.0105 GENERAL PROGRAM REQUIREMENTS -- PART 124

(a) 40 CFR 124.1 through 124.21 (Subpart A), "General Program Requirements", are incorporated by reference including subsequent amendments and editions, except that 40 CFR 124.2(c) is not incorporated by reference:

[NOTE: Part 124, Subpart A, contains provisions which apply to programs other than RCRA and provisions which apply when EPA is the permitting authority. Provisions of Subpart A which do not apply to State-issued RCRA permits, or which are otherwise inconsistent with State law, are not reprinted here. For ease of reading, in some instances the notation "n/a" has been inserted to indicate that a provision has not been included. The Standardized Permit Rule as published in F.R. 9/8/05 has not been adopted by North Carolina however some references remain in Subpart A due to the complexity of the rule, specifically 124.1(b), 124.2(a), and 124.5(c)(1).]

SUBPART A - GENERAL PROGRAM REQUIREMENTS

124.1 Purpose and scope.

- (a) This part contains EPA procedures for issuing, modifying, revoking and reissuing, or terminating all RCRA "permits". RCRA interim status [is] not [a] "permit" and [is] covered by specific provisions in part 270. The procedures of this part also apply to denial of a permit for the active life of a RCRA hazardous waste management facility or unit under §270.29. [NOTE: References to non-RCRA programs have not been reprinted.]
- (b) Part 124 is organized into five subparts. Subpart A contains general procedural requirements applicable to all permit programs covered by these provisions. Subparts B through D supplement these general provisions with requirements that apply to only one or more of the programs. Subpart B contains public participation requirements applicable to all RCRA hazardous waste management facilities. [NOTE: References to non-RCRA programs have not been reprinted.]
- (c) Part 124 offers an opportunity for public hearings (see §124.12). (d)-(f) n/a

124.2 Definitions.

(a) In addition to the definitions given in §§270.2 and 271.2, the definitions below apply to this part. Terms not defined in this section have the meaning given by the appropriate Act.

Administrator means the Administrator of the U.S. Environmental Protection Agency, or an authorized representative.

Application means the EPA standard national forms for applying for a permit, including any additions, revisions or modifications to the forms; or forms approved by EPA for use in "approved States," including any approved modifications or revisions. For RCRA, application also includes the information required by the Director under \$\ 270.14 \text{ through } 270.29 \text{ [contents of Part B of the RCRA application].}

Appropriate Act and regulations means the Solid Waste Disposal Act, as amended by the Resource Conservation Recovery Act (RCRA); and applicable regulations promulgated under those statutes. In the case of an "approved State program" appropriate Act and regulations includes program requirements.

Director means the Regional Administrator, the State director or the Tribal director as the context requires, or an authorized representative. When there is no approved State or Tribal program, and there is an EPA administered program, "Director" means the Regional Administrator. When there is an approved State or Tribal program, "Director" normally means the State or Tribal director. In some circumstances, however, EPA retains the authority to take certain actions even when there is an approved State or Tribal program. In such cases, the term "Director" means the Regional Administrator and not the State or Tribal director.

Draft permit means a document prepared under §124.6 indicating the Director's tentative decision to issue or deny, modify, revoke and reissue, terminate, or reissue a "permit." A notice of intent to terminate a permit and a notice of 9/08/05

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intent to deny a permit as discussed in §124.5, are types of "draft permits." A denial of a request for modification, revocation and reissuance or termination, as discussed in §124.5, is not a "draft permit." A "proposal permit" is not a "draft permit."

EPA ("EPA") means the United States "Environmental Protection Agency."

Facility or activity means any "HWM facility" or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the RCRA program.

Interstate agency means an agency of two or more States established by or under an agreement or compact approved by the Congress, or any other agency of two or more States having substantial powers or duties pertaining to the control of pollution as determined and approved by the Administrator under the "appropriate Act and regulations."

Major facility means any RCRA "facility or activity" classified as such by the Regional Administrator, or, in the case of "approved State programs," the Regional Administrator in conjunction with the State Director.

Owner or operator means owner or operator of any "facility or activity" subject to regulation under the RCRA programs.

Permit means an authorization, license or equivalent control document issued by EPA or an "approved State" to implement the requirements of this part and parts 270 and 271 of this chapter. "Permit" includes RCRA "permit by rule" (§ 270.60), RCRA standardized permit (Sec. 270.67). Permit does not include RCRA interim status (§270.70) or any permit which has not yet been the subject of final agency action, such as a "draft permit" or a "proposed permit." [NOTE: References to non-RCRA programs have not been reprinted.]

Person means an individual, association, partnership, corporation, municipality, State, Federal, or Tribal agency, or an agency or employee thereof.

RCRA means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580, as amended by Pub. L. 95-609, 42 U.S.C. 6901 et seq).

Regional Administrator means the Regional Administrator of the appropriate Regional Office of the Environmental Protection Agency or the authorized representative of the Regional Administrator.

Schedule of compliance means a schedule of remedial measures included in a "permit," including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with the "appropriate Act and regulations."

Site means the land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity.

Standardized permit means a RCRA permit authorizing management of hazardous waste issued under subpart G of this part and part 270, subpart J. The standardized permit may have two parts: A uniform portion issued in all cases and a supplemental portion issued at the Director's discretion.

[NOTE: The Standardized Permit Rule has not been adopted by the State of North Carolina. Section 124.2 Definitions have been adopted but the definition for "standardized permit" currently has no application in the North Carolina RCRA program. F.R. 53448-53449, 9/08/05.]

State means one of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands (except in the case of RCRA), the Commonwealth of the Northern Mariana Islands, or an Indian Tribe that meets the statutory criteria which authorize EPA to treat the Tribe in a manner similar to that in which it treats a State (except in the case of RCRA).

State Director means the chief administrative officer of any State, interstate, or Tribal agency operating an approved program, or the delegated representative of the State director. If the responsibility is divided among two or more States, interstate, or Tribal agencies, "State Director" means the chief administrative officer of the State, Interstate, or Tribal agency authorized to perform the particular procedure or function to which reference is made.

(b) For the purposes of Part 124, the term *Director* means the State Director or Regional Administrator and is used when the accompanying provision is required of EPA-administered programs and of State programs under §271.14.

The term *Regional Administrator* is used when the accompanying provision applies exclusively to EPA-issued permits and is not applicable to State programs under these Sections. While States are not required to implement these latter provisions, they are not precluded from doing so, notwithstanding use of the term "Regional Administrator."

124.3 Application for a permit.

- (a) (1) Any person who requires a permit under the RCRA program shall complete, sign, and submit to the Director an application for each permit required under §270.1. Applications are not required for RCRA permits by rule (§270.60).
 - (2) The Director shall not begin the processing of a permit until the applicant has fully complied with the application requirements for that permit. See §§270.10, 270.13.
 - (3) Permit applications must comply with the signature and certification requirements of §270.11
- (b) [Reserved].
- (c) n/a
- (d) If an applicant fails or refuses to correct deficiencies in the application, the permit may be denied and appropriate enforcement actions may be taken under the applicable statutory provision including RCRA section 3008.
- (e) (g) n/a

124.4 Consolidation of permit processing.

- (a) (1) Whenever a facility or activity requires a permit under more than one statute covered by these regulations, processing of two or more applications for those permits may be consolidated. The first step in consolidation is to prepare each draft permit at the same time..
 - (2) Whenever draft permits are prepared at the same time, the statements of basis (required under §124.7 for EPA-issued permits only) or fact sheets (§124.8), administrative records (required under §124.9 for EPA-issued permits only), public comment periods (§124.10), and any public hearings (§124.12) on those permits should also be consolidated. The final permits may be issued together. They need not be issued together if in the judgment of the Regional Administrator or State Director(s), joint processing would result in unreasonable delay in the issuance of one or more permits.
- (b) Whenever an existing facility or activity requires additional permits under one or more of the statutes covered by these regulations, the permitting authority may coordinate the expiration date(s) of the new permit(s) with the expiration date(s) of the existing permit(s) so that all permits expire simultaneously. Processing of the subsequent applications for renewal permits may then be consolidated.
- (c) Processing of permit applications under paragraph (a) or (b) of this section may be consolidated as follows:
 - (1) The Director may consolidate permit processing at his or her discretion whenever a facility or activity requires all permits either from EPA or from an approved State.
 - (2) The Regional Administrator and the State Director(s) may agree to consolidate draft permits whenever a facility or activity requires permits from both EPA and an approved State.
 - (3) Permit applicants may recommend whether or not the processing of their applications should be consolidated.
- (d) Reserved:
- (e) n/a

124.5 Modification, revocation and reissuance, or termination of permits.

- (a) Permits may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the Director's initiative. However, permits may only be modified, revoked and reissued, or terminated for the reasons specified in §\$270.41 or 270.43. All requests shall be in writing and shall contain facts or reasons supporting the request.
- (b) If the Director decides the request is not justified, he or she shall send the requester a brief written response giving a reason for the decision. Denials of requests for modification, revocation and reissuance, or termination are not subject to public notice, comment, or hearings.
- (c) (1) If the Director tentatively decides to modify or revoke and reissue a permit under §270.41 (other than under 40 CFR 270.41(b)(3)) or §270.42(c) (RCRA), he or she shall prepare a draft permit under §124.6 incorporating the proposed changes. The Director may request additional information and, in the case of a modified permit, may require the submission of an updated application. In the case of revoked and reissued permits, other than under 40 CFR 270.41(b)(3), the Director shall require the submission of a new application. In the case of revoked and reissued permits under 40 CFR 270.41(b)(3), the Director and the

- permittee shall comply with the appropriate requirements in 40 CFR part 124, subpart G for RCRA standardized permits. [NOTE: The Standardized Permit Rule has not been adopted by the State of North Carolina.]
- (2) In a permit modification under this section, only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit. When a permit is revoked and reissued under this section, the entire permit is reopened just as if the permit had expired and was being reissued. During any revocation and reissuance proceeding the permittee shall comply with all conditions of the existing permit until a new final permit is reissued.
- (3) "Classes 1 and 2 modifications" as defined in §270.42 (a) and (b) are not subject to the requirements of this section.
- (d) (1) If the Director tentatively decides to terminate a permit under \$270.43 (RCRA) of this chapter, he or she shall issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit prepared under \$124.6 of this chapter.
 - (2) n/a
 - (3) In the case of EPA- issued permits, a notice of intent to terminate or a complaint shall not be issued if the Regional Administrator and the permittee agree to termination in the course of transferring permit responsibility to an approved State under §271.8(b)(6) (RCRA) of this chapter.
- (e) (g) n/a

124.6 Draft Permits.

- (a) Once an application is complete, the Director shall tentatively decide whether to prepare a draft permit or to deny the application.
- (b) If the Director tentatively decides to deny the permit application, he or she shall issue a notice of intent to deny. A notice of intent to deny the permit application is a type of draft permit which follows the same procedures as any draft permit prepared under this section. See §124.6(e). If the Director's final decision (§124.15) is that the tentative decision to deny the permit application was incorrect, he or she shall withdraw the notice of intent to deny and proceed to prepare a draft permit under paragraph (d) of this section.
- (c) n/a
- (d) If the Director decides to prepare a draft permit, he or she shall prepare a draft permit that contains the following information:
 - (1) All conditions §§270.30 and 270.32;
 - (2) All compliance schedules under §270.33;
 - (3) All monitoring requirements under §270.31; and
 - (4) For
 - RCRA permits, standards for treatment, storage, and/or disposal and other permit conditions under §270.30;
 - (ii) (v) n/a
- (e) Draft permits prepared by a State shall be accompanied by a fact sheet if required under §124.8.

124.7 Statement of Basis. n/a

124.8 Fact Sheet.

- (a) A fact sheet shall be prepared for every draft permit for a major HWM facility or activity, and for every draft permit which the Director finds is the subject of wide-spread public interest or raises major issues. The fact sheet shall briefly set forth the principal facts and the significant factual, legal, methodological and policy questions considered in preparing the draft permit. The Director shall send this fact sheet to the applicant and, on request, to any other person.
- (b) The fact sheet shall include, when applicable:
 - (1) A brief description of the type of facility or activity which is the subject of the draft permit;
 - (2) The type and quantity of wastes, fluids, or pollutants which are proposed to be or are being treated, stored, disposed of, injected, emitted, or discharged.
 - (3) n/a
 - (4) A brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions and appropriate supporting references to the administrative record required by §124.9 (for EPA-issued permits):
 - (5) Reasons why any requested variances or alternatives to required standards do or do not appear justified;
 - (6) A description of the procedures for reaching a final decision on the draft permit including:

- (i) The beginning and ending dates of the comment period under \$124.10 and the address where comments will be received;
- (ii) Procedures for requesting a hearing and the nature of that hearing; and
- (iii) Any other procedures by which the public may participate in the final decision.
- (7) Name and telephone number of a person to contact for additional information.
- (8) n/a

124.9 Administrative Record for Draft Permits When EPA is the Permitting Authority. n/a

124.10 Public notice of permit actions and public comment period.

- (a) Scope.
 - (1) The Director shall give public notice that the following actions have occurred:
 - (i) A permit application has been tentatively denied under §124.6(b);
 - (ii) A draft permit has been prepared under §124.6(d);
 - (iii) A hearing has been scheduled under §124.12;
 - (iv) (vi) n/a
 - (2) No public notice is required when a request for permit modification, revocation and reissuance, or termination is denied under §124.5(b). Written notice of that denial shall be given to the requester and to the permittee.
 - (3) Public notices may describe more than one permit or permit actions.
- (b) Timing
 - (1) Public notice of the preparation of a draft permit (including a notice of intent to deny a permit application) required under paragraph (a) of this section shall allow at least 30 days for public comment. For RCRA permits only, public notice shall allow at least 45 days for public comment.
 - (2) Public notice of a public hearing shall be given at least 30 days before the hearing. (Public notice of the hearing may be given at the same time as public notice of the draft permit and the two notices may be combined.)
- (c) *Methods*. Public notice of activities described in paragraph (a)(1) of this section shall be given by the following methods:
 - (1) By mailing a copy of a notice to the following persons (any person otherwise entitled to receive notice under this paragraph may waive his or her rights to receive notice for any classes and categories of permits);
 - (i) The applicant;
 - (ii) Any other agency which the Director knows has issued or is required to issue a RCRA, UIC, PSD (or other permit under the Clean Air Act), NPDES, 404, sludge management permit, or ocean dumping permit under the Marine Research Protection and Sanctuaries Act for the same facility or activity (including EPA when the draft permit is prepared by the State);
 - (iii) Federal and State agencies with jurisdiction over fish, shellfish, and wildlife resources and over coastal zone management plans, the Advisory Council on Historic Preservation, State Historic Preservation Officers, including any affected States (Indian Tribes).
 - (iv) (viii) n/a
 - (ix) Including those who request in writing to be on the list:
 - (A) Persons on a mailing list developed by:
 - (B) Soliciting persons for "area lists" from participants in past permit proceedings in that area; and
 - (C) Notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and in such publications as Regional and State funded newsletters, environmental bulletins, or State law journals. (The Director may update the mailing list from time to time by requesting written indication of continued interest from those listed. The Director may delete from the list the name of any person who fails to respond to such a request.)
 - (x) (A) To any unit of local government having jurisdiction over the area where the facility is proposed to be located; and
 - (B) to each State agency having any authority under State law with respect to the construction or operation of such facility.
 - (2) (i) n/a
 - (ii) For all RCRA permits, publication of a notice in a daily or weekly major local newspaper of general circulation and broadcast over local radio stations.

- (3) When the program is being administered by an approved State, in a manner constituting legal notice to the public under State law; and
- (4) Any other method reasonably calculated to give actual notice of the action in question to the persons potentially affected by it, including press releases or any other forum or medium to elicit public participation.

(d) Contents

- (1) All public notices. All public notices issued under this part shall contain the following minimum information:
 - (i) Name and address of the office processing the permit action for which notice is being given;
 - (ii) Name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit;
 - (iii) A brief description of the business conducted at the facility or activity described in the permit application.
 - (iv) Name, address and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit, statement of basis or fact sheet, and the application; and
 - (v) A brief description of the comment procedures required by §§124.11 and 124.12 and the time and place of any hearing that will be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final permit decision.
 - (vi) (ix) n/a
- (2) Public notices for hearings. In addition to the general public notice described in paragraph (d) (1) of this Section, the public notice of a hearing under §124.12 shall contain the following information:
 - (i) Reference to the date of previous public notices relating to the permit;
 - (ii) Date, time, and place of the hearing;
 - (iii) A brief description of the nature and purpose of the hearing, including the applicable rules and procedures; and
 - (iv) n/a
- (e) In addition to the general public notice described in paragraph (d)(1) of this section, all persons identified in paragraphs (c)(1) (i), (ii), and (iii) of this section shall be mailed a copy of the fact sheet or statement of basis (for EPA-issued permits), the permit application (if any) and the draft permit (if any).

124.11 Public comments and requests for public hearings.

During the public comment period provided under §124.10, any interested person may submit written comments on the draft permit and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. All comments shall be considered in making the final decision and shall be answered as provided in §124.17.

124.12 Public hearings.

- (a) (1) The Director shall hold a public hearing whenever he or she finds, on the basis of requests, a significant degree of public interest in a draft permit(s);
 - (2) The Director may also hold a public hearing at his or her discretion, whenever, for instance, such a hearing might clarify one or more issues involved in the permit decision;
 - (3) For RCRA permits only,
 - (i) the Director shall hold a public hearing whenever he or she receives written notice of opposition to a draft permit and a request for a hearing within 45 days of public notice under §124.10(b)(1);
 - (ii) whenever possible, the Director shall schedule a hearing under this Section at a location convenient to the nearest population center to the proposed facility;
 - (4) Public notice of the hearing shall be given as specified in §124.10.
- (b) n/a
- (c) Any person may submit oral or written statements and data concerning the draft permit. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. The public comment period under §124.10 shall automatically be extended to the close of any public hearing under this section. The hearing officer may also extend the comment period by so stating at the hearing.
- (d) A tape recording or written transcript of the hearing shall be made available to the public.

124.13 Obligation to raise issues and provide information during the public comment period.

All persons, including applicants, who believe any condition of a draft permit is inappropriate or that the Director's tentative decision to deny an application, terminate a permit, or prepare a draft permit is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by the close of the public comment period (including any public hearing) under §124.10. Any supporting materials which are submitted shall be included in full and may not be incorporated by reference, unless they are already part of the administrative record in the same proceeding, or consist of State or Federal statutes and regulations, EPA documents of general applicability, or other generally available reference materials. (Additional time shall be granted under §124.10 to the extent that a commenter who requests additional time demonstrates the need for such time.)

124.14 Reopening of the public comment period.

- (a) (1) (3) n/a
 - (4) A comment period of longer than 60 days will often be necessary in complicated proceedings to give commenters a reasonable opportunity to comply with the requirements of this section. Commenters may request longer comment periods and they shall be granted under §124.10 to the extent they appear necessary.
- (b) n/a (1) (3) n/a
- (c) Comments filed during the reopened comment period shall be limited to the substantial new questions that caused its reopening. The public notice under §124.10 shall define the scope of the reopening.
- (d) Reserved:
- (e) Public notice of any of the above actions shall be issued under §124.10.

124.15 <u>Issuance and effective date of permit.</u>

- (a) A final permit decision means a final decision to issue, deny, modify, revoke and reissue, or terminate a permit. This notice shall include reference to the procedures for appealing a decision on a RCRA, UIC, PSD, or NPDES permit under §124.19 of this part.
- (b) A final permit decision (or a decision to deny a permit for the active life of a RCRA hazardous waste management facility or unit under \$270.29) shall become effective 30 days after the service of notice of the decision unless:
 - (1) A later effective date is specified in the decision; or
 - (2) n/a
 - (3) No comments requested a change in the draft permit, in which case the permit shall become effective immediately upon issuance.

124.16 Stays of Contested permit conditions. n/a

[NOTE: This section is not reprinted since it applies when EPA is the permitting authority. Appeals of final permit decisions when the State is the permitting authority, are governed by the procedures set out in Chapters 150B and 130A of the North Carolina General Statutes].

124.17 Response to comments.

- (a) At the time that any final permit decision is issued under §124.15, the Director shall issue a response to comments. States are only required to issue a response to comments when a final permit is issued. This response shall:
 - (1) Specify which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change; and
 - (2) Briefly describe and respond to all significant comments on the draft permit raised during the public comment period, or during any hearing.

(b) n/a

(c) The response to comments shall be available to the public.

124.18 Administrative Record for Final Permit When EPA is the Permitting Authority. n/a

124.19 Appeal of RCRA, UIC and PSD Permits.

[Note: This section is not reprinted since it applies when EPA is the permitting authority. Appeals of final permit decisions when the State is the permitting authority, are governed by the procedures set out in Chapters 150B and 130A of the North Carolina General Statutes.]

124.20 Computation of time.

Note: This section is not reprinted since the computation of time is governed by N.C. General Statutes §1A-1, Rule 6.

124.21 Effective Date of Part 124.

- (a) Part 124 of this chapter became effective for all permits except for RCRA permits on July 18, 1980. Part 124 of this chapter became effective for RCRA permits on November 19, 1980.
- (b) EPA modified the procedures for termination of RCRA permits, on June 14, 2000.
- (c) (e) n/a

(b) 40 CFR 124.31 through 124.33 (Subpart B), "Specific Procedures Applicable to RCRA Permits", are incorporated by reference including subsequent amendments and editions, except that 40 CFR 124.31(a), 124.32(a) and 124.33(a) are not incorporated by reference.

[NOTE: The Standardized Permit Rule, F.R. 9/8/05, has not been adopted by North Carolina however some references remain in Subpart B due to the complexity of the Rule, specifically CFR 124.31(b) and 124.31(c).]

- (1) The following shall be substituted for the provisions of 40 CFR 124.31(a) which are not incorporated by reference:
 - (A) Applicability. The requirements of this section shall apply to all RCRA part B applications seeking initial permits for hazardous waste management units and shall also apply to RCRA part B applications seeking renewal of permits for such units, where the renewal application is proposing a significant change in facility operations. For the purposes of this section, a "significant change" is any change that would qualify as a class 3 permit modification under 40 CFR 270.42.
 - (B) The requirements of this section do not apply to permit modifications under 40 CFR 270.42 or to applications that are submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility.
- (2) The following shall be substituted for the provisions of 40 CFR 124.32(a) which are not incorporated by reference:
 - (A) Applicability. The requirements of this section shall apply to all RCRA part B applications seeking initial permits for hazardous waste management units.
 - (B) The requirements of this section shall apply to RCRA part B applications seeking renewal of permits for such units under 40 CFR 270.51.
 - (C) The requirements of this section do not apply to permit modifications under 40 CFR 270.42 or permit applications submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility.
- (3) The following shall be substituted for the provisions of 40 CFR 124.33(a) which are not incorporated by reference: Applicability. The requirements of this section apply to all applications seeking RCRA permits for hazardous waste management units.

SUBPART B - SPECIFIC PROCEDURES APPLICABLE TO RCRA PERMITS

124.31 Pre-application public meeting and notice.

- (a) See Rule .0105(b) (1).
- (b) Prior to the submission of a part B RCRA permit application for a facility, or to the submission of a written Notice of Intent to be covered by a RCRA standardized permit (see 40 CFR part 270, subpart J), the applicant must hold at least one meeting with the public in order to solicit questions from the community and inform the community of proposed hazardous waste management activities. The applicant shall post a sign-in sheet or otherwise provide a voluntary opportunity for attendees to provide their names and addresses.
- (c) The applicant shall submit a summary of the meeting, along with the list of attendees and their addresses developed under paragraph (b) of this section, and copies of any written comments or materials submitted at the meeting, to the permitting agency as a part of the part B application, in accordance with 40 CFR 270.14(b), or with the written Notice of Intent to be covered by a RCRA standardized permit (see 40 CFR part 270, subpart J).
- (d) The applicant must provide public notice of the pre-application meeting at least 30 days prior to the meeting. The applicant must maintain, and provide to the permitting agency upon request, documentation of the notice.
 - (1) The applicant shall provide public notice in all of the following forms:
 - (i) A newspaper advertisement. The applicant shall publish a notice, fulfilling the requirements in paragraph (d)(2) of this section, in a newspaper of general circulation in the county or equivalent jurisdiction that hosts the proposed location of the facility. In addition, the Director shall instruct the

- applicant to publish the notice in newspapers of general circulation in adjacent counties or equivalent jurisdictions, where the Director determines that such publication is necessary to inform the affected public. The notice must be published as a display advertisement.
- (ii) A visible and accessible sign. The applicant shall post a notice on a clearly marked sign at or near the facility, fulfilling the requirements in paragraph (d)(2) of this section. If the applicant places the sign on the facility property, then the sign must be large enough to be readable from the nearest point where the public would pass by the site.
- (iii) A broadcast media announcement. The applicant shall broadcast a notice, fulfilling the requirements in paragraph (d)(2) of this section, at least once on at least one local radio station or television station. The applicant may employ another medium with prior approval of the Director.
- (iv) A notice to the permitting agency. The applicant shall send a copy of the newspaper notice to the permitting agency and to the appropriate units of State and local government, in accordance with Sec. 124.10(c)(1)(x).
- (2) The notices required under paragraph (d)(1) of this section must include:
 - (i) The date, time, and location of the meeting;
 - (ii) A brief description of the purpose of the meeting;
 - (iii) A brief description of the facility and proposed operations, including the address or a map (e.g., a sketched or copied street map) of the facility location;
 - (iv) A statement encouraging people to contact the facility at least 72 hours before the meeting if they need special access to participate in the meeting; and
 - (v) The name, address, and telephone number of a contact person for the applicant.

124.32 Public notice requirements at the application stage.

(a) See Rule .0105(b)(2).

- (b) Notification at application submittal.
 - (1) The Director shall provide public notice as set forth in Sec. 124.10(c)(1)(ix), and notice to appropriate units of State and local government as set forth in Sec. 124.10(c)(1)(x), that a part B permit application has been submitted to the Agency and is available for review.
 - (2) The notice shall be published within a reasonable period of time after the application is received by the Director. The notice must include:
 - (i) The name and telephone number of the applicant's contact person;
 - (ii) The name and telephone number of the permitting agency's contact office, and a mailing address to which information, opinions, and inquiries may be directed throughout the permit review process;
 - (iii) An address to which people can write in order to be put on the facility mailing list;
 - (iv) The location where copies of the permit application and any supporting documents can be viewed and copied;
 - (v) A brief description of the facility and proposed operations, including the address or a map (e.g., a sketched or copied street map) of the facility location on the front page of the notice; and
 - (vi) The date that the application was submitted.
- (c) Concurrent with the notice required under Sec. 124.32(b) of this subpart, the Director must place the permit application and any supporting documents in a location accessible to the public in the vicinity of the facility or at the permitting agency's office.

124.33 Information repository.

(a) See Rule .0105(b)(3).

- (b) The Director may assess the need, on a case-by-case basis, for an information repository. When assessing the need for an information repository, the Director shall consider a variety of factors, including: the level of public interest; the type of facility; the presence of an existing repository; and the proximity to the nearest copy of the administrative record. If the Director determines, at any time after submittal of a permit application, that there is a need for a repository, then the Director shall notify the facility that it must establish and maintain an information repository. (See 40 CFR 270.30(m) for similar provisions relating to the information repository during the life of a permit).
- (c) The information repository shall contain all documents, reports, data, and information deemed necessary by the Director to fulfill the purposes for which the repository is established. The Director shall have the discretion to limit the contents of the repository.

- (d) The information repository shall be located and maintained at a site chosen by the facility. If the Director finds the site unsuitable for the purposes and persons for which it was established, due to problems with the location, hours of availability, access, or other relevant considerations, then the Director shall specify a more appropriate site.
- (e) The Director shall specify requirements for informing the public about the information repository. At a minimum, the Director shall require the facility to provide a written notice about the information repository to all individuals on the facility mailing list.
- (f) The facility owner/operator shall be responsible for maintaining and updating the repository with appropriate information throughout a time period specified by the Director. The Director may close the repository at his or her discretion, based on the factors in paragraph (b) of this section.

History Note: Authority G.S. 130A-294(c); 150B-21.6;

Eff. November 19,1980;

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