Overview

- Solid Waste Management Activities – Applicable Rules/Permits (15A NCAC 13B)
  - Landfills - Municipal Solid Waste (MSW) and Construction & Demolition (CD)
  - Landfills – Land Clearing & Inert Debris (LCID)
  - Compost Facilities
  - Beneficial Fills
- Other current crossover topics
- DWM Site Locator Tool
- Enforcement process
Landfills (MSW/CD)

- 41 active MSW (Subtitle D) landfills (~90% publicly owned)
- 56 active C&D landfills
- Landfills are multi-decade construction sites followed by maintenance and monitoring for decades beyond closure
- Life of Site permits could lead to larger areas under construction
Landfills (MSW & CD)

- Most SW rules historically contained E&SC rule language and/or are by reference
- Active landfills may have multiple E&SC and construction stormwater permits, and in some cases individual wastewater permits for leachate management
- Between active landfilling, haul roads and borrow areas for soil cover, and other SW activities, facilities often have very large areas disturbed at any given time.
- Poor soil cover and compaction can lead to severe erosion issues, ponding of water, and slope failures
- Groundcover establishment at landfills can be a major problem due to poor soil quality and landfill gas generation
LCID Landfills

- Commonly referred to as stump dumps
- 3 Categories: Permitted (> 2 acres), Notified (< 2 acres), or On-Site Generated (1/2 ac) disposal footprint
- On-site disposal option: 130A-301.1
- ~ 600 notified sites statewide
  - Nearly 100% of sites intent on disturbing over 1 acre
  - Required soil cover monthly or at 1 acre
- Exempt from industrial stormwater permitting requirements
- Some are covered by E&SC and construction stormwater
Compost Facilities

- Different Facility Types:
  - Type 1: yard and garden waste, silvicultural waste, untreated and unpainted wood waste
  - Type 2: pre-consumer meat-free food processing waste, vegetative agricultural waste, source separated paper or other source separated specialty wastes, which are low in pathogens and physical contaminants
  - Type 3: manures and other agricultural waste, meat, post consumer-source separated food wastes and other source separated specialty wastes or any combination thereof that are relatively low in physical contaminants, but may have high levels of pathogens
  - Type 4: mixed municipal solid waste, post collection separated or processed waste, industrial solid waste, non solid waste sludges functioning as a nutrient source or other similar compostable organic wastes or any combination thereof
Compost Facilities

- Yard Waste Notifications (< 2ac/6000 cu yds. per Qtr.) – considered small Type 1 and exempt from stormwater permitting rules
- Large Type 1 – Small Type 3 are covered under Industrial Stormwater permit NCG 240000
- Large Type 3 & 4 facilities have individual wastewater permits
- Backyard composting and on-farm composting as also described in 13B .1402(g);
- Composting operations for residuals management as described in regulations administered by the Aquifer Protection Section of DWQ and found at 15A NCAC 2T .1100.
- Composting operations with discharges to especially protected receiving waters classified as ORW, HQW, trout waters, PNA waters, or zero-flow streams as described at 15A NCAC 2B .0206.
- Stand-alone mulching-only facilities with no accelerated biological decomposition.
**Beneficial Fill**

- Rule - Inert debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, and gravel
- Statutes allows asphalt to also be included
- No painted materials without testing and DEQ approval
- No excavation for purposes of fill
- Improve land use potential or other approved beneficial reuses.
- No placement in water nor shall contravene groundwater standards
- Comply with all local, state and federal laws
• Permit exemption under current law
• No notification activity is occurring unless complaint received
• Likewise no routine inspection
Ash Structural Fills

- DWM Regulated Structural Fills 15A NCAC 13B .1700
- DWR Structural Fills 15A NCAC 2T .1200
Other Current Topics

- Brownfields Program projects – large quantities of soil moving off projects especially in downtown areas
- Temporary Storm Debris Sites
  - 500+ pre-approved debris sites – most are local gov't controlled
  - SWS makes an initial check when approving if E&SC permits are required; Post storm sites are different animal. If you see issues or need assistance, let us know.
- Agricultural Exemptions
  - Non-existent in SW law for agricultural operations or bona fide farms
  - What is the true intent?
  - Any fill activity should be routed to Section for determining permitting requirements
- Rules Re-Adoption
  - All SW rules under review now – mid 2021
  - Track what is happening here:
• Borrow/Waste (spoils) areas
  • 15A NCAC 04A .0105(17): "Waste" means surplus materials resulting from on-site construction and disposed of at other locations
  • 15A NCAC 04B .0110 BORROW AND WASTE AREAS - If the same person conducts the land disturbing activity and any related borrow or waste activity, the related borrow or waste activity shall constitute part of the land disturbing activity unless the borrow or waste activity is regulated under the Mining Act of 1971, or is a landfill regulated by the Division of Solid Waste Management.
  • Please be cognizant in reviewing E&SC submittals of the need to refer all applicants utilizing materials other than inerts (uncontaminated soil, gravel or other stone, concrete block, brick or asphalt) as fill.
  • Make sure legal disclaimers in approval letters direct applicants to any/all other possible permits
  • Likewise if your inspection staff see any other material being used as fill, it likely violates your rules and ours - please refer to Section for proper determination
DWM Site Locator Tool

• DWM maintains at least 18 separate inventories of sites that they inspect, permit and/or manage (58,000+ sites).
• DWM has invested heavily in managing these inventories so that they are easily accessible.
• Use of online mapping technology has enhanced the way in which site inventories can be viewed, queried and downloaded.
DWM Site Locator Tool

The DWM Site Locator Tool

• GIS-based Application
• Publically Available
• Query, View, Create Reports and Download Data
Remedial Investigation Work Plan
Former PSNC Warehouse and Training Center
211 South Hoover
Durham, North Carolina
NONCD 0001869

February 6, 2012

Prepared by:
Hart & Hickman, PC
H&H Job No. SCA-003

Prepared for:
PSNC Energy
800 Gaston Road
Gastonia, NC 28056

Hart & Hickman
2923 South Tryon Street
Suite 100
Charlotte, NC 28203
704-586-0007
3343 Hillsborough Street
Raleigh, NC 27607
919-847-4241

Engineers License # C-1269
Geologists License # C-245
DEQ Enforcement Process – Tiered Enforcement

• Regulatory Reform Act of 2011 that became law on July 25, 2011

• The Act directed the “Secretary of Environment and Natural Resources to develop a uniform policy for notification of deficiencies and violations for all of the regulatory programs within the Department of Environment and Natural Resources (DENR).”

• The Act further specifies that the different types of notification be based on the potential or actual level of harm to public health, the environment, and the natural resources of the state.
DEQ Enforcement Process – Tiered Enforcement

- NOD
  - First Tier 1
- NOV
  - Moderate
- Compliance Order or other Enforcement
  - Severe
WHY TAKE ENFORCEMENT ACTIONS AND DEVELOP/STRENGTHEN LOCAL ORDINANCES?

- Lack of local enforcement will allow problems to continue – what isn’t done is as visible as what is and will send a clear message.

- Local government managers sometimes must be shown the need to strengthen ordinances. Even if the fines are lower, take action to show the need.

- Having strong ordinances allows for tailoring to community needs/desires. DEQ enforcement may take longer to achieve “immediate” results for citizens.

- Much like DEQ, sometimes it takes cooperation locally (inter-department, interlocal, etc.)

- Businesses may not to come into a community where problem(s) exist and there are no clear ordinances to address the issue.