

19.15.36.9 APPLICATION PROCESS AND NOTICE REQUIREMENTS FOR NEW SURFACE WASTE MANAGEMENT FACILITIES, MAJOR MODIFICATIONS OR RENEWALS AND ISSUANCE OF A FINAL DECISION:

- A. Submittal of application to division's Santa Fe office- division posts notice on division's website
- B. Division review: 90 days after application, division review to determine if application is approvable, approval with conditions or not approvable.

Completion of division review:

(1) "Approvable." 30 days for a proposed decision (may include conditions), mail notice and copy of the proposed decision, and post the proposed decision on division's website.

(2) "Not Approvable" 60 days to mail deficiency letter to applicant. Applicant can correct deficiencies by revised application.

(3) *If deficiency letter, the applicant has 60 days from issuance to submit revised application. Additional time allowed for good cause.*

Or

Applicant may notify division will not submit revised application- 10 days of receipt of notification division denies application without prejudice.

Or

Applicant fails timely revised application or notify will not submit revised application, division denies application without prejudice 10 days after 60 day limit for applicant to respond to deficiency letter.

(4) Applicant submits revised application: within 90 days division reviews revised application to determine if approvable, approvable with conditions or not approvable.

(5) No limit informal informational exchanges during application review or prior to application. Applicant may withdraw application and submitting a new application under Subsection A of 19.15.36.9 NMAC.

C. Proposed decision to approve application with or without conditions, applicant provides division-approved notice of the proposed approval (includes mailed notice and published).

D. Notice requirements.

E. Mailed notice must be before published.

F. Applicant provides division proof of all notice prior to division hearing or issuing permit.

G. After notice provided and no requests for hearing timely filed (19.15.36.10), and the division does not schedule hearing, division's proposed decision to approve final and permit issued *upon the applicant providing financial assurance.*



