

734 PERMIT MODIFICATION

- 734.1 The Director may modify a solid waste facility permit at any time to mitigate adverse environmental or community impact, to comply with changes to existing law, or upon the application of the owner or operator of a solid waste facility submitted in accordance with the Act.
- 734.2 If the Director modifies a permit, notice of the modification shall be served on the facility operator and owner. The modification shall not go into effect until fifteen (15) days after the notice has been personally served, or eighteen (18) days if served by first class mail.
- 734.3 If any person requests a hearing about a proposed modification in a timely manner, the permit modification shall not go into effect until a decision and order is issued by the Office of Adjudication. However, nothing contained herein shall restrict the Director's authority to issue a cease and desist order which restricts or prohibits the operation of a facility.
- 734.4 The application fee for a permit modification requested by the facility shall be one thousand dollars (\$1,000).
- 734.5 An application for a modification of a solid waste facility permit shall be completed and signed by the operator of the solid waste facility, submitted to the Department of Consumer and Regulatory Affairs on the form provided by the Department, and shall include all of the information and documentation required by § 730.3 which will change if the modification is granted.
- 734.6 If a solid waste facility is owned by a person other than the operator, the owner shall also sign the application.
- 734.7 Upon receipt of an application for modification of a solid waste facility permit, the Director shall follow the procedures set forth in §§ 731.1 through 731.5, and §§ 731.8 through 731.20.
- 734.8 The Director shall not grant an application for a modification of a solid waste facility permit unless the applicant certifies that it is presently in compliance with the terms and conditions of its permit, and the Director determines that the solid waste facility as modified continues to meet requirements of § 731.15.
- 734.9 If an application for modification of a solid waste facility permit is denied, the Director shall notify the applicant of the decision in writing, state the grounds for the denial, and shall inform the applicant of its right to a hearing under the Act.
- 734.10 If the Director determines that an application for modification of a solid waste facility permit should be granted, the Director shall modify the permit to the

extent the Director has determined is appropriate, and shall add any additional permit terms and conditions to safeguard human health, the public welfare, and the environment as are necessary due to the modification granted.

- 734.11 All permit terms and conditions not modified shall remain in effect.
- 734.12 Applicants for a modification of a solid waste facility permit have a continuing duty to supplement and update the information required by § 734.5 within ten (10) working days of any change. Additional information shall be submitted to the Director in writing.
- 734.13 The provisions of § 730.5 shall apply to applications for modification of solid waste facility permits.

SOURCE: Final Rulemaking published at 43 DCR 6816, 6829 (December 20, 1996); as amended by the Solid Waste Facility Permit Amendment Act of 2014, effective March 10, 2015 (D.C. Law 20-188; 61 DCR 12114 (November 28, 2014)).