The application was determined to be administratively complete on [DATE]. A decision by the Department of Environmental Quality on this application is required by [SIGNING DUE DATE]. The District has reviewed the application and determined that it is in compliance with the provisions of Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Existing [TYPE OF OPERATION] operations at the site were determined to be in compliance with Part 115, as outlined in the Part 115 Checklist and Compliance Update Form dated [DATE ON FORM]. Therefore, the District recommends [ISSUANCE OR DENIAL] of this [LICENSE OR PERMIT].

This license\permit does not contain any special conditions. [OR]

This license/permit has the following special conditions:

[All special conditions from previous permits and licenses and new to this permit/license should be discussed and included.]

[For permits only] : PERMIT NOTICE INFORMATION:

Include when a permit was public noticed and the name of the newspaper where the public notice was published. Also include when and where a public hearing was held, if requested. If any comments were received, discuss how items were addressed.

The application has been reviewed by [ADD NAME], the district engineer, [ADD NAME], the district geologist, and [ADD NAME], other solid waste staff who are qualified in hydrogeology and sanitary landfill design. Their signatures below provide written acknowledgement that the application is in compliance with Part 115.

Engineer

Geologist

Other District Staff

ATTACHMENT 5

[NOTE: This is an outline for a construction permit denial. Items in brackets must be filled in or deleted if inappropriate. Print this letter on letterhead. Revised 2012]

DATE

CERTIFIED MAIL

[DISPOSAL AREA CONTACT PERSON]
[DISPOSAL AREA NAME]
[DISPOSAL AREA STREET]
[DISPOSAL AREA CITY, STATE, & ZIP]

Dear [Mr./Ms.] [CONTACT PERSON LAST NAME]:

SUBJECT: [APPLICANT NAME]; [DISPOSAL AREA NAME]; Notice of Permit Denial

The Department of Environmental Quality (DEQ) has reviewed the [NAME OF DISPOSAL AREA] application for a construction permit for [INDICATE CELLS, PHASES, ETC.] of the facility consisting of [NUMBER OF ACRES] acres, located in [LEGAL DESCRIPTION OR ADDRESS], [TOWNSHIP NAME] Township, [COUNTY NAME] County. The application was dated [APPLICATION DATE], and was received by the DEQ on [DATE RECEIVED]. The application review was conducted under the provisions of Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and the administrative rules promulgated thereunder.

Section 11512(2) of Part 115 states in part that, "...a person shall not conduct, manage, maintain, or operate a disposal area contrary to an approved solid waste management plan, or contrary to a permit, license, or final order issued under this part."

The DEQ, based on its evaluation of the information provided with the application, a review of the Consent Judgment/Agreement dated [DATE], recent site inspections, and other pertinent information, has determined that the construction of this disposal area would be in violation of Part 115 and the rules promulgated thereunder. As required under Section 11519(1) of Part 115, the DEQ specifies herein those particular sections of Part 115 or its rules that may be violated by issuing this construction permit. The application for a construction permit is denied for the following reasons:

[ADD VIOLATIONS HERE]

[DISPOSAL AREA CONTACT PERSON]

Page 2

[DATE]

If you have any questions, please contact [Mr./Ms.] [DISTRICT SUPERVISOR'S NAME], [DISTRICT NAME] District Supervisor, Office of Waste Management and Radiological Protection (OWMRP), at [DS TELEPHONE NUMBER], or you may contact ["me" IF OWMRP CHIEF SIGNS or ADD OWMRP CHIEF'S NAME, Chief, OWMRP, AND TELEPHONE NUMBER IF DIRECTOR SIGNS].

Sincerely,

[DIRECTOR OR RMD CHIEF NAME]
["Director" or "OWMRP SPELLED OUT"]
[TELEPHONE NUMBER]

cc: [CLERK NAME] Township Clerk
[HEALTH DEPT NAME] County Health Department
[NAME], Department of Attorney General
[DIRECTOR--unless they signed this letter], DEQ
[DEPUTY DIRECTOR], DEQ
[CHIEF OF STAFF--if Director signs this letter], DEQ
[OWMRP CHIEF--unless they signed this letter], DEQ
[ENFORCEMENT CHIEF], DEQ
[SWS CHIEF], DEQ
[DISTRICT SUPERVISOR], DEQ
[DISTRICT ENGINEER if known], DEQ
Facility File

ATTACHMENT 6

[NOTE: This is an outline for an operating license denial. Items in brackets must be filled in or deleted if inappropriate. Revised 2012]

[DATE]

CERTIFIED MAIL

[DISPOSAL AREA CONTACT PERSON]
[DISPOSAL AREA NAME]
[DISPOSAL AREA STREET]
[DISPOSAL AREA CITY, STATE, & ZIP]

Dear [Mr./Ms.] [CONTACT PERSON LAST NAME]:

SUBJECT: [APPLICANT NAME] – [DISPOSAL AREA NAME] – Notice of Operating License Denial

The Department of Environmental Quality (DEQ) has reviewed the [DISPOSAL AREA NAME] application for the renewal of an operating license for [INDICATE CELLS, PHASES, ETC.] of the facility consisting of [NUMBER OF ACRES] acres, located in [LEGAL DESCRIPTION OR ADDRESS], [TOWNSHIP NAME] Township, [COUNTY NAME] County. The application was dated [APPLICATION DATE], and was received by the DEQ on [DATE RECEIVED]. The application review was conducted under the provisions of Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and the administrative rules promulgated thereunder (Part 115 Rules).

Section 11512(2) of Part 115 states in part that, "...a person shall not conduct, manage, maintain, or operate a disposal area contrary to an approved solid waste management plan, or contrary to a permit, license, or final order issued under this part."

Section 11516(2) of Part 115, states in part that, "An operating license may be renewed...if the licensee is in compliance with this part and the rules promulgated under this part."

The DEQ, based on its evaluation of the information provided with the application, a review of the Consent Judgment/Agreement dated [DATE], recent site inspections, and other pertinent information, has determined that the operation of the disposal area is in violation of Part 115 and the Part 115 Rules. As required under Section 11519(1) of Part 115, the DEQ specifies herein those particular sections of Part 115 or the Part 115 Rules that may be violated by issuing this operating license. The application for an operating license is denied for the following reasons:

[NOTE: Number 1, 2, and 3, below, are optional. Use only if they apply.]

1. Rule 299.4436(1)(c) of the Part 115 Rules prohibits the operation of a Type II landfill from causing "a discharge in violation of Part 31 [Water Resources Protection] of the

act [NREPA] or rules promulgated under Part 31 of the act [Part 31 Rules].”

Monitoring well results indicate that groundwater downgradient of the facility has been impacted by a discharge of hazardous constituents from the facility where the levels of hazardous substances are above background concentrations and health-based risk limits established pursuant to Part 201, Environmental Remediation, of the NREPA. These levels are considered to be injurious to the public health, safety, or welfare, pursuant to Section 3109 of Part 31. [ADD MORE BACKGROUND INFORMATION, IF NECESSARY, SPECIFIC TO THE FACILITY.] The facility is, therefore, in violation of Rule 299.4436(1)(c), Section 11512(2), and Section 3109.

2. Rule 299.4306(2) of the Part 115 Rules prohibits the operation of a Type III landfill from causing a discharge in violation of Part 31 or the Part 31 Rules. Monitoring well results indicate that groundwater downgradient of the facility has been impacted by a discharge of hazardous constituents from the facility where the levels of hazardous substances are above background concentrations and health-based risk limits established pursuant to Part 201, Environmental Remediation, of the NREPA. These levels are considered to be injurious to public health, safety, or welfare, pursuant to Section 3109. [ADD MORE BACKGROUND INFORMATION, IF NECESSARY, SPECIFIC TO THE FACILITY.] The facility is, therefore, in violation of Rule 299.4306(2), Section 11512(2), and Section 3109.
3. Section 3112(1) of Part 31 states that, “A person shall not discharge any waste or waste effluent into the waters of this state unless the person is in possession of a valid permit from the department.” Monitoring well results indicate a discharge of waste or waste effluent from the facility has occurred, as set forth above. The [name of disposal area] does not currently possess a valid permit to discharge to the groundwaters of the state and is, therefore, in violation of Part 31.

[ADD ADDITIONAL VIOLATIONS HERE]

Section 11512(5) of Part 115 states that, “An applicant for an operating license, within 6 months after a license denial, may resubmit the application, together with additional information or corrections as are necessary to address the reason for denial, without being required to pay an additional application fee.”

- ☐ STAFF: USE THIS FOR RENEWALS: Your resubmittal must contain documentation of compliance with Part 115 and the Part 115 Rules and must be determined to be administratively complete before the DEQ can evaluate your operating license application.
- ☐ STAFF: USE THIS FOR FIRST-TIME LICENSURE: Please note that the facility has never been licensed under Part 115 and, accordingly, this decision constitutes a final agency decision with regard to the facility. Judicial review of this decision is available pursuant to Section 631 of the Revised Judicature Act, Michigan Compiled Laws 600.631.

[DISPOSAL AREA CONTACT PERSON]

Page 3

[DATE]

- ☐ Be advised that you have the right to file a petition for a contested case hearing with the Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules (SOAHR). Petitions to request a contested case hearing can be requested from the SOAHR at 517-335-4226.

If you have any questions, please contact me.

Sincerely,

[NAME]

[SWS CHIEF OR DISTRICT SUPERVISOR]

Office of Waste Management and Radiological
Protection

[TELEPHONE NUMBER]

cc: [CLERK NAME] Township Clerk
[HEALTH DEPT NAME] County Health Department
[NAME], Department of Attorney General
[ENFORCEMENT CHIEF], DEQ
[SWS CHIEF or DISTRICT SUPERVISOR], DEQ
[DISTRICT ENGINEER if known], DEQ
Facility File

ATTACHMENT 7

[NOTE: This is an outline for a construction certification approval. Print this letter on applicable District Office letterhead. Revised 2012]

[DATE]

[NAME]
[COMPANY]
[ADDRESS]
[CITY, STATE, AND ZIP]

Dear [NAME]:

SUBJECT: Construction Certification, [FACILITY NAME], [COUNTY] County

The Department of Environmental Quality (DEQ) received the construction certification for [FACILITY DESCRIPTION AND ACREAGE INVOLVED] on [DATE].

DEQ staff has reviewed the certification under Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Based on this review, DEQ staff has found that the certification is consistent with Part 115, the Part 115 administrative rules, and approved construction plans and specifications for this facility.

Waste may now be accepted in the certified portion referenced above pursuant to Solid Waste Disposal Area Operating License Number [NUMBER] issued on [DATE].

If you have any questions, please contact me.

Sincerely,

[D.S. NAME]
[DISTRICT NAME] District Supervisor
Office of Waste Management and Radiological
Protection
[TELEPHONE NUMBER]

cc: [TOWNSHIP CLERK]
[LOCAL HEALTH DEPARTMENT]
[SWS Chief], DEQ
Facility File

ATTACHMENT 8

**[NOTE: This is an outline for a construction certification denial. Print this letter
on applicable District Office letterhead. Revised 2012]**

[DATE]

[NAME]
[COMPANY]
[ADDRESS]
[CITY, STATE, AND ZIP]

Dear [NAME]:

SUBJECT: Construction Certification, [FACILITY NAME], [COUNTY] County

The Department of Environmental Quality (DEQ) received the construction certification for [FACILITY DESCRIPTION AND ACREAGE INVOLVED] on [DATE].

DEQ staff has reviewed the certification under Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Based on this review, DEQ staff has found that the certification is not consistent with Part 115, the Part 115 administrative rules, and approved construction plans and specifications for this facility. The construction certification is hereby **denied** for the following reasons:

[ADD REASONS FOR DENIAL]

Waste may not be accepted in the area referenced above until the DEQ has determined that the certification is consistent with Part 115, the Part 115 administrative rules, and approved construction plans and specifications for this facility.

If you have any questions, please contact me.

Sincerely,

[D.S. NAME]
[DISTRICT NAME] District Supervisor
Office of Waste Management and Radiological
Protection
[TELEPHONE NUMBER]

cc: [TOWNSHIP CLERK]
[LOCAL HEALTH DEPARTMENT]
[SWS Chief], DEQ
Facility File

ATTACHMENT 9

[NOTE: This is an outline for a closure certification approval. Print this letter on applicable District Office letterhead. Revised 2012]

[DATE]

[NAME]
[COMPANY]
[ADDRESS]
[CITY, STATE, AND ZIP]

Dear [NAME]:

SUBJECT: Construction Closure Certification, [FACILITY NAME], [COUNTY] County

The Department of Environmental Quality (DEQ) received the partial closure certification for [FACILITY DESCRIPTION AND ACREAGE INVOLVED] on [DATE].

DEQ staff has reviewed the certification under Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Based on this review, DEQ staff has found that the certification is consistent with Part 115, the Part 115 administrative rules, and the approved construction plans and specifications for this facility.

Part 115 allows for a reduction in the financial assurance necessary for a Type II landfill facility commensurate with the acreage that has been certified as closed. If you are interested in a reduction in your financial assurance based on this approval, a letter to that effect should be submitted to this office.

Please be advised that the 30-year postclosure period does not begin until the entire unit is closed and the certification is accepted by the DEQ.

If you have any questions, please contact me.

Sincerely,

[D.S. NAME]
[DISTRICT NAME] District Supervisor
Office of Waste Management and Radiological
Protection
[TELEPHONE NUMBER]

cc: [TOWNSHIP CLERK]
[LOCAL HEALTH DEPARTMENT]
[SWS Chief], DEQ
Facility File

ATTACHMENT 10

[NOTE: This is an outline for a closure certification DENIAL. Print this letter on applicable District Office letterhead. Revised 2012]

[DATE]

[NAME]
[COMPANY]
[ADDRESS]
[CITY, STATE, AND ZIP]

Dear [NAME]:

SUBJECT: Closure Certification, [FACILITY NAME], [COUNTY] County

The Department of Environmental Quality (DEQ) received the partial closure certification for [FACILITY DESCRIPTION AND ACREAGE INVOLVED] on [DATE].

DEQ staff has reviewed the certification under Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Based on this review, DEQ staff has found that the certification is not consistent with Part 115, the Part 115 administrative rules, and approved construction plans and specifications for this facility. The partial closure certification is hereby **denied** for the following reasons:

[ADD REASONS FOR DENIAL]

If you have any questions, please contact me.

Sincerely,

[D.S. NAME]
[DISTRICT NAME] District Supervisor
Office of Waste Management and Radiological
Protection
[TELEPHONE NUMBER]

cc: [TOWNSHIP CLERK]
[LOCAL HEALTH DEPARTMENT]
[SWS Chief], DEQ
Facility File