**R315. Environmental Quality, Waste Management and Radiation Control, Waste Management.**

**R315-311. Permit Approval For Solid Waste Disposal, Waste Tire Storage, Energy Recovery, And Incinerator Facilities.**

**R315-311-1. General Requirements.**

(1) Unless otherwise stated in Rules R315-301 through R315-322, permit actions taken by the director are subject to Rules R315-311 and R315-124. Upon submittal of the complete information required by Rule R315-310 the application will be reviewed in accordance with Section R315-124-3 and a draft permit or permit denial will be prepared in accordance with Sections R315-124-5 through R315-124-6.

(a) After meeting the requirements of the public comment period and public hearing as stipulated in Section R315-311-3, the owner or operator may be issued a permit that will include appropriate conditions and limitations on operation and types of waste to be accepted at the facility.

(b) Construction may not begin before the receipt of the permit.

(2) Reserved.

(3) A permit can be granted for up to ten years by the director, except as allowed in Subsection R315-311-1(5).

(4) The owner or operator, or both, if the owner and the operator are not the same person, of each solid waste facility shall:

(a) apply for a permit renewal, as required by Section R315-310-9, 180 days before the expiration date of the current permit if the permit holder intends to continue operations after the current permit expires; and

(b) for facilities that require financial assurance in accordance with Section R315-309-1, submit, for review and approval by the director on a schedule of no less than five years, a complete update of the financial assurance required in Rule R315-309 that shall contain:

(i) a calculation of the current costs of closure as required by Subsection R315-309-2(3); and

(ii) a calculation that is not based on a closure cost that has been received by applying an inflation factor to past cost estimates.

(5) A permit for a facility in post-closure care:

(a) may be issued for the life of the post-closure care period; and

(b) the holder of the post-closure care permit shall comply with Subsection R315-311-1(4)(b).

**R315-311-2. Permit Modification, Renewal, or Termination.**

(1) A permit may be considered for modification or termination at the request of any interested person, including the permittee, or upon the director's initiative in accordance with Section R315-124-5. Requests for permit modification or termination shall become effective only upon approval by the director and in accordance with Section R315-124-15.

(a) Minor modifications of a permit or plan of operation may not be subject to the 45 day public comment period as required by Section R315-311-3, unless obligatory under Subsection R315-311-2(1)(b). The modifications listed in Subsections R315-311-2(1)(a)(i) through R315-311-2(1)(a)(xvii) shall be considered minor, except that Subsections R315-311-2(1)(a)(vi) and R315-311-2(1)(a)(viii) are not minor modifications for coal combustion residual units.

(i) Corrections of typographical errors.

(ii) Changes to the name, address, or phone number of persons or agencies identified in the permit.

(iii) Changes to administrative or informational items.

(iv) Making changes to procedures for maintaining the operating record or the location where the operating record is kept.

(v) Changes are made to provide for more frequent monitoring, reporting, sampling, or maintenance.

(vi) A compliance date extension request is made for a new date not to exceed 120 days after the date specified in the approved permit.

(vii) Changes are made to the expiration date of the permit to allow an earlier permit termination.

(viii) Changes are made to the closure schedule for a unit, to the final closure schedule for the facility, or the closure period is extended.

(ix) The director determines, in the case of a permit transfer application, that no change in the permit other than the change in the name of the owner or operator is necessary.

(x) Equipment is upgraded or replaced with functionally equivalent components.

(xi) Changes are made in sampling or analysis methods, procedures, or schedules and those changes conform with Rule R315-308 if sampling or analyzing groundwater.

(xii) Changes are made in the construction or groundwater monitoring quality control quality assurance plans that will better certify that the specifications for construction, closure, sampling, or analysis will be met.

(xiii) Changes are made in the facility plan of operation that conform to guidance or rules approved by the Waste Management and Radiation Control Board or provide more efficient waste handling or more effective waste screening.

(xiv) Replacement of an existing monitoring well with a new well without changing the location.

(xv) Changes are made in the design or depth of a monitoring well that provides more effective monitoring.

(xvi) Changes are made in the statistical method used to statistically analyze the groundwater quality data that conform with Rule R315-308.

(xvii) Changes are made in any permit condition that are more restrictive or provide more protection to health or the environment.

(b) The director may subject any minor modification request, including facilities subject to regulation under Rule R315-319, to the 45 day public comment period described in Subsection R315-311-3(1) if justified by conditions and circumstances.

(c) A permit modification that does not meet the requirements of Subsection R315-311-2(1)(a) for a minor modification shall be a major modification.

(d) If the director determines that major modifications to a permit or plan of operation are justified, a new operational plan incorporating the approved modifications shall be prepared. The modifications shall be subject to the public comment period as specified in Section R315-311-3.

(2) An application for permit renewal shall consist of the information required by Section R315-310-9. Upon receipt, the director will review the application in accordance with Section R315-124-3, and a draft permit or a notice of intent to deny will be prepared in accordance with Section R315-124-6. The current permit shall remain in effect until issuance or denial of a new permit. Each permit renewal shall be subject to the public comment requirements of Section R315-311-3.

(3) The director shall notify, in writing, the owner or operator of any facility of intent to terminate a permit in accordance with Subsections R315-124-5(d) and R315-124-5(e). A permit may be terminated for:

(a) noncompliance with any condition of the permit;

(b) noncompliance with any applicable rule;

(c) failure in the application or during the approval or renewal process to disclose fully each relevant fact;

(d) misrepresentation by the owner or operator of any relevant facts at any time; or

(e) a determination that the solid waste activity or facility endangers human health or the environment.

(4) The owner or operator of a facility may appeal any action

associated with modification, renewal, or termination in accordance with Section R315-317-3, Title 63G Chapter 4, Administrative Procedures Act, and Rule R305-7.

**R315-311-3. Public Comment Period.**

(1) The draft permit, permit renewal, or major modification of a permit, for each solid waste facility that requires a permit, shall be subject to a 45 day public comment period and shall follow the procedures of Sections R315-124-10 through R315-124-20.

**KEY: solid waste management, waste disposal**

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